

BRADFORD, APPELLANT, v. MOORE, WARDEN, APPELLEE.

[Cite as *Bradford v. Moore*, 2000-Ohio-25.]

Habeas corpus relief sought to compel relator's release from Madison Correctional Institution—Court of appeals' dismissal of petition affirmed.

(No. 00-715—Submitted August 22, 2000—Decided September 20, 2000.)

APPEAL from the Court of Appeals for Madison County, No. CA99-12-034.

{¶ 1} In October 1993, appellant, Derrick A. Bradford, was convicted of aggravated trafficking in drugs and possession of criminal tools and sentenced to an aggregate prison term of fifteen years to life. On appeal, Bradford's convictions and sentence were affirmed. *State v. Bradford* (July 27, 1999), Lorain App. No. 93CA005759, unreported, 1994 WL 395601, affirmed (1994), 71 Ohio St.3d 1435, 643 N.E.2d 141.

{¶ 2} In December 1999, Bradford filed a petition in the Court of Appeals for Madison County for a writ of habeas corpus to compel appellee, Madison Correctional Institution Warden Ernie Moore, to immediately release him from prison. Bradford claimed that his convictions and sentence were void because his trial court failed to comply with the jury-trial waiver requirements of R.C. 2945.05. The court of appeals granted Warden Moore's motion and dismissed the petition.

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

Derrick A. Bradford, pro se.

Betty D. Montgomery, Attorney General, and *Diane Mallory*, Assistant Attorney General, for appellee.

Per Curiam.

SUPREME COURT OF OHIO

{¶ 4} We affirm the judgment of the court of appeals because a “claimed violation of R.C. 2945.05 is not the proper subject for habeas corpus relief and may be remedied only in a direct appeal from a criminal conviction.” *State ex rel. Earl v. Mitchell* (1999), 87 Ohio St.3d 259, 260, 719 N.E.2d 545, 546; *State v. Pless* (1996), 74 Ohio St.3d 333, 658 N.E.2d 766, paragraph two of the syllabus.

Judgment affirmed.

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