

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE  
JUNE SESSION, 1996

**FILED**

July 5, 1996

**Cecil W. Crowson**  
Appellate Court Clerk

**DAVID A. DARNELL,**

Appellant

vs.

**RICKY J. BELL, Warden,**

Appellee

No. 01C01-9508-CC-00275

HICKMAN COUNTY

Hon. Donald P. Harris, Judge

(Writ of Habeas Corpus)

For the Appellant:

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For the Appellee:

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Attorney General and Reporter

Eugene J. Honea  
Assistant Attorney General  
Criminal Justice Division  
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OPINION FILED: \_\_\_\_\_

AFFIRMED

**David G. Hayes**  
Judge

## OPINION

The appellant, David A. Darnell, appeals from an order of the Hickman County Circuit Court dismissing his application for writ of habeas corpus.

At the time the petition was filed, the appellant was an inmate in the custody of the Tennessee Department of Correction. In his petition, the appellant challenged the manner in which the Department was calculating his sentence. The trial court dismissed the appellant's petition, finding that the court lacked jurisdiction to grant the writ since the appellant's conviction is not void nor had his sentence expired. On appeal, the appellant argues that the Hickman County Circuit Court, upon determining that it lacked subject matter jurisdiction, should have transferred his petition "to Chancery Court," rather than dismissing it. The proper method for challenging the Department of Correction's sentencing calculations is set forth in the Uniform Administrative Procedures Act. See Tenn. Code Ann. § 4-5-101 to -324 (1991 and 1995 Supp.). Tenn. Code Ann. § 4-5-224(a) (1991) provides that "[t]he legal validity or applicability of a statute, rule or order of an agency to specified circumstances may be determined in a suit for declaratory judgment in the chancery court of Davidson County ... ." Our supreme court, in a recent, analogous case, held that a court, lacking subject matter jurisdiction over the case before it, has no authority to transfer the case to another court, absent specific authority to do so granted by statute, rule, or constitutional provision. Norton v. Everhart, 895 S.W.2d 317, 319-320 (Tenn. 1995).

In any event, the appellant's sentence expired on June 10, 1996, at which time he was released from the custody of the Department of Correction. Accordingly, this case is moot. See McIntyre v. Trauber, 884 S.W.2d 134, 137 (Tenn. App. 1994)("a] case will generally be considered moot if it no longer

serves as a means to provide relief to the prevailing party”). A case that is moot is no longer justiciable. Id. “Cases must be justiciable not only when they are first filed but must also remain justiciable throughout the entire course of the litigation, including the appeal.” Id.

Accordingly, the judgment of the trial court is affirmed.

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DAVID G. HAYES, Judge

CONCUR:

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JOHN H. PEAY, Judge

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WILLIAM M. BARKER, Judge