

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
ERIE COUNTY

Brian Giving

Court of Appeals No. E-05-089

Petitioner

v.

Erie County Sheriff

DECISION AND JUDGMENT ENTRY

Respondent

Decided: November 30, 2005

* * * * *

Loretta Riddle, for petitioner.

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HANDWORK, J.

{¶ 1} This matter is before the court on an application for a petition for writ of habeas corpus filed by petitioner, Brian Giving, against respondent, the "Sheriff of Erie County." Appellant contends that the Erie County Common Pleas Court unlawfully revoked his bond. In an accompanying affidavit of indigency appellant avers that he is incarcerated in the Erie County Jail. For the reason that follows, we dismiss petitioner's application.

{¶ 2} R.C. 2725.04 requires that a petition for a writ of habeas corpus be "signed and verified either by the party for whose relief it is intended, or by some person for him,

* * *." The failure to verify a petition warrants its dismissal. See *Chari v. Vore* (2001), 91 Ohio St.3d 323, 328. "'Verification' means a 'formal declaration made in the presence of an authorized officer, such as a notary public, by which one swears to the truth of the statements in the document.'" Id. at 327, quoting Garner, *