

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

MAY SESSION, 1997

FILED
March 25, 1998
Cecil Crowson, Jr.
Appellate Court Clerk

William D. Clapp,)
)
Appellant,)
)
VS.)
)
STATE OF TENNESSEE,)
)
Appellee.)

C.C.A.No. 03C01-9701-CR-00028

JOHNSON COUNTY

HON. LYNN W. BROWN
JUDGE

(Post Conviction - Sentencing)

FOR THE APPELLANT:

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FOR THE APPELLEE:

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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, William David Clapp, asks this Court to review the validity of his conviction entered upon his pleas of guilty on September 11, 1985. Appellant pled guilty to destruction of private property. As part of the plea agreement Appellant received a sentence of eleven months and twenty-nine days, all suspended except ten days.

Without 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