

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

OCTOBER 1996 SESSION

FILED

November 12, 1996

Cecil Crowson, Jr.
Appellate Court Clerk

LONNIE SMITH, a/k/a
AKI RASHI,

Appellant,

V.

STATE OF TENNESSEE,

Appellee.

)
)
) C.C.A. No. 02C01-9507-CR-00179
)
) Shelby County
)
) Honorable L. T. Lafferty, Judge
)
) (Petition for Habeas Corpus:
) Possession of Cocaine with Intent)
)

FOR THE APPELLANT:

Aki Rashi a/k/a Lonnie Smith
#209399, Pro Se
West TN High Security Prison
P.O. Box 1050
Henning, TN 38041

FOR THE APPELLEE:

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OPINION FILED: _____

AFFIRMED

PAUL G. SUMMERS,
Judge

OPINION

The appellant, Lonnie Smith, was convicted of possession of cocaine with the intent to sell. He was sentenced to nine years incarceration. He sought habeas corpus relief. He alleged that the disciplinary board increased his release eligibility date percentage from 30 percent to 60 percent in violation of due process. The trial court dismissed the petition for failure to file in the proper county. We affirm.

Petitioner filed his petition in Shelby County. Petitioner, however, was incarcerated in Lauderdale County when he filed his petition. Pursuant to Tenn. Code Ann. § 29-21-105 (1980),

application should be made to the court or judge most convenient in point of distance to the applicant, unless a sufficient reason be given in the petition for not applying to such court or judge.

The appellant neither proffered an explanation in his petition nor in his appellate brief for his noncompliance. The trial court's dismissal is affirmed.

PAUL G. SUMMERS, Judge

CONCUR:

JOHN H. PEAY, Judge

DAVID G. HAYES, Judge