

COURT OF APPEALS
ASHLAND COUNTY, OHIO
FIFTH APPELLATE DISTRICT

IN RE: BRANDON OLMSTEAD

JUDGES:

Hon. Patricia A. Delaney, P.J.

Hon. William B. Hoffman, J.

Hon. Earle E. Wise, Jr., J.

Case No. 17-COA-036

OPINION

CHARACTER OF PROCEEDING:

Writ of Habeas Corpus

JUDGMENT:

Dismissed

DATE OF JUDGMENT ENTRY:

October 23, 2017

APPEARANCES:

For Petitioner

For Respondent

ANDREW S. WICK
23 East High Street
Mount Gilead, Ohio 43338

NO APPEARANCE

Hoffman, J.

{¶1} Petitioner, Brandon Olmstead, has filed a petition for writ of habeas corpus claiming Petitioner being held without bail is unreasonable.

{¶2} The caption of the petition is “In re: Brandon Olmstead.” Petitioner has not named a respondent in the petition. A writ of habeas corpus will only lie against the individual who is directly responsible for keeping the petitioner in custody. See also *Jackson v. State*, 8th Dist. Cuyahoga App. No. 81007, 2002 WL 737495, (April 19, 2002) (dismissal of petition for writ of habeas corpus appropriate when petitioner named the state rather than the sheriff—his custodian as the respondent).

{¶3} Further, Petitioner has failed to attach any commitment papers as required. Revised Code 2725.04(D) provides, “(D) A copy of the commitment or cause of detention of such person shall be exhibited, if it can be procured without impairing the efficiency of the remedy; or, if the imprisonment or detention is without legal authority, such fact must appear.”

{¶4} A “[h]abeas corpus petitioner's failure to attach pertinent commitment papers to his petition rendered petition fatally defective, and petitioner's subsequent attachment of commitment papers to his post-judgment motion did not cure the defect.” *Boyd v. Money*, 82 Ohio St.3d 388, 1998 -Ohio- 221, 696 N.E.2d 568.

{¶5} In the instant case, petitioner avers his bond was revoked. The judgment entry revoking the bond would be essential to understanding this petition as would any orders of detention if separate from the bond revocation judgment entry.

{¶6} Because Petitioner has not named a respondent and because Petitioner has failed to attach all necessary commitment papers, the petition is dismissed.

By: Hoffman, J.

Delaney, P.J. and

Wise, Earle, J. concur

