

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs November 4, 2025

FILED

11/05/2025

Clerk of the
Appellate Courts

STEVEN GRIFFIN v. ROBERT ADAMS, WARDEN

Appeal from the Circuit Court for Hardeman County
No. 24-CR-188 A. Blake Neill, Judge

No. W2025-00743-CCA-R3-HC

The Petitioner, Steven Griffin, appeals from the Hardeman County Circuit Court's summary dismissal of his second petition for writ of habeas corpus. On appeal, the Petitioner argues his sentence is illegal because the trial court failed to find he qualified as a dangerous offender and, accordingly, its imposition of partially consecutive sentences was improper. Discerning no error, we affirm.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed

STEVEN W. SWORD, J., delivered the opinion of the court, in which J. ROSS DYER and JOHN W. CAMPBELL, SR., JJ., joined.

Steven Griffin, Whiteville, Tennessee, Pro Se.

Jonathan Skrmetti, Attorney General and Reporter; Elizabeth Evan, Assistant Attorney General; and Mark Davidson, District Attorney General, for the appellee, State of Tennessee.

OPINION

I. FACTUAL AND PROCEDURAL HISTORY

A. TRIAL AND DIRECT APPEAL

This case arises from the Petitioner's October 1993 convictions of one count of aggravated kidnapping and six counts of aggravated rape. *State v. Griffin*, No. 01C01-9404-CR-00144, 1995 WL 387277, at *1 (Tenn. Crim. App. June 28, 1995), *perm. app. denied* (Tenn. Nov. 6, 1995). Following a sentencing hearing, the trial court imposed a

ten-year sentence for the Petitioner's conviction of aggravated kidnapping, thirty-five-year sentences for three of his convictions of aggravated rape, and forty-year sentences for the other three convictions of aggravated rape. *Id.* at *2. The trial court imposed partially consecutive sentences, yielding an effective sentence of eighty-five years' incarceration as a Range II, multiple offender. *Id.*

The Petitioner raised five issues on direct appeal from his convictions. *Id.* at *1. As relevant to this appeal, the Petitioner argued that the trial court erred by imposing partially consecutive sentences. *Id.* This court concluded that the trial court properly applied the statutory factors in imposing partially consecutive sentences and properly classified the Petitioner as a dangerous offender. *Id.* at *12. This court affirmed the judgments of the trial court, and the Tennessee Supreme Court denied review. *Id.* at *1.

B. POST-CONVICTION RELIEF

The Petitioner subsequently sought post-conviction relief, arguing he received the ineffective assistance of counsel. *Griffin v. State*, No. 01C01-9801-CC-00004, 1999 WL 275168, at *1 (Tenn. Crim. App. May 6, 1999), *perm. app. denied* (Tenn. Oct. 4, 1999). The Petitioner contended that trial counsel was ineffective in several regards, including by failing to obtain DNA testing. *Id.* at *2-3. The post-conviction court denied post-conviction relief following a hearing. *Id.* at *1. This court affirmed the judgment of the post-conviction court, and the Tennessee Supreme Court denied review. *Id.*

The Petitioner, proceeding *pro se*, next sought post-conviction relief by filing a request for forensic DNA analysis pursuant to the Post-Conviction DNA Analysis Act of 2001. *Griffin v. State*, No. M2003-00557-CCA-R3-PC, 2004 WL 1562390, at *1 (Tenn. Crim. App. July 13, 2004), *rev'd by Griffin v. State*, 182 S.W.3d 795 (Tenn. 2006). The post-conviction court, treating the Petitioner's filing as a petition to reopen post-conviction proceedings, summarily dismissed it, and this court affirmed. *Griffin*, 2004 WL 1562390, at *1. The Tennessee Supreme Court reversed and remanded for an evidentiary hearing. *Griffin*, 182 S.W.3d at 796. On remand, the post-conviction court concluded that the Petitioner was not entitled to relief under the statute following an evidentiary hearing. *Griffin v. State*, No. M2008-00242-CCA-R3-PC, 2009 WL 564228, at *3 (Tenn. Crim. App. Mar. 5, 2009), *perm. app. denied* (Tenn. June 15, 2009). This court affirmed the judgment of the post-conviction court, and the Tennessee Supreme Court denied review. *Id.* at *1.

