

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Brown v. Hall*, Slip Opinion No. 2009-Ohio-5592.]

NOTICE

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SLIP OPINION NO. 2009-OHIO-5592

BROWN, APPELLANT, v. HALL, WARDEN, APPELLEE.

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Habeas corpus — Remanded to appellate court for entry of judgment of dismissal — Appellate court erred in addressing merits when petition filed in county other than county in which petitioner is incarcerated.

(No. 2009-0819 — Submitted October 20, 2009 — Decided October 29, 2009.)

APPEAL from the Court of Appeals for Stark County, No. 2009 CA 00034,
2009-Ohio-1349.

Per Curiam.

{¶ 1} We reverse the judgment of the Court of Appeals for Stark County and remand the cause to that court to dismiss the habeas corpus petition of appellant, Felix Brown Jr. The court of appeals erred in addressing the merits of Brown’s habeas corpus claim because he incorrectly filed it in Stark County instead of the county in which he is incarcerated, Richland County. See R.C. 2725.03 (“If a person restrained of his liberty is an inmate of a state benevolent or

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correctional institution, the location of which is fixed by statute and at the time is in the custody of the officers of the institution, no court or judge other than the courts or judges of the county in which the institution is located has jurisdiction to issue or determine a writ of habeas corpus for his production or discharge”). Even though Brown’s petition reached the same district court of appeals it would have had it been filed in the correct county, the court of appeals still lacked jurisdiction to determine the merits of Brown’s petition. *Goudlock v. Voorhies*, 119 Ohio St.3d 398, 2008-Ohio-4787, 894 N.E.2d 692, ¶ 17, citing *Sevayega v. Bobby*, Mahoning App. No. 03 MA 48, 2003-Ohio-6395, 2003 WL 22839346, ¶ 4.

Judgment reversed
and cause remanded.

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

PFEIFER, J., concurs in judgment only.

Felix Brown Jr., pro se.

Richard Cordray, Attorney General, and Gene D. Park, Assistant Attorney
General, for appellee.
