

PISHOK, APPELLANT, v. KELLY, WARDEN, APPELLEE.

[Cite as *Pishok v. Kelly*, 122 Ohio St.3d 292, 2009-Ohio-3452.]

Appeal from dismissal of a petition for a writ of habeas corpus — Habeas corpus not available to remedy claim concerning validity or sufficiency of an indictment — Judgment affirmed.

(No. 2009-0342 — Submitted July 14, 2009 — Decided July 21, 2009.)

APPEAL from the Court of Appeals for Trumbull County,
No. 2008-T-0093, 2009-Ohio-287.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition for a writ of habeas corpus of appellant, David J. Pishok. Habeas corpus is not available to challenge the validity or sufficiency of a charging instrument. *McCuller v. Hudson*, 121 Ohio St.3d 168, 2009-Ohio-721, 902 N.E.2d 979, ¶ 1. Following Pishok’s conviction and sentence for crimes charged in the indictment, the judgment bound him, and he had an adequate remedy in the ordinary course of law by appeal to raise his claim that the indictment was defective. *Monroe v. Jackson*, 119 Ohio St.3d 344, 2008-Ohio-4480, 894 N.E.2d 43, ¶ 4.

Judgment affirmed.

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O’CONNOR,
O’DONNELL, LANZINGER, and CUPP, JJ., concur.

David J. Pishok, pro se.

Richard Cordray, Attorney General, and M. Scott Criss, Assistant
Attorney General, for appellee.
