

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

FEBRUARY 1998 SESSION

FILED
March 11, 1998
Cecil Crowson, Jr.
Appellate Court Clerk

GREGORY EARL JACKSON,)
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 APPELLANT,)
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 v.)
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 STATE OF TENNESSEE,)
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 APPELLEE.)

No. 02-C-01-9706-CR-00206
Shelby County
W. Fred Axley, Judge
(Post-Conviction Relief)

FOR THE APPELLANT:

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OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joe B. Jones, Presiding Judge

OPINION

The appellant, Gregory Earl Jackson (petitioner), appeals as of right from a judgment of the trial court dismissing his action for post-conviction relief. In this court, the petitioner contends the evidence contained in the record establishes he was denied his constitutional right to the effective assistance of counsel prior to and during his guilty plea.

The evidence consisted of the testimony of the petitioner and the attorney who represented him. The testimony of these two witnesses conflicts as to every material issue, and the conflicts cannot be reconciled.

After a thorough review of the record, the briefs submitted by the parties, and the law which governs the issue presented for review, it is the opinion of this court that the judgment should be affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals. The evidence contained in the record does not preponderate against the findings of fact made by the trial court. Butler v. State, 789 S.W.2d 898, 899 (Tenn. 1990).

JOE B. JONES, PRESIDING JUDGE

CONCUR:

JOHN H. PEAY, JUDGE

THOMAS T. WOODALL, JUDGE