

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

SEPTEMBER SESSION, 1997

DOCK BATTLES,)	C.C.A. NO. 02C01-9611-CR-00423
)	
Appellant,)	
)	
VS.)	SHELBY COUNTY
)	
STATE OF TENNESSEE,)	HON. JOHN P. COLTON, JR.
)	JUDGE
Appellee.)	(Habeas Corpus)

<p>FILED</p> <p>September 23, 1997</p> <p>Cecil Crowson, Jr. Appellate Court Clerk</p>

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

FOR THE APPELLANT:

DOCK BATTLES, PRO SE
MLRC, 6000 State Road
Memphis, TN 38134

FOR THE APPELLEE:

JOHN KNOX WALKUP
Attorney General and Reporter

DEBORAH A. TULLIS
Assistant Attorney General
425 5th Avenue North
Nashville, TN 37243

JOHN W. PIEROTTI
District Attorney General

ALANDA HORNE
Assistant District Attorney General
Criminal Justice Complex, Suite 301
201 Poplar Street
Memphis, TN 38103

OPINION FILED _____

AFFIRMED PURSUANT TO RULE 20

DAVID H. WELLES, JUDGE

ORDER

The Appellant appeals as of right from the trial court's dismissal of Appellant's petition for habeas corpus relief. The trial court determined that the petition did not allege grounds which would warrant habeas corpus relief, and dismissed the petition without appointing counsel or conducting an evidentiary hearing. We affirm the dismissal.

The petition alleges essentially that the sentencing court erroneously sentenced the Appellant and that he has not received appropriate credit for time he served while awaiting trial. Habeas corpus relief is available only if the judgment restraining the petitioner is void or the petitioner's sentence has expired. The allegations contained in this petition, even if true, establish neither of these grounds.

We conclude that the evidence does not preponderate against the finding of the trial judge and that no error of law requiring a reversal of the judgment is apparent on the record. Based upon a thorough reading of the record, the briefs of the parties, and the law governing the issues presented for review, the judgment of the trial court is affirmed in accordance with Rule 20 of the Court of Criminal Appeals of Tennessee.

DAVID H. WELLES, JUDGE

CONCUR:

JOE B. JONES, PRESIDING JUDGE

JOE G. RILEY, JUDGE