

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
Assigned on Briefs May 2, 2023

FILED

06/15/2023

Clerk of the
Appellate Courts

COURTNEY R. LOGAN v. VINCENT VANTELL, WARDEN

Appeal from the Circuit Court for Hardeman County
No. 2022-CR-108 A. Blake Neill, Judge

No. W2022-01413-CCA-R3-HC

The Petitioner, Courtney R. Logan, appeals the Hardeman County Circuit Court's summary dismissal of his fifth petition for writ of habeas corpus relief. Following our review, we affirm the judgment of the habeas corpus court pursuant to Rule 20 of the Rules of the Court of Criminal Appeals.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed

KYLE A. HIXSON, J., delivered the opinion of the court, in which TIMOTHY L. EASTER and JOHN W. CAMPBELL, SR., JJ., joined.

Courtney R. Logan, Whiteville, Tennessee, Pro Se.

Jonathan Skrmetti, Attorney General and Reporter; Courtney N. Orr, Senior Assistant Attorney General; Mark E. Davidson, District Attorney General; and Jerald Campbell, Assistant District Attorney General, for the appellee, State of Tennessee.

MEMORANDUM OPINION

On July 27, 2022, the Petitioner filed his fifth petition for writ of habeas corpus related to his convictions for attempted first degree murder and employment of a firearm during the flight or escape from the attempt to commit a dangerous felony and resulting thirty-one-year sentence. *See State v. Cortney R. Logan*, M2014-01687-CCA-R3-CD, 2015 WL 5883187, at *1 (Tenn. Crim. App. Oct. 8, 2015) (affirming the Petitioner's judgments on direct appeal). As his sole ground for relief, the Petitioner claimed that the affidavit of complaint supporting his arrest warrant contained perjured statements and a "misleading fact." This, the Petitioner argued, established that "the trial court[] lacked jurisdiction to obtain an indictment" against him. During the pendency of his petition, on August 31, 2022, the Petitioner filed a Motion for Immediate Release, wherein he claimed that his extradition to Mississippi following his proceedings in Tennessee was "based upon

a fraud conspiracy involving agents” from Davidson County, Tennessee, and Leflore County, Mississippi.

On September 1, 2022, the habeas corpus court filed an order summarily dismissing the petition. In its order, the habeas corpus court did not address the Petitioner’s Motion for Immediate Release but rather addressed the sole ground for relief raised in his petition. The court found that the Petitioner’s claim regarding perjured and misleading testimony in the original affidavit of complaint “would require proof beyond the face of the record or judgment in order for [the Petitioner] to prevail.” The court concluded that the petition contested “a voidable judgment, not a void judgment, and must be dismissed.” This timely appeal followed.

The Tennessee Constitution guarantees a convicted criminal defendant the right to seek habeas corpus relief. *See* Tenn. Const. art. I, § 15. The statute provides, with certain limited exceptions, that “[a]ny person imprisoned or restrained of liberty, under any pretense whatsoever, . . . may prosecute a writ of habeas corpus, to inquire into the cause of such imprisonment and restraint.” Tenn. Code Ann. § 29-21-101(a). However, the “grounds upon which habeas corpus relief will be granted are very narrow.” *Taylor v. State*, 995 S.W.2d 78, 83 (Tenn. 1999). The writ will issue only where the petitioner has established: (1) a lack of jurisdiction for the order of confinement on the face of the judgment or in the record on which the judgment was rendered; or (2) that the petitioner is otherwise entitled to immediate release because of the expiration of their sentence. *See State v. Ritchie*, 20 S.W.3d 624, 630 (Tenn. 2000); *Archer v. State*, 851 S.W.2d 157, 164 (Tenn. 1993). The purpose of the habeas corpus petition is to contest a void, not merely a voidable, judgment. *State ex rel. Newsom v. Henderson*, 424 S.W.2d 186, 189 (Tenn. 1968).

A void, as opposed to a voidable, judgment is “one that is facially invalid because the court did not have the statutory authority to render such judgment.” *Summers v. State*, 212 S.W.3d 251, 256 (Tenn. 2007). A sentence imposed in direct contravention of a statute is illegal and thus, void. *Stephenson v. Carlton*, 28 S.W.3d 910, 911 (Tenn. 2000). A petitioner bears the burden of establishing a void judgment or illegal confinement by a preponderance of the evidence. *Hogan v. Mills*, 168 S.W.3d 753, 755 (Tenn. 2005). A habeas corpus court may summarily dismiss a petition without a hearing when the petition “fails to demonstrate that the judgment is void.” *Hickman v. State*, 153 S.W.3d 16, 20 (Tenn. 2004); *see* Tenn. Code Ann. § 29-21-109. The determination of whether to grant habeas corpus relief is a question of law, and our review is de novo. *Summers*, 212 S.W.3d at 262.

We initially note that the Petitioner has waived any issue regarding false statements in the affidavit of complaint supporting the arrest warrant due to his failure to provide any arguments, citations to legal authority, or references to the record related to this issue. *See* Tenn. R. App. P. 27(a)(7)(A); Tenn. Ct. Crim. App. R. 10(b); *see also State v. Harbison*, 539 S.W.3d 149, 165 (Tenn. 2018) (holding that an appellate court “may decline to consider issues that a party failed to raise properly”). Despite the waiver, we conclude that the habeas corpus court properly denied relief based upon the sole ground for relief raised in the petition.

It is well-settled that a valid indictment cures any defect in the underlying arrest warrant. *See State v. Campbell*, 641 S.W.2d 890, 893 (Tenn. 1982). On this principle, this court has repeatedly rejected habeas corpus claims based upon the alleged invalidity of arrest warrants or their supporting affidavits. *See, e.g., Tommy Taylor v. Johnny Fitz, Warden*, No. W2020-01294-CCA-R3-HC, 2021 WL 4077031, at *2 (Tenn. Crim. App. Sept. 8, 2021), *perm. app. denied* (Tenn. Dec. 8, 2021); *Bruce Elliott v. State*, No. M2018-00808-CCA-R3-HC, 2018 WL 6528712, at *2 (Tenn. Crim. App. Dec. 12, 2018); *James Thomas v. Randy Lee, Warden*, No. E2015-02427-CCA-R3-HC, 2016 WL 3996488, at *2 (Tenn. Crim. App. July 21, 2016); *Bobby Scales v. Dwight Barbee, Warden*, No. W2012-00163-CCA-R3-HC, 2012 WL 4017375, at *2 (Tenn. Crim. App. Sept. 12, 2012). The habeas corpus court, therefore, properly denied the petition based upon the sole ground for relief raised therein.

The Petitioner also argues on appeal that the habeas corpus court erred in failing to grant his Motion for Immediate Release. Because we have determined that the habeas corpus court correctly denied the petition, any issue regarding the Petitioner’s release during the pendency of the petition is rendered moot.

Finally, the Petitioner argues on appeal that he is restrained of his liberty due to irregularities in his extradition proceedings. While this issue was the sole basis for his Motion for Immediate Release, which we have determined to be moot, it was not included as a ground for relief in his original petition. Nor will we consider the Petitioner’s interlocutory motion as an amendment to his petition, as it was not styled as such and did not comply with the procedural requirements governing habeas corpus petitions. *See* Tenn. Code Ann. § 29-21-107. For these reasons, we conclude that the Petitioner’s stand-alone issue regarding the validity of his extradition is waived due to his failure to properly present it to the habeas corpus court.

In any event, we note that the validity of the Petitioner’s extradition was the subject of his four previous habeas corpus petitions, all of which were resolved in favor of the State. *See Courtney R. Logan v. State*, No. M2021-00071-CCA-R3-HC, 2022 WL 289791,

at *1 (Tenn. Crim. App. Feb. 1, 2022); *Courtney R. Logan v. State*, No. W2019-01215-CCA-R3-CD, 2020 WL 2510539 (Tenn. Crim. App. May 15, 2020) (mem.); *Courtney R. Logan v. Shawn Phillips, Warden*, No. 2016-01535-CCA-R3-HC, 2017 WL 2304305 (Tenn. Crim. App. May 26, 2017); *Courtney R. Logan v. State*, No. M2015-00725-CCA-R3-HC, 2016 WL 716818, at *1 (Tenn. Crim. App. Feb. 23, 2016). He has also raised issues regarding his extradition in Mississippi, *see Logan v. State*, 300 So.3d 1040 (Miss. Ct. App. 2020), and in federal court, *see Courtney R. Logan v. Bill Haslam*, No. 3:18-cv-00256, 2019 WL 4142160 (M.D. Tenn. Aug. 30, 2019) and *Courtney R. Logan v. Tennessee*, No. 3:13-cv-00743, 2019 WL 3841938 (M.D. Tenn. Aug. 15, 2019).

When an opinion would have no precedential value, the Court of Criminal Appeals may affirm the judgment or action of the trial court by memorandum opinion when the judgment is rendered or the action is taken in a proceeding without a jury and such judgment or action is not a determination of guilt, and the evidence does not preponderate against the finding of the trial judge. *See* Tenn. Ct. Crim. App. R. 20. We conclude that this case satisfies the criteria of Rule 20. We, therefore, affirm the judgment of the habeas corpus court in accordance with Rule 20 of the Rules of the Court of Criminal Appeals.

KYLE A. HIXSON, JUDGE