

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
WARREN COUNTY

FRANK FLOYD OWENS, :

Petitioner-Appellant, : CASE NO. CA2000-08-072

- vs - : JUDGMENT ENTRY

ANTHONY J. BRIGANO, Warden, : (Accelerated Calendar)

Respondent-Appellee. : 2/26/2001

This cause is an accelerated appeal. Petitioner-appellant, Frank Floyd Owens, appeals the decision of the Warren County Court of Common Pleas dismissing his petition for a writ of habeas corpus.¹

Appellants' first and second assignments of error are overruled. Res judicata precludes the filing of successive habeas corpus petitions. State ex rel. Childs v. Lazaroff (2000), 90 Ohio St.3d 519, 520; Freeman v. Tate (1992), 65 Ohio St.3d 440, 441. Appellant filed his first petition for a writ of habeas corpus before the Supreme Court of Ohio on May 17, 1999. In an entry dated June 16, 1999, the supreme court dis-

1. Pursuant to Loc.R. 6(A), we have sua sponte assigned this appeal to the accelerated calendar.

missed appellant's petition, after considering it "in a manner prescribed by law." Appellant then filed a virtually identical successive petition for a writ of habeas corpus with the trial court on May 30, 2000. The trial court correctly dismissed appellant's successive habeas corpus petition.

The judgment of the trial court is hereby affirmed.

Pursuant to App.R. 11.1(E), this entry shall not be relied upon as authority and will not be published in any form. A certified copy of this judgment entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed in compliance with App.R. 24.

Stephen W. Powell, Presiding Judge

James E. Walsh, Judge

Anthony Valen, Judge