

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

DECEMBER SESSION, 1995

FILED

January 26, 1996

Cecil Crowson, Jr.
Appellate Court Clerk

SAMMY STARNES)

Appellant,)

VS.)

WAYNE CLEVINGER, Sheriff)

Appellee.)

C.C.A. NO. 03C01-9505-CR-00147

HAWKINS COUNTY

HON. JAMES E. BECKNER
JUDGE

(Habeas Corpus)

ON APPEAL FROM THE JUDGMENT OF THE
CRIMINAL COURT OF HAWKINS COUNTY

FOR THE APPELLANT:

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OPINION FILED _____

AFFIRMED

JERRY L. SMITH, JUDGE

OPINION

In this pro se appeal the appellant seeks reversal of the trial court's order dismissing his petition for the writ of habeas corpus filed pursuant to Tenn. Code Ann. § 29-21-101 to -130 (1980). In the petition the appellant challenges the denial by authorities of eight (8) months and forty-nine (49) days of sentence credits allegedly earned by the appellant while on work release. The appellant is currently serving a thirteen (13) year sentence for first degree burglary, grand larceny and escape. The habeas petition does not allege that the appellant's convictions are void or that his sentence has expired. For this reason the trial court dismissed the petition. We must affirm the trial court.

The law is clear that a habeas corpus petition filed in the courts of this state must contain allegations suggesting either that the petitioner's convictions are void or that his sentence has expired. Otherwise the petition is facially invalid and subject to summary dismissal. Archer v. State, 851 S.W.2d 157 (Tenn. 1993). Further, challenges by inmates to the denial of sentence reduction credits are generally inappropriate for habeas corpus proceedings. The Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-101 to -324 (1991 & Supp. 1995), is the proper vehicle for challenging a denial of sentence credits. Carroll v. Raney, 868 S.W.2d 721, 723 (Tenn. Crim. App. 1993).

Accordingly, the judgment of the trial court is affirmed.

JERRY L. SMITH, JUDGE

CONCUR:

DAVID G. HAYES, JUDGE

WILLIAM M. BARKER, JUDGE