

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

FILED

AT KNOXVILLE

JUNE 1999 SESSION

August 25, 1999

Cecil Crowson,
Jr.

Appellate
Court Clerk

THOMAS COOK * C.C.A. # 03C01-9808-CR-00281

Appellant, * HAMILTON COUNTY

VS. * Honorable Douglas A. Meyer,
Judge

STATE OF TENNESSEE, * (Post-
Conviction/Possession of Cocaine
For Resale)

Appellee. *

FOR THE APPELLANT:

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FOR THE APPELLEE:

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OPINION FILED: _____

AFFIRMED - RULE 20

JOHN EVERETT WILLIAMS,
Judge

OPINION

The petitioner, Thomas Cook, alleges that on January 8, 1993, he pled guilty to attempt to possess cocaine for resale and received an eight-year sentence.¹ On December 18, 1998, the petitioner filed a petition for post-conviction relief. The trial court dismissed the petition as time barred, and it is from that decision that the petitioner now appeals. We AFFIRM the judgment of the trial court.

Pursuant to Tennessee Code Annotated § 40-30-202(a), a petitioner must petition for post-conviction relief within one year of the date of the final action of the highest state appellate court to which an appeal was taken. A court does not have jurisdiction to consider a petition for post-conviction relief if it is outside of the one-year statute of limitations unless:

¹ This record is void of any judgment or plea agreement.

(1) The claim in the petition is based upon a final ruling of an appellate court establishing a constitutional right that was not recognized as existing at the time of the trial, if retrospective application of that right is required . . . ;

(2) The claim in the petition is based upon new scientific evidence establishing that such petitioner is actually innocent of the offense or offenses for which the petitioner was convicted; or

(3) The claim asserted in the petition seeks relief from a sentence that was enhanced because of a previous conviction and such conviction in the case in which the claim is asserted was not a guilty plea with an agreed sentence, and the previous conviction has subsequently been held to be invalid

Tenn. Code Ann. § 40-30-202(b).

The petitioner has filed his petition for post-conviction relief outside of the statute of limitations set forth in Tennessee Code Annotated § 40-30-202(a), and he does not submit that any of his claims fall within one of the exceptions set forth above.

Accordingly, the judgment of the trial court is AFFIRMED pursuant to Rule 20, Tennessee Court of Criminal Appeals Rules.

Judge

JOHN EVERETT WILLIAMS,

CONCUR:

JOHN H. PEAY, Judge

DAVID G. HAYES, Judge