

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

FEBRUARY 1997 SESSION

<p><b>FILED</b></p> <p>March 11, 1997</p> <p>Cecil Crowson, Jr. Appellate Court Clerk</p>
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LONNIE WILLIAMS, )  
 )  
 Appellant, )  
 )  
 VS. )  
 )  
 BRUCE McDONALD, WARDEN, )  
 )  
 Appellee. )

NO. 02C01-9603-CR-00109

SHELBY COUNTY

Hon. Carolyn W. Blackett, Judge

(Petition for Writ of Habeas Corpus)

FOR THE APPELLANT:

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 Memphis, TN 38134

FOR THE APPELLEE:

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

AFFIRMED

JOE G. RILEY,  
JUDGE

## OPINION

The petitioner, Lonnie Williams, appeals the order of the Criminal Court of Shelby County dismissing his petition for writ of habeas corpus. In 1978, he was sentenced to a term of 25 years for second degree murder and a term of two (2) to five (5) years for assault with the intent to commit second degree murder. Each conviction was enhanced by five (5) years for the employment of a firearm during the commission of each offense, giving an effective sentence of at least 37 years. The trial court dismissed his petition without a hearing. Because petitioner can not establish that the judgments convicting him are void or that his sentence term has expired, we affirm the judgment of the trial court.

Williams asserts that the Tennessee Department of Correction miscalculated his sentence by requiring him to serve the two five (5) year enhancement sentences in their entirety before beginning service on the underlying convictions. Because the enhancement sentences were served without the benefit of parole or sentence reduction credits, he argues that his parole eligibility date was delayed. Therefore, he claims that his sentence has expired.

Habeas corpus relief in criminal cases is limited to those instances where the petitioner's conviction is void or he is being held beyond the expiration of his sentence. Archer v. State, 851 S.W.2d 157 (Tenn. 1993). A petitioner is only entitled to habeas corpus relief when “ ‘it appears upon the face of the judgment or the record of the proceedings upon which the judgment is rendered’ that a convicting court was without jurisdiction or authority to sentence a defendant,” or that the prisoner's sentence has expired. Id. at 164. The writ of habeas corpus is not available to challenge the denial of prison privileges and related internal matters. State v. Warren, 740 S.W.2d 427 (Tenn. Crim. App. 1986). The appropriate method to challenge the Department of Correction's failure to calculate sentencing credits is the Administrative Procedures Act. T.C.A. §§ 4-5-101--325 (1991 and Supp. 1996); see Brigham v. Lack, 755 S.W.2d 469 (Tenn. Crim. App. 1988); Littleton v. State, C.C.A. No. 01C01-9405-CC-00168 (Tenn. Crim. App. filed March

2, 1995, at Nashville).

Habeas corpus relief is not available to petitioner in the present case. He was sentenced to serve a minimum of 37 years. At the time the petition was filed, he had served 17 years and three (3) months. His sentence has not expired. Furthermore, there is no indication that the judgments convicting him are void. Accordingly, we affirm the trial court's dismissal of the petition.

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**JOE G. RILEY, JUDGE**

**CONCUR:**

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**JOE B. JONES, PRESIDING JUDGE**

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**JOHN H. PEAY, JUDGE**