

1 The State ex rel. Massie, Appellant, v. Rogers, Warden, Appellee.

2 [Cite as *State ex rel. Massie v. Rogers* (1997), Ohio St.3d .]

3 *Habeas corpus not proper remedy for reviewing sentencing errors --*
4 *Habeas corpus not available when petitioner has adequate remedy*
5 *at law by way of appeal.*

6 (No. 96-2186 -- Submitted January 7, 1997 -- Decided February 19, 1997.)

7 Appeal from the Court of Appeals for Union County, No. 14-96-25.

8 In 1993, the Lawrence County Court of Common Pleas convicted appellant,
9 Barbara Lynn Massie, of sexual battery and sentenced her to an indeterminate term
10 of three-to-ten years in prison. In 1996, Massie filed a petition for a writ of habeas
11 corpus in the Court of Appeals for Union County. Massie claimed that she was
12 entitled to immediate release from prison because the trial court improperly
13 sentenced her. The court of appeals granted the Civ.R. 12(B)(6) motion of
14 appellee, Shirley Rogers, Warden of the Ohio Reformatory for Women, and
15 dismissed Massie's petition.

16 The cause is now before this court upon an appeal as of right.

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18 *Barbara Lynn Massie, pro se.*

1 *Betty D. Montgomery, Attorney General, and Lillian B. Earl, Assistant*

2 *Attorney General, for appellee.*

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4 *Per Curiam.* Massie contends that the judgment of the court of appeals
5 should be dismissed because the trial court lacked jurisdiction to enter an
6 indeterminate sentence on her conviction for sexual battery. But sentencing errors
7 are not jurisdictional and are not cognizable in habeas corpus. *Majoros v. Collins*
8 (1992), 64 Ohio St.3d 442, 443, 596 N.E.2d 1038, 1039.

9 In addition, although habeas corpus relief may be granted for
10 nonjurisdictional claims, the petitioner must have no adequate remedy at law.
11 *State ex rel. Pirman v. Money* (1993), 69 Ohio St.3d 591, 593, 635 N.E.2d 26, 29.
12 Appeal or postconviction relief are remedies at law to review claimed sentencing
13 errors. *Blackburn v. Jago* (1988), 39 Ohio St.3d 139, 529 N.E.2d 929, 930. Since
14 Massie possessed adequate legal remedies by an appeal or postconviction relief to
15 raise the alleged sentencing error, the court of appeals properly dismissed the
16 petition. *Thomas v. Collins* (1996), 74 Ohio St.3d 413, 413-414, 659 N.E.2d 790,
17 790-791.

18 Based on the foregoing, we affirm the judgment of the court of appeals.

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Judgment affirmed.

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MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and

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LUNDBERG STRATTON, JJ., concur.

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