

RUSSELL, APPELLANT, v. MITCHELL, WARDEN, APPELLEE.

[Cite as *Russell v. Mitchell*, 1999-Ohio-489.]

Habeas corpus—Claimed violations of speedy trial right are not cognizable in habeas corpus.

(No. 98-1913—Submitted December 15, 1998—Decided January 20, 1999.)

APPEAL from the Court of Appeals for Richland County, No. 98 CA 66.

{¶ 1} In 1988, the Trumbull County Court of Common Pleas convicted appellant, Victor J. Russell, of aggravated robbery, kidnapping, and felonious assault, and sentenced him to an aggregate prison term of twenty to fifty years. In subsequent proceedings on his direct appeal, petition for postconviction relief, and petitions for a writ of habeas corpus, Russell unsuccessfully claimed that he had been denied his right to a speedy trial. See, e.g., *Russell v. Tate* (1992), 64 Ohio St.3d 444, 596 N.E.2d 1039; *State v. Russell* (Dec. 15, 1989), Trumbull App. Nos. 4032 and 4084, unreported, 1989 WL 152692.

{¶ 2} In 1998, Russell filed another petition for a writ of habeas corpus, this time in the Court of Appeals for Richland County. Russell again claimed that he was entitled to be immediately released from prison because he had been denied his right to a speedy trial. The court of appeals *sua sponte* dismissed Russell's habeas corpus petition.

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

Victor J. Russell, pro se.

Per Curiam.

{¶ 4} Russell asserts that the court of appeals erred in dismissing his habeas corpus petition. For the following reasons, however, Russell's assertions lack merit.

{¶ 5} First, as the court of appeals correctly held, Russell's claimed violation of his right to a speedy trial is not cognizable in habeas corpus. *State ex rel. Brantley v. Ghee* (1997), 80 Ohio St.3d 287, 288, 685 N.E.2d 1243, 1244.

{¶ 6} Second, *res judicata* precluded Russell from again raising his speedy trial claim. *State ex rel. Richard v. Seidner* (1996), 77 Ohio St.3d 68, 69, 671 N.E.2d 28, 28-29.

{¶ 7} Third, the fact that Russell had already unsuccessfully invoked some of his alternate remedies did not entitle him to the requested extraordinary relief. *Childers v. Wingard* (1998), 83 Ohio St.3d 427, 428, 700 N.E.2d 588, 589.

{¶ 8} Finally, Russell did not verify his petition, as required by R.C. 2725.04. *Thornton v. Russell* (1998), 82 Ohio St.3d 93, 95, 694 N.E.2d 464, 465.

{¶ 9} Based on the foregoing, we affirm the judgment of the court of appeals.

Judgment affirmed.

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