

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

Anthony D. Carter

Court of Appeals No. L-19-1200

Relator

v.

Sean Bowerman, Warden

DECISION AND JUDGMENT

Respondent

Decided: October 7, 2019

* * * * *

Anthony Carter, pro se.

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PIETRYKOWSKI, J.

{¶ 1} This matter is before the court on the petition of Anthony D. Carter for a writ of habeas corpus. Upon review, we find that Carter’s petition must be dismissed as fatally defective because it fails to comply with the requirements of R.C. 2725.04(D) and 2969.25.

{¶ 2} On November 2, 2018, in *State v. Carter*, 4th Dist. Pickaway No. 18CA1, 2018-Ohio-4503, the Fourth District Court of Appeals affirmed Carter’s convictions and 31-year prison sentence for one count of engaging in a pattern of corrupt activity, seven counts of trafficking in cocaine, and two counts of trafficking in heroin. Carter now petitions this court for a writ of habeas corpus, asserting that the Pickaway County Court of Common Pleas lacked subject-matter jurisdiction and was not the proper venue.

{¶ 3} “When filing a habeas corpus petition, inmates are statutorily required to attach a copy of their commitment papers” pursuant to R.C. 2725.04(D). *Willis v. Turner*, 150 Ohio St.3d 379, 2017-Ohio-6874, 81 N.E.3d 1252, ¶ 7. Here, Carter has not attached his commitment papers.

{¶ 4} In addition, R.C. 2969.25(C)(1) and (2) require an inmate to include “[a] statement that sets forth the balance in the inmate account of the inmate for each of the preceding six months, as certified by the institutional cashier,” and “[a] statement that sets forth all other cash and things of value owned by the inmate at that time.” Here, while Carter has submitted an affidavit of indigency, he does not include either of the statements required by R.C. 2969.25(C)(1) and (2).

{¶ 5} “Noncompliance with [R.C. 2725.04(D) and 2969.25] is fatal and provides a sufficient basis for dismissing a petition.” *Willis* at ¶ 7. Accordingly, upon due consideration, Carter’s petition for a writ of habeas corpus is not well-taken, and it is hereby dismissed. The costs of this action are assessed to Carter.

{¶ 6} 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).

Writ denied.

Mark L. Pietrykowski, J.

JUDGE

Thomas J. Osowik, J.

JUDGE

Christine E. Mayle, P.J.
CONCUR.

JUDGE

<p>This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.supremecourt.ohio.gov/ROD/docs/.</p>
