

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

DECEMBER 1995 SESSION

**FILED**

**June 20, 1996**

**Cecil W. Crowson  
Appellate Court Clerk**

STATE OF TENNESSEE, )  
)  
Appellee, )  
)  
)  
v. )  
)  
RONALD LEE LYONS, )  
)  
Appellant. )

No. 01C01-9506-CC-00198

Dickson County

Hon. Leonard W. Martin , Judge

(Petition for Sentence Credits)

For the Appellant:

Ronald Lee Lyons, #72450 (Pro Se)  
South Central Correction Center  
P.O. Box 279  
Discovery - DB-213  
Clinton, TN 38425

For the Appellee:

Charles W. Burson  
Attorney General of Tennessee  
and  
Clinton J. Morgan  
Assistant Attorney General of Tennessee  
450 James Robertson Parkway  
Nashville, TN 37243-0493

Dan Alsobrooks  
District Attorney General  
P.O. Box 580  
Charlotte, TN 37036

OPINION FILED: \_\_\_\_\_

AFFIRMED

Joseph M. Tipton  
Judge

## OPINION

The petitioner, Ronald Lee Lyons, appeals from the Dickson County Circuit Court's dismissal of his pro se petition seeking credit for time served. Initially convicted of felonious assault and armed robbery in 1981 and sentenced to confinement in the Department of Correction for fifty years, the petitioner received a new trial in 1992. After entering guilty pleas, he was sentenced to two concurrent terms of twelve years to be served consecutively to a sentence arising from a 1973 conviction. In this appeal as of right, he contends that he was not given proper sentence reduction credit for the length of incarceration between his initial conviction in 1981 and the grant of a new trial in 1992.

The trial court summarily dismissed the petition for three reasons. First, it determined that because the petitioner was on escape status from the 1973 conviction when the present offenses occurred, he must complete the service of the prior sentence. Second, the trial court determined that the judgments accurately reflect the proper sentences. Third, the trial court dismissed the petition because the petitioner failed to exhaust his administrative remedies within the Department of Correction.

We conclude that the trial court correctly dismissed the petition. Pursuant to T.C.A. § 4-23-101(b), the trial court, at the time the sentence was imposed, was to allow the petitioner credit for his pretrial detention, if the detention resulted from the existing charge. However, absent statutory authorization to the contrary, a trial court's judgment becomes final thirty days after its entry unless a timely notice of appeal or specified post-trial motion is filed. State v. Moore, 814 S.W.2d 381, 382 (Tenn. Crim. App. 1991). Once the judgment is final, the trial court generally loses jurisdiction to amend it. Id. The petitioner did not appeal the trial court's original order

relative to jail credit and his motion for relief was filed almost three years after the judgment became final.

After the trial court has lost jurisdiction and the petitioner is placed within the custody of the Department of Correction, an agency of the state government, “the proper avenue by which to address sentence reduction credits is through the avenues of the Administrative Procedures Act, Tenn. Code Ann. § 4-5-101, et seq.” James A. Vaughan v. State, No. 01C01-9308-CR-00258, Sumner Co., slip op. at 3 (Tenn. Crim. App. Feb. 24, 1994). There is no evidence that the petitioner has pursued this avenue of redress. Furthermore, any judicial review through the Administrative Procedures Act must be in the Chancery Court of Davidson County. Brigham v. Lack, 755 S.W.2d 469, 471 (Tenn. Crim. App. 1988); T.C.A. § 4-5-322(b)(1).

The trial court was not authorized to act in its judicial capacity as requested by the petitioner. The dismissal of the petition is affirmed.

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Joseph M. Tipton, Judge

CONCUR:

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Joe B. Jones, Presiding Judge

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Paul G. Summers, Judge