

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

JANUARY 1998 SESSION

FILED

February 9, 1998

Cecil Crowson, Jr.
Appellate Court Clerk

JAMES WILLARD CROOM,)
)
Appellant)
)
VS.)
)
BILLY COMPTON, WARDEN,)
)
Appellee.)

NO. 02C01-9703-CC-00104

LAKE COUNTY

HON. R. LEE MOORE, JR.,
JUDGE

(Habeas Corpus)

FOR THE APPELLANT:

JAMES WILLARD CROOM (Pro Se)
#235162
L. C. R. C. F.
Route 1, Box 330
Tiptonville, TN 38079

FOR THE APPELLEE:

JOHN KNOX WALKUP
Attorney General and Reporter

ELIZABETH T. RYAN
Assistant Attorney General
Cordell Hull Building, 2nd Floor
425 Fifth Avenue North
Nashville, TN 37243-0493

C. PHILLIP BIVENS
District Attorney General
P. O. Drawer E
Dyersburg, TN 38025-2005

OPINION FILED: _____

AFFIRMED - RULE 20

JOE G. RILEY,
JUDGE

ORDER

Petitioner, James Willard Croom, sought habeas corpus relief in the Circuit Court of Lake County alleging that his drug indictment was fatally insufficient for failure to state the appropriate *mens rea*. Pursuant to Rule 20, Tennessee Court of Criminal Appeals, we AFFIRM the trial court's dismissal of the petition.

In his petition for writ of habeas corpus the petitioner alleged that the drug indictment leading to his conviction and sentence was insufficient in charging that he "did unlawfully possess with intent to sell or deliver a controlled substance, to-wit: cocaine...." He specifically alleges that this language fails to charge the appropriate *mens rea* and is, therefore, void.

We find that the language of this indictment provided adequate notice to both the defendant and the trial court of the offense alleged and is not deficient. State v. Hill, 954 S.W.2d 725 (Tenn. 1997).

The judgment of the trial court is AFFIRMED pursuant to Tennessee Court of Criminal Appeals Rule 20.

JOE G. RILEY, JUDGE

CONCUR:

JOE B. JONES, PRESIDING JUDGE

PAUL G. SUMMERS, JUDGE