IN THE COURT OF CRIMINAL APPEALS OF	TENN	<b>VESS</b>	SEE		
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AT NASHVILLE					U

**OCTOBER 1996 SESSION** 

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January 30, 1997

Cecil W. Crowson **Appellate Court Clerk** 

No. 01-C-01-9602-CR-00058

Thomas H. Shriver, Judge

(Habeas Corpus Relief)

**Davidson County** 

FRANK BELL,

APPELLANT,

v.

RICKY BELL, WARDEN, AND STATE OF TENNESSEE,

APPELLEES.

FOR THE APPELLANT:

Dwight E. Scott Attorney at Law 4100 Colorado Avenue Nashville, TN 37209

FOR THE APPELLEE:

Charles W. Burson Attorney General & Reporter 500 Charlotte Avenue Nashville, TN 37243-0497

Eugene J. Honea Assistant District Attorney General 450 James Robertson Parkway Nashville, TN 37243-0493

Victor S. Johnson, III **District Attorney General** Washington Square, Suite 500 222 2nd Avenue, North Nashville, TN 37201-1649

Nicholas D. Bailey Assistant District Attorney General Washington Square, Suite 500 222 2nd Avenue, North Nashville, TN 37201-1649

OPINION FILED:

**AFFIRMED PURSUANT TO RULE 20** 

Joe B. Jones, Presiding Judge



The appellant, Frank Bell, appeals of right from a judgment of the trial court summarily dismissing his petition for the writ of habeas corpus. Two issues are presented for review: (a) does Tenn. Code Ann. § 40-35-501, entitled "Release Eligibility Status -- Calculations," violate the separation of powers provisions contained in the Tennessee Constitution, and render the judgment of the trial court void, and (b) whether the sentences imposed by the trial court are indeterminate sentences, which are prohibited by Tenn. Code Ann. § 40-35-211. After a thorough review of the record, the briefs submitted by the parties, and the authorities controlling the issues presented for review, it is the opinion of this Court that the judgments of the trial court should be affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals.<sup>1</sup>

JOE B. JONES, PRESIDING JUDGE

CONCUR:

WILLIAM M. BARKER, JUDGE

J. STEVEN STAFFORD, SPECIAL JUDGE

<sup>&</sup>lt;sup>1</sup><u>See State v. Jimmie L. Holley</u>, Shelby County No. 02-C-01-9201-CR-00015 (Tenn. Crim. App., Jackson, December 30, 1992).