

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

OCTOBER 1997 SESSION

**FILED**  
January 26, 1998  
Cecil Crowson, Jr.  
Appellate Court Clerk

**E. L. (ELDRED) REID,** )  
 )  
Appellant, )  
 )  
VS. )  
 )  
**GOV. DON SUNDQUIST,** )  
**COMM. DONAL[D] CAMPBELL,** )  
**and WARDEN FRED RANEY,** )  
 )  
Appellees. )

**C.C.A. NO. 02C01-9610-CC-00327**

**LAKE COUNTY**

**HON. JOE G. RILEY, JR.,**  
**JUDGE**

(Habeas corpus)

FOR THE APPELLANT:

FOR THE APPELLEE:

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

**AFFIRMED**

**JOHN H. PEAY,**  
Judge

## OPINION

The petitioner filed his petition for writ of habeas corpus on July 9, 1996. He is currently incarcerated on a nine year sentence for rape. The court below summarily dismissed the petition. We affirm. Prior to filing this petition, the petitioner pursued a direct appeal of his conviction in this Court, where it was affirmed. See State v. Eldred Reid, No. 01C01-9511-CC-00390, Rutherford County (Tenn. Crim. App. filed June 6, 1997, at Nashville). His Rule 11 application from that decision to our Supreme Court is currently pending. Petitions for habeas corpus and/or post-conviction relief cannot be maintained while a direct appeal is pending. See Hankins v. State, 512 S.W.2d 591, 592 (Tenn. Crim. App. 1974). Accordingly, the judgment below is affirmed.

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JOHN H. PEAY, Judge

CONCUR:

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PAUL G. SUMMERS, Judge

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DAVID G. HAYES, Judge