

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
November 1, 2012 Session

BOBBY GLEN CROCKER v. STATE OF TENNESSEE

**Appeal from the Circuit Court for Carroll County
No. 05CR98PC Donald E. Parish, Judge**

No. W2012-00960-CCA-R3-PC - Filed May 28, 2013

JOSEPH M. TIPTON, P.J., concurring.

I concur with the majority opinion save one point. My colleagues infer that the post-conviction court discredited the Petitioner's testimony, although the court made no such finding. I believe the record reflects that the court's findings accepted all the testimony as true but that the court concluded the Petitioner did not provide clear and convincing evidence of his claim. The record supports such a conclusion.

JOSEPH M. TIPTON, PRESIDING JUDGE