IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

JULY SESSION, 1997

DENNIS WAYNE MANGRUM, Appellant,	**C.C.A. NO. 01C01-9608-CR-00369**
VS.	**DAVIDSON COUNTY**
STATE OF TENNESSEE, Appellee.	**HON. RANDALL H. WYATT JUDGE**
	(Post-Conviction)

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

On November 22, 1994, Appellant Dennis Wayne Mangrum pled guilty to three counts of selling a controlled substance, one count of possession with intent to resell, one count of simple possession of a controlled substance, and one count of possession of drug paraphernalia. Pursuant to a plea agreement, Appellant received three ten-year sentences as well as three fines of $2,000 each for the three counts relating to selling a controlled substance. On the possession and possession with intent counts he received sentences of 11 months and 29 days and fines totaling $2,250.00. It was agreed that the sentences would run concurrently, for an effective sentence of ten years. At the time of the plea agreement, Appellant was representend by an attorney from the Metro Davidson County Public Defender's Office.

Appellant filed a pro se petition for post-conviction relief on December 7, 1995. His sole ground for relief is a claim that he received ineffective assistance of counsel. Appellant contends that he would not have pled guilty but for the counsel he received from his assistant public defender. Appellant testified at the post-conviction hearing that his attorney told him that if he would plead guilty the probation revocation he was facing in another county would be "eaten up" by the Davidson County sentence. Appellant stated that he understood this to mean that he would only have to serve ten years on both sentences. Appellant's attorney testified that he did not have jurisdiction, as a Davidson County Public Defender, to advise Appellant regarding his probation

revocation in another county. The attorney vehemently denied having told Appellant that Appellant's plea in this case would resolve his difficulty in the other county. The trial court denied Appellant's claim; Appellant appeals from that denial.

After a review of the record, we affirm the judgment of the trial court pursuant to Rule 20, Rules of the Court of Criminal Appeals.

On post-conviction relief appeals, this Court is bound by the findings of fact made by the trial court unless those findings are contrary to a preponderance of the evidence. Butler v. State, 789 S.W.2d 898, 899 (Tenn. 1990). A review of the record in this case convinces us that the proof fully supports the finding that Appellant's attorney did not misinform Appellant of the consequences of his plea.

Appellant certainly has presented nothing to counterbalance his trial attorney's testimony that he never advised Appellant that the time in question would be subsumed in the plea agreement.

Accordingly, the judgment of the trial court is affirmed pursuant to Rule 20, Rules of the Court of Criminal Appeals. Because it appears to this Court that Appellant is indigent, costs will be taxed to the State

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JERRY L. SMITH, JUDGE

CONCUR:

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JOHN H. PEAY, JUDGE

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WILLIAM M. BARKER, JUDGE