

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

FILED

01/25/2022

Clerk of the  
Appellate Courts

**JIMMY HEARD v. JAMES M. HOLLOWAY, Warden**

**Appeal from the Criminal Court for Davidson County  
No. 5601**

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**No. M2021-00065-CCA-R3-HC**

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The Appellant, Jimmy Heard, appeals the trial court's summary denial of his petition seeking habeas corpus relief. The State has filed a motion asking this Court to affirm pursuant to Court of Criminal Appeals Rule 20. Said motion is hereby granted.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Trial Court  
Affirmed Pursuant to Rule 20, Rules of the Court of Criminal Appeals**

ROBERT W. WEDEMEYER, J. delivered the opinion of the court, in which ROBERT L. HOLLOWAY, JR. and TIMOTHY L. EASTER, JJ. joined.

Jimmy Heard, *pro se*.

Herbert H. Slatery III, Attorney General & Reporter; Samantha L. Simpson, Assistant Attorney General, for the appellee, James M. Holloway.

**MEMORANDUM OPINION**

The Appellant is appealing the trial court's order denying his second petition for a writ of habeas corpus. The record and the Appellant's brief have been filed. In response, the State has filed a motion to affirm the ruling of the trial court pursuant to Court of Criminal Appeals Rule 20. For the reasons stated below, said motion is hereby granted.

The Appellant is currently serving a twenty-nine-year sentence in Tennessee. In 2017, the Commonwealth of Kentucky requested temporary custody of the Appellant pursuant to the Interstate Compact on Detainers so the Appellant could stand trial on pending charges there. The Appellant contested that transfer in a previously filed habeas corpus petition. The Johnson County Criminal Court denied relief and the Appellant appealed. This Court affirmed the trial court's ruling. *Jimmy Heard v. Randy Lee, Warden*,

No. E2018-00700-CCA-R3-HC, 2019 WL 364453 (Tenn. Crim. App. Jan. 29, 2019).

The Appellant was apparently convicted of the charges in Kentucky and has since been transferred back to Tennessee to complete his sentence here before being returned to Kentucky to serve his time there. The Appellant filed the instant, his second, habeas corpus petition in May 2020. In it, he has advanced the same argument as he did in the first, mainly that his transfer to Kentucky was illegal. The Davidson County Criminal Court recognized as much by denying the second petition. Indeed, as noted above, this Court has already dispatched the argument advanced by the Appellant. *Id.* Accordingly, that determination is binding in the instant proceeding. *See Antonio L. Sweatt v. State*, No. M1999-01300-CCA-R3-PC, 2000 WL 255328 at \*1 (Tenn. Crim. App. Mar. 6, 2000), *perm. app. denied* (Tenn. Oct. 16, 2000) (discussing principle of *res judicata* in habeas corpus proceedings). Thus, the trial court did not err in summarily denying the Appellant's second habeas corpus petition.

Accordingly, the ruling of the trial court is hereby affirmed in accordance with Court of Criminal Appeals Rule 20.

Judge Robert W. Wedemeyer