

before us demonstrates that the convicting court's actions were unauthorized. Nor has the petitioner shown that his sentence has expired. Contrary to the petitioner's argument, the Tennessee Criminal Sentencing Reform Act of 1989, which repealed the statute under which the petitioner was convicted and sentenced, specifically states that "[t]his act shall not affect rights and duties matured, penalties that were incurred, or proceedings that were begun before its effective date." 1989 Tenn. Pub. Acts ch. 591, § 115. See also State ex rel. Stewart v. McWherter, 857 S.W.2d 875 (Tenn. Crim. App. 1992); State v. Russell, 866 S.W.2d 578 (Tenn. Crim. App. 1991). Therefore, since the petitioner is not challenging the appropriateness of his sentence at the time it was imposed, his present claim must fail.

Accordingly, we cannot find any error on the part of the trial court in dismissing the petition. It is therefore ORDERED that the state's motion is granted. Pursuant to Rule 20 of the Rules of the Court of Criminal Appeals, we affirm the trial court's dismissal of the petitioner's petition for writ of habeas corpus.

Enter, this the ____ day of August, 1997.

PAUL G. SUMMERS, JUDGE

JOE B. JONES, PRESIDING JUDGE

DAVID G. HAYES, JUDGE