

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

SEPTEMBER 1997 SESSION

**FILED**  
September 17, 1997  
Cecil Crowson, Jr.  
Appellate Court Clerk

STATE OF TENNESSEE, )  
 )  
Appellee, )  
 )  
VS. )  
 )  
RANDY S. WATSON, )  
 )  
Appellant. )

NO. ~~02C01-9610-CR-00377~~

SHELBY COUNTY

Hon. Bernie Weinman, Judge

(Habitual Motor Vehicle Offender)

**FOR THE APPELLANT:**

**BRETT B. STEIN**  
100 N. Main Street  
Number 3102  
Memphis, TN 38103

**FOR THE APPELLEE:**

**JOHN KNOX WALKUP**  
Attorney General and Reporter

**KENNETH W. RUCKER**  
Assistant Attorney General  
Criminal Justice Division  
450 James Robertson Parkway  
Nashville, TN 37243-0493

**WILLIAM L. GIBBONS**  
District Attorney General

**REGINALD HENDERSON**  
Assistant District Attorney General  
201 Poplar Avenue, Suite 301  
Memphis, TN 38103

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

**AFFIRMED**

**JOE G. RILEY,  
JUDGE**

**OPINION**

Appellant contends the Habitual Motor Vehicle Offender Act (HMVO Act) violates double jeopardy principles. On May 9, 1996, appellant was declared an Habitual Motor Vehicle Offender (HMVO) based upon appropriate prior convictions. His motion to dismiss based upon double jeopardy was denied.

We AFFIRM the order of the trial court.

**DOUBLE JEOPARDY AND THE HMVO ACT**

State v. Conley, 639 S.W.2d 435, 437 (Tenn. 1982), found the double jeopardy defense to be unavailable to the HMVO declaration since the revocation of driving privileges is remedial and not punitive in nature. This reasoning has been followed in recent months by this Court in State v. Spears, C.C.A. No. 02C01-9606-CR-00197 (Tenn. Crim. App. filed July 10, 1997, at Jackson), and State v. Rowlett, C.C.A. No. 01C01-9605-CC-00211 (Tenn. Crim. App. filed August 22, 1997, at Nashville). Upon review of the record before us, we find nothing to cause us to hold differently.

**CONCLUSION**

For the foregoing reasons, we AFFIRM the judgment of the trial court.

\_\_\_\_\_  
JOE G. RILEY, JUDGE

CONCUR:

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JOE B. JONES, PRESIDING JUDGE

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DAVID H. WELLES, JUDGE