

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

BOBBY LEE JEFFRIES v. STATE OF TENNESSEE

**Direct Appeal from the Criminal Court for Shelby County
No. 84-01331 Lee V. Coffee, Judge**

No. W2008-00948-CCA-R3-PC - Filed September 8, 2008

The petitioner, Bobby Lee Jeffries, appeals the judgment of the trial court finding him to be a habitual criminal offender. The underlying petition, which is his fourth petition for post-conviction relief, was summarily dismissed by the post-conviction court because he had filed numerous petitions for post-conviction relief and because his claims were without merit. The State has requested that this court affirm the trial court's denial of relief pursuant to Rule 20, Rules of the Court of Criminal Appeals. We grant the State's motion and affirm the judgment of the trial court.

**Tenn. R. App. P. 3; Judgment of the Criminal Court Affirmed Pursuant to Rule 20, Rules
of the Court of Criminal Appeals**

JOHN EVERETT WILLIAMS, J., delivered the opinion of the court, in which ALAN E. GLENN and J.C. MCLIN, JJ., joined.

Bobby Lee Jeffries, Henning, Tennessee, Pro Se.

Robert E. Cooper, Jr., Attorney General and Reporter, and Lacy Wilber, Assistant Attorney General, for the appellee, State of Tennessee.

MEMORANDUM OPINION

In 1984, the petitioner was convicted of grand larceny, of armed robbery, and of being an habitual criminal offender. He was sentenced to life imprisonment. In 1985, this court affirmed the petitioner's convictions and sentences on direct appeal. *State v. Bobby Lee Jeffries*, No. 53, 1985 Tenn. Crim. App. LEXIS 3117, at *2 (Tenn. Crim. App. May 15, 1985). On September 30, 1985, the Tennessee Supreme Court denied the petitioner's application for permission to appeal. Since that time, the petitioner has made several collateral attacks on his convictions and sentences. *See Bobby Lee Jeffries v. State*, No. 10, 1988 Tenn. Crim. App. LEXIS 690 (Tenn. Crim. App. Nov. 9, 1988); *State v. Bobby Lee Jeffries*, No. 40, 1991 Tenn. Crim. App. LEXIS

145 (Tenn. Crim. App. Feb. 27, 1991); *Bobby Lee Jeffries v. State*, No. 02C01-9607-CR-00216, 1997 Tenn. Crim. App. LEXIS 933 (Tenn. Crim. App. Sept. 23, 1997); *Bobby Lee Jeffries v. Parker*, No. W2008-000360-CCA-R3-HC, 2008 Tenn. Crim. App. LEXIS 434 (Tenn. Crim. App. June 4, 2008). The most recent collateral attack mounted by the petitioner was a petition for habeas corpus relief, which was denied in June 2008.

On June 7, 1989, the United States District Court for the Western District of Tennessee granted the petitioner's petition for habeas corpus relief as to his 1984 conviction for being a habitual criminal offender. His life sentence as a habitual criminal was vacated, and he was resentenced by the trial court to two fifteen-year sentences to be served concurrently for his two armed robbery convictions. *See Bobby Lee Jeffries*, 1997 Tenn. Crim. App. LEXIS 933, at *2.

In the underlying petition for post-conviction relief, the petitioner alleges that the trial court improperly found him to be a habitual criminal offender. The State has filed a motion requesting that this court affirm the post-conviction court's denial of relief pursuant to Rule 20, Rules of the Tennessee Court of Criminal Appeals. The State asserts, as the basis of its motion, that the underlying petition is the petitioner's fourth petition for post-conviction relief.

Tennessee law states that "[i]f a prior petition has been filed which was resolved on the merits by a court of competent jurisdiction, any second or subsequent petition shall be summarily dismissed." T.C.A. § 40-30-102(c). Here, the post-conviction court properly dismissed the petition because the petitioner has previously filed numerous petitions for post-conviction relief.

When an opinion would have no precedential value, this court may affirm the judgment or action of the trial court by memorandum opinion when the judgment is rendered or the action taken in a proceeding without a jury and such judgment or action is not a determination of guilt, and the evidence does not preponderate against the finding of the trial judge. *See* Tenn. Ct. Crim. App. R. 20. We conclude that this case satisfies the criteria for Rule 20. Accordingly, the judgment from the post-conviction court is affirmed in accordance with Rule 20, Rules of the Court of Criminal Appeals.

JOHN EVERETT WILLIAMS, JUDGE