

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

MAY SESSION, 1997

FILED
December 10, 1997
Cecil W. Crowson
Appellate Court Clerk

KEITH SCARBROUGH,)

Appellant,)

VS.)

STATE OF TENNESSEE,)

Appellee.)

C.C.A. NO. 01C01-9007-CC-0032

CHEATHAM COUNTY

HON. ROBERT E. BURCH. JUDGE

(Post Conviction - Sentencing)

FOR THE APPELLANT:

Keith Scarbrough Pro Se
R.M.S.I.
7475Cockrill Bend-Industrial Rd.
Nashville, TN 37209-1010

FOR THE APPELLEE:

John Knox Walkup
Attorney General and Reporter

Peter M. Coughlan
Assistant Attorney General
450 James Robertson Parkway
Nashville, TN 37243

Dan Alsobrooks
District Attorney General

James W. Kirby
Assistant District Attorney
105 Sycamore Street
Ashland City, TN 37015

OPINION FILED _____

AFFIRMED PURSUANT TO RULE 20

JERRY L. SMITH, JUDGE

OPINION

In this appeal of the summary dismissal of his post-conviction petition Appellant, Keith Scarbrough, asks this Court to review the validity of his conviction entered upon his pleas of guilty on February 27, 1986. Appellant pled guilty to armed robbery, grand larceny, and second degree burglary. As part of the plea agreement Appellant received sentences totaling 11 years.

Although acknowledging his post-conviction petition was time-barred under the three year statute of limitations in effect when his conviction became final, Appellant argues that the enactment on May 10, 1995, of the new one year statute of limitations for post-conviction petitions creates a new one year period in which he may file for post-conviction relief. Our State Supreme Court has only recently resolved this issue adversely to Appellant's position. Carter v. State, Monroe Co., No. 03-S-01-9612-CR-00117 (Tenn. S. Ct. September 8, 1997, at Knoxville). Thus the petition for post-conviction relief was properly dismissed.

Accordingly, the judgment of the trial court is affirmed in all respects pursuant to Rule 20, Rules of the Court of Criminal Appeals.

JERRY L. SMITH, JUDGE

CONCUR:

PAUL G. SUMMERS, JUDGE

DAVID G. HAYES, JUDGE