



proceedings upon which the judgment is rendered” that a convicting court was without jurisdiction or authority to sentence a defendant, or that a defendant’s sentence of imprisonment or other restraint has expired.

Archer v. State, 851 S.W.2d 157, 164 (Tenn. 1993). Since the petitioner’s allegation in this case would necessarily involve investigation beyond the face of the judgment or record, the trial court properly denied habeas corpus relief. See id. Moreover, when a petition for writ of habeas corpus fails to state a cognizable claim, the trial court may summarily dismiss the petition. See Passarella v. State, 891 S.W.2d 619 (Tenn. Crim. App. 1994).

Accordingly, for the reasons stated above, it is hereby ORDERED that the state’s motion is granted and the judgment of the trial court is affirmed in accordance with Rule 20, Rules of the Court of Criminal Appeals. Since the record reflects the petitioner is indigent, costs of this proceeding shall be taxed to the state.

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JOE G. RILEY, JUDGE

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DAVID G. HAYES, JUDGE

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JOHN EVERETT WILLIAMS, JUDGE