

**WILKERSON, APPELLANT, v. MITCHELL, WARDEN, APPELLEE.**

**[Cite as *Wilkerson v. Mitchell*, 1999-Ohio-236.]**

*Habeas corpus to compel relator's release from prison—Dismissal of petition affirmed, when.*

(No. 99-1033—Submitted September 15, 1999—Decided October 13, 1999.)

APPEAL from the Court of Appeals for Richland County, No. 99 CA 29.

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{¶ 1} In 1978, a Cuyahoga County Grand Jury indicted appellant, Randolph D. Wilkerson, on three counts of robbery and two counts of receiving stolen property. The Cuyahoga County Court of Common Pleas convicted Wilkerson on the charged offenses and sentenced him to prison. On appeal, the court of appeals affirmed his convictions on two of the robbery counts.

{¶ 2} In 1999, Wilkerson filed a petition in the Court of Appeals for Richland County for a writ of habeas corpus to compel his prison warden, appellee Betty Mitchell, to release him from prison. Wilkerson claimed that his robbery convictions were void because of a defective indictment. More specifically, Wilkerson alleged that one of his receiving stolen property charges was illegally “enhanced” to a robbery offense without any indictment on that charge. The court of appeals dismissed the petition.

{¶ 3} This cause is now before the court upon an appeal as of right.

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*Randolph D. Wilkerson, pro se.*

*Betty D. Montgomery, Attorney General, and Michele M. Schoeppe, Assistant Attorney General, for appellee.*

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SUPREME COURT OF OHIO

*Per Curiam.*

{¶ 4} We affirm the judgment of the court of appeals. Wilkerson's claims challenge the validity and sufficiency of his indictment and are not cognizable in habeas corpus. See *Shie v. Leonard* (1998), 84 Ohio St.3d 160, 161, 702 N.E.2d 419, 420. Moreover, Wilkerson's robbery convictions were based on an indictment expressly charging him with those offenses.

*Judgment affirmed.*

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.

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