

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

JUNE 1996 SESSION

**FILED**  
**August 2, 1996**  
**Cecil Crowson, Jr.**  
Appellate Court Clerk

WILLIAM HENRY PRESTON, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 BILLY COMPTON, )  
 )  
 Appellee. )

No. 02C01-9602-CC-00043

Lake County

Hon. Joe G. Riley, Jr., Judge

(Writ of Habeas Corpus)

For the Appellant:

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For the Appellee:

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

AFFIRMED

Joseph M. Tipton  
Judge

OPINION

The petitioner, William Henry Preston, appeals as of right from the dismissal of his petition for writ of habeas corpus by the Circuit Court for Lake County. The petitioner is presently serving a forty-year sentence resulting from his 1989 conviction for aggravated rape. The trial court dismissed the petition because it failed to state grounds for relief. We agree.

The petitioner's claim is that he was "falsely arrested and detained" without first being indicted or the subject of an arrest warrant. However, the remedy of habeas corpus relative to criminal convictions in Tennessee is limited in scope to void judgments of conviction and expiration of terms of imprisonment. See Potts v. State, 833 S.W. 2d 60, 62 (Tenn. 1992); State ex rel. Kuntz v. Bomar, 214 Tenn. 500, 504, 381 S.W.2d 290-91 (1964). Also, if the trial court rendering a judgment has jurisdiction of the person and the subject matter, and has the authority to make the challenged judgment, the judgment of conviction is considered to be voidable, not void. Potts, 833 S.W.2d at 62.

The fact that an arrest occurs without a warrant or other formal process issuing does not prevent a valid judgment of conviction from being obtained. Thus, in this case, the petitioner's allegations fail to show that the judgment of conviction is void or that his term of imprisonment has expired. The judgment is affirmed.

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Joseph M. Tipton, Judge

CONCUR:

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David H. Welles, Judge

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Jerry L. Smith, Judge