C. HABEAS CORPUS RELIEF AND TENNESSEE RULE OF CRIMINAL PROCEDURE 36.1

The Petitioner next sought relief by filing a *pro se* "Petition for Writ of Habeas Corpus and/or Motion to Correct Illegal Sentence Under Rule 36.1 of the Rules of Criminal

Procedure,” arguing that his sentence was illegal because the trial court misapplied the statutory factors in imposing consecutive sentences. *State v. Griffin*, No. M2022-01443-CCA-R3-CD, 2023 WL 3636536, at *2 (Tenn. Crim. App. May 25, 2023), *perm. app. denied* (Tenn. Aug. 8, 2023). The trial court summarily dismissed the filing, concluding that the Petitioner failed to present a colorable claim for relief pursuant to Tennessee Rule of Criminal Procedure 36.1 and that the Petitioner had “failed to provide a sufficient reason for not filing the [habeas corpus p]etition in the closest court to where [the] Petitioner was being housed.” *Id.* On appeal, the Petitioner maintained that his consecutive sentences were illegal. *Id.* Because the Petitioner’s sentencing argument was presented and adjudicated in his direct appeal, this court concluded that summary dismissal was appropriate. *Id.* at *3. Accordingly, this court affirmed the judgment of the trial court, and the Tennessee Supreme Court denied review. *Id.*

On November 4, 2024, the Petitioner filed his second petition for writ of habeas corpus in which he argued that the trial court erred by imposing consecutive sentences because it misapplied the statutory consecutive sentencing factors. Specifically, he contended the trial court erred by finding that “for the purposes of consecutive sentencing, it seems to me we have two separate episodes” of criminal conduct. He attached excerpts of the transcript of his November 13, 1993 sentencing hearing in support of his petition.

On March 4, 2025, the habeas corpus court entered an order summarily dismissing the petition. In its order, the habeas corpus court concluded that the Petitioner had “already lost this argument on both direct appeal and a prior habeas [corpus] petition.” The habeas corpus court further found that the Petitioner was attempting to “relitigate an issue that was previously decided in a separate habeas corpus petition.” The Petitioner filed a notice of appeal on May 20, 2025, the untimeliness of which this court waived in the interest of justice.

II. ANALYSIS

On appeal, the Petitioner maintains that his sentence is illegal because the trial court misapplied the statutory factors in imposing consecutive sentences. He asserts that the trial court erred by considering that the criminal offense included “two separate episodes” in imposing consecutive sentencing. He also argues the trial court did not explicitly find that he qualified as a dangerous offender, positing that this court was the first court to make such an adjudication. The State responds that the habeas corpus court properly summarily dismissed the petition because the petition was procedurally deficient and because the Petitioner’s claims have been previously determined. We agree with the State.

Habeas corpus relief is available to “[a]ny person imprisoned or restrained of liberty, under any pretense whatsoever,” pursuant to certain statutory exceptions inapplicable to

this case. Tenn. Code Ann. § 29-21-101(a). The purpose of habeas corpus relief is to provide a petitioner with a means of redress for a void judgment. *Taylor v. State*, 995 S.W.2d 78, 83 (Tenn. 1999). A void judgment is “one that is facially invalid because the court did not have the statutory authority to render such judgment.” *Summers v. State*, 212 S.W.3d 251, 256 (Tenn. 2007). A petitioner seeking habeas corpus relief must establish either “a lack of jurisdiction for the order of confinement on the face of the judgment or in the record on which the judgment was rendered” or “that he is otherwise entitled to immediate release because of the expiration of his sentence.” *State v. Doane*, 393 S.W.3d 721, 732 (Tenn. Crim. App. 2011) (first citing *State v. Ritchie*, 20 S.W.3d 624, 630 (Tenn. 2000), and then citing *Archer v. State*, 851 S.W.2d 157, 164 (Tenn. 1993)). A petitioner must prove the invalidity of the challenged judgment or the illegality of his or her confinement by a preponderance of the evidence. *Wyatt v. State*, 24 S.W.3d 319, 323 (Tenn. 2000). When a petitioner fails to state a cognizable claim for habeas corpus relief in his or her petition, the habeas corpus court may summarily dismiss the petition. *Yates v. Parker*, 371 S.W.3d 152, 155 (Tenn. 2012); *Hickman v. State*, 153 S.W.3d 16, 20 (Tenn. 2004).

The right to petition for habeas corpus relief is guaranteed by the Tennessee Constitution’s provision that “the privilege of the writ of Habeas Corpus shall not be suspended, unless when in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.” Tenn. Const. art. I, § 15; *see also* Tenn. Code Ann. §§ 29-21-101 *et seq.* (setting forth the procedural requirements and grounds for habeas corpus relief). Whether to grant habeas corpus relief is a question of law; accordingly, we review the habeas corpus court’s disposition of a petition for writ of habeas corpus *de novo* with no presumption of correctness. *Faulkner v. State*, 226 S.W.3d 358, 361 (Tenn. 2007).

We first address the State’s argument that the petition for writ of habeas corpus was procedurally deficient. Although unaddressed by the habeas corpus court, the State correctly notes that the Petitioner neglected to attach either his judgment forms or his previous petition for writ of habeas corpus to his petition in this case. The habeas corpus statutes impose mandatory procedural requirements which must be scrupulously followed. *Summers*, 212 S.W.3d at 259 (citing *Archer*, 851 S.W.2d at 165). Tennessee Code Annotated section 29-21-107(b)(2) requires that a petition for writ of habeas corpus state “[t]he cause or pretense of such restraint according to the best information of the applicant, and if it be by virtue of any legal process, a copy thereof shall be annexed, or a satisfactory reason given for its absence.” In other words, a petitioner seeking a writ of habeas corpus must include, along with his or her petition, a copy of the allegedly illegal judgments of conviction to avoid summary dismissal. *See Summers*, 212 S.W.3d at 261; *Hickman*, 153 S.W.3d at 21; *see also Battle v. State*, No. M2010-01670-CCA-R3-HC, 2011 WL 398038, at *4 (Tenn. Crim. App. Feb. 8, 2011) (“The habeas corpus statute clearly requires that the judgment be attached to the habeas corpus petition, and this failure, in and of itself, is a

sufficient basis upon which the habeas corpus court may summarily dismiss the petition.”), *no perm. app. filed*. Given that the purpose of habeas corpus relief is to provide redress for facially invalid judgments, this requirement is fundamental to the habeas corpus court’s review of a petitioner’s claims. *Taylor*, 995 S.W.2d at 83; *Summers*, 212 S.W.3d at 256; *see also Ritchie*, 20 S.W.3d at 633 (“Because a conviction is either void on its face for want of jurisdiction, or it is not, the need for an evidentiary hearing in a habeas corpus proceeding should rarely arise, if ever.”). The Petitioner’s failure to attach to his petition for writ of habeas corpus the judgments of conviction he challenges as illegal or to provide any explanation for their absence is a sufficient basis to support the habeas corpus court’s summary dismissal. *See, e.g., Cooper v. Phillips*, No. E2020-01568-CCA-R3-HC, 2021 WL 3163088, at *2 (Tenn. Crim. App. July 27, 2021), *perm. app. denied* (Tenn. Nov. 17, 2021); *Hughes v. State*, No. M2018-00858-CCA-R3-HC, 2019 WL 76923, at *3 (Tenn. Crim. App. Jan. 2, 2019), *no perm. app. filed*; *McCann v. State*, No. M2018-00192-CCA-R3-HC, 2018 WL 5733295, at *3 (Tenn. Crim. App. Oct. 31, 2018), *no perm. app. filed*.

Additionally, Tennessee Code Annotated section 29-21-107(b)(4) requires that a petition for writ of habeas corpus include a statement “[t]hat it is the first application for the writ, or, if a previous application has been made, a copy of the petition and proceedings thereon shall be produced, or satisfactory reasons be given for the failure to do so.” In his petition, the Petitioner noted that he “previously filed a Motion pursuant to Rule 36.1 and/or writ of habeas corpus in Davidson County and it was [d]enied, and the appeal was also denied,” but he neglected to attach a copy of the prior petition. This is also a sufficient basis to support the habeas corpus court’s summary dismissal. *See, e.g., Jefferson v. State*, No. M2022-00456-CCA-R3-HC, 2022 WL 17258685, at *3 (Tenn. Crim. App. Nov. 29, 2022), *no perm. app. filed*; *Lowe v. State*, No. E2022-00285-CCA-R3-HC, 2022 WL 13899444, at *4 (Tenn. Crim. App. Oct. 24, 2022), *no perm. app. filed*; *Williams v. State*, No. W2021-01493-CCA-R3-HC, 2022 WL 6920398, at *3 (Tenn. Crim. App. Oct. 12, 2022), *perm. app. denied* (Tenn. Feb. 8, 2023).

Notwithstanding the petition’s procedural deficiencies, the habeas corpus court elected to address the merits of the Petitioner’s claim, as was its prerogative. *See Hickman*, 153 S.W.3d at 21 (“A habeas corpus court may properly choose to dismiss a petition for failing to comply with the statutory procedural requirements; however, dismissal is not required.”). In considering the Petitioner’s assertion that his partially consecutive sentences were illegal, the habeas corpus court correctly noted that the issue had been previously determined and dismissed the petition. This court has long recognized the fundamental rule that “habeas corpus and post-conviction proceedings may not be employed to raise and relitigate or review questions decided and disposed of in a direct appeal.” *Long v. State*, 510 S.W.2d 83, 87 (Tenn. 1974); *see also Transou v. Lester*, No. W2013-00293-CCA-R3-HC, 2013 WL 5745704, at *5 (Tenn. Oct. 21, 2013) (“[A] previous adjudication bars a petitioner from raising the issue anew in a denial of habeas

corpus relief.”), *perm. app. denied* (Tenn. Jan. 14, 2014). In this appeal, the Petitioner argues his sentence is illegal because the trial court misapplied the statutory factors in imposing consecutive sentences and failed to find he qualified as a dangerous offender. However, this court considered and denied these claims in the Petitioner’s direct appeal, thirty years ago. *See Griffin*, 1995 WL 387277, at *12 (“We conclude that the imposition of consecutive sentences was the result of careful consideration in this case and not an arbitrary decision based on the fact that several dangerous crimes had been committed.”). This court also agreed with the trial court’s classification of the Petitioner as “a dangerous offender whose behavior indicated little or no regard for human life and who had no hesitation about committing a crime in which the risk to human life was high.” *Id.* (citing Tenn. Code Ann. § 40-35-115(4) (1990)). Notwithstanding the issue’s previous adjudication, the Petitioner presented an identical challenge to his sentence in *Griffin*, 2023 WL 3636536. The same rule of law we stated in that case applies today: “This court’s determination in the direct appeal that the trial court properly aligned [the] Petitioner’s sentences consecutively is binding in this appeal.” *Id.* at *3. Petitioners may not utilize habeas corpus proceedings to continuously relitigate previously determined issues. *Id.* (first citing *Myers v. State*, 462 S.W.2d 265, 269 (Tenn. Crim. App. 1970); and then citing *Hall v. Carlton*, E2012-00430-CCA-R3-HC, 2012 WL 2877622, at *3 (Tenn. Crim. App. July 16, 2012), *perm. app. denied* (Tenn. Nov. 20, 2012)). Accordingly, the habeas corpus court did not err by summarily dismissing the petition for writ of habeas corpus.

III. CONCLUSION

Following our review of the record and based upon the foregoing analysis, the judgment of the habeas corpus court is affirmed.

s/ *Steven W. Sword*

STEVEN W. SWORD, JUDGE