

COURT OF CRIMINAL APPEALS OF TENNESSEE

Dewayne Harris v. Steve Upton, Warden

No. W2025-00255-CCA-R3-HC · No. W2025-00255-CCA-R3-HC · Decided December 19, 2025

SUMMARY

The Tennessee Court of Criminal Appeals affirmed the summary dismissal of Dewayne Harris’s petition for a writ of habeas corpus. The court held that claims alleging ineffective assistance of counsel and insufficiency of the evidence are not cognizable in habeas corpus proceedings because they concern voidable rather than void judgments. The court concluded that Harris was not entitled to habeas corpus relief.

CASE DETAILS

|                       |                                                                                                                                                                               |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Criminal Appeals of Tennessee                                                                                                                                        |
| WRITING FOR THE COURT | Robert W. Wedemeyer; Robert W. Wedemeyer, P.J.; Camille R. McMullen, J.; Jill Bartee Ayers, J.                                                                                |
| JURISDICTION          | Tennessee Court of Criminal Appeals                                                                                                                                           |
| DECIDED               | December 19, 2025                                                                                                                                                             |
| DOCKET                | W2025-00255-CCA-R3-HC                                                                                                                                                         |
| DISPOSITION           | affirmed                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Appeal as of right from the summary dismissal of a petition for writ of habeas corpus by the Circuit Court for Hardeman County.                                               |
| STANDARD OF REVIEW    | Whether habeas corpus relief should be granted is a question of law reviewed de novo, with no presumption of correctness given to the lower court's findings and conclusions. |
| PRECEDENTIAL VALUE    | Published Tennessee Court of Criminal Appeals opinion                                                                                                                         |
| PARTIES               | Dewayne Edward Harris v. Steve Upton, Warden, State of Tennessee                                                                                                              |

TOPICS

- habeas corpus
- post-conviction relief
- appellate procedure
- standard of review
- criminal procedure

PRACTICE AREAS

- criminal law
- post-conviction litigation
- habeas corpus

## QUESTIONS PRESENTED

1. Whether a challenge to the sufficiency of the evidence supporting a conviction under a theory of criminal responsibility is cognizable in a Tennessee habeas corpus proceeding.
2. Whether the habeas corpus court properly summarily dismissed the petition without granting habeas corpus relief.

## HOLDINGS

1. A challenge to the sufficiency of the evidence is not a colorable claim for habeas corpus relief because habeas corpus is limited to claims that the judgment is void or that the sentence has expired.
2. The habeas corpus court properly summarily dismissed Harris's petition, and Harris was not entitled to habeas corpus relief.

## KEY QUOTATIONS

*“We conclude, as did the habeas corpus court, that sufficiency of the evidence is not a colorable for habeas corpus relief.”* (at 5)

*“Challenges to the sufficiency of the evidence are not cognizable in a habeas proceeding.”* (at 5)

## FACTUAL BACKGROUND

In 2017, Harris participated in a carjacking and robbery in which the victim was removed from her vehicle and assaulted, and the vehicle and other property were taken. A Williamson County jury convicted Harris of the lesser-included offense of joyriding, carjacking, and aggravated robbery under a theory of criminal responsibility, resulting in an effective thirty-year sentence. The habeas petition challenged the sufficiency of the evidence supporting his criminal responsibility for the carjacking.

## PROCEDURAL HISTORY

Harris was convicted in Williamson County of joyriding, carjacking, and aggravated robbery and received an effective thirty-year sentence. His post-conviction petition alleging ineffective assistance of counsel was dismissed, and the Court of Criminal Appeals affirmed that judgment. Harris then filed a habeas corpus petition asserting ineffective assistance, instructional error, and insufficient evidence; the Hardeman County habeas court summarily dismissed the petition, and this appeal followed.

## DISPOSITION

affirmed

## CASES CITED

- Harris v. State, No. M2023-00681-CCA-R3-PC, 2024 WL 4164998, at \*1-2 (Tenn. Crim. App. Sept. 12, 2024)
- State v. Harris, No. M2019-01609-CCA-R3-CD, 2021 WL 673015, at \*1-21 (Tenn. Crim. App. Feb. 22, 2021)

- Potts v. State, 833 S.W.2d 60, 62 (Tenn. 1992)
- Long v. State, 510 S.W.2d 83, 878 (Tenn. Crim. App. 1974)
- Faulkner v. State, 226 S.W.3d 358, 361 (Tenn. 2007)
- Smith v. Lewis, 202 S.W.3d 124, 127 (Tenn. 2006)
- Hart v. State, 21 S.W.3d 901, 903 (Tenn. 2000)
- Taylor v. State, 995 S.W.2d 78, 83 (Tenn. 1999)
- Wyatt v. State, 24 S.W.3d 319, 322 (Tenn. 2000)
- Stephenson v. Carlton, 28 S.W.3d 910, 911 (Tenn. 2000)
- Archer v. State, 851 S.W.2d 157, 164 (Tenn. 1993)
- May v. Carlton, 245 S.W.3d 340, 344 (Tenn. 2008)
- State v. Burkhardt, 566 S.W.2d 871, 873 (Tenn. 1978)
- State v. Ritchie, 20 S.W.3d 624, 633 (Tenn. 2000)
- Passarella v. State, 891 S.W.2d 619, 627 (Tenn. Crim. App. 1994)
- State v. Newman, No. 02C01-9707-CC-00266, 1998 WL 104492, at \*1 n.2 (Tenn. Crim. App. Mar. 11, 1998)
- Durrell v. State, No. E2022-015410-CCA-R3-HC, 2023 WL 4489453, at \*3 (Tenn. Crim. App. June 27, 2023)
- Gant v. State, 507 S.W.2d 133, 136 (Tenn. Crim. App. 1973)