

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

Arnold A. Beverly, Jr.

Court of Appeals No. L-17-1200

Petitioner

v.

Toledo Municipal Court,
Judge Joshua Lanzinger

DECISION AND JUDGMENT

Respondents

Decided: August 30, 2017

* * * * *

Arnold A. Beverly, Jr., pro se.

* * * * *

SINGER, J.

{¶ 1} This original action is before the court, sua sponte, upon the petition of Arnold A. Beverly, Jr. for a writ of habeas corpus.

{¶ 2} A writ of habeas corpus is an extraordinary remedy and therefore is only available “where there is an unlawful restraint of a person’s liberty and there is no adequate remedy in the ordinary course of law.” *Pegan v. Crawmer*, 76 Ohio St.3d 97,

99, 666 N.E.2d 1091 (1996). *See also State ex rel. Marsh v. Tibbals*, 149 Ohio St.3d 656, 2017-Ohio-829, ¶ 12, quoting *State ex rel. Jackson v. McFaul*, 73 Ohio St.3d 185, 186, 652 N.E.2d 746 (1995). The original action seeking habeas corpus relief must either challenge the jurisdiction of the sentencing court, *Dunkle v. Dept. of Rehab. & Correction*, 148 Ohio St.3d 621, 2017-Ohio-551, 71 N.E.3d 1098, ¶ 8, or seek to correct nonjurisdictional errors for which there is no adequate remedy at law. *State ex rel. Jackson v. Sloan*, Slip Opinion No. 2015-Ohio-1477, 2016-Ohio-5106, ¶ 9.

{¶ 3} Reviewing the petition and record, we find appellant is not being restrained. Previously, a warrant was issued and appellant was arrested and detained on June 14, 2017. However, he was released on his own recognizance bond posted the same day. He has not attached any commitment papers as required by R.C. 2725.04(D) to establish he is currently confined. His traffic violation is pending in the Toledo Municipal Court and is scheduled for trial. Petitioner's objections relate to the procedures that have occurred in the trial court. Based on the face of the petition, we find petitioner is not entitled to habeas corpus relief. The petition is found not well-taken and it is ordered dismissed. The costs of this action are assessed to petitioner.

{¶ 4} The clerk is directed to serve upon all parties, within three days, a copy of this decision in a manner prescribed by Civ.R. 5(B).

Petition dismissed.

Arlene Singer, J.

JUDGE

James D. Jensen, P.J.

JUDGE

Christine E. Mayle, J.
CONCUR.

JUDGE