

MCCULLER, APPELLANT, v. HUDSON, WARDEN, APPELLEE.

[Cite as *McCuller v. Hudson*, 121 Ohio St.3d 168, 2009-Ohio-721.]

Habeas corpus not available to challenge validity of charging instrument.

(No. 2008-1986 — Submitted February 18, 2009 — Decided February 24, 2009.)

APPEAL from the Court of Appeals for Richland County,
No. 08-CA-59, 2008-Ohio-4659.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Charles McCuller, for a writ of habeas corpus. Even assuming that the court of appeals erred in denying McCuller’s motion to amend his petition as moot, the court of appeals correctly dismissed the petition. A reviewing court will not reverse a correct judgment even if the lower court’s reasons were erroneous. *Goudlock v. Voorhies*, 119 Ohio St.3d 398, 2008-Ohio-4787, 894 N.E.2d 692, ¶ 12. McCuller’s claims raised in his petition and his motion to amend the petition are not cognizable in habeas corpus. *Christian v. Gansheimer*, 118 Ohio St.3d 235, 2008-Ohio-2219, 887 N.E.2d 1175, ¶ 5 (“An extraordinary writ is not available to challenge the validity or sufficiency of a charging instrument”); *State v. Colon*, 119 Ohio St.3d 204, 2008-Ohio-3749, 893 N.E.2d 169, ¶ 5 (“the rule announced in *Colon I* is prospective in nature and applies only to those cases pending on the date when *Colon I* was announced”).

Judgment affirmed.

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

Charles McCuller, pro se.

SUPREME COURT OF OHIO

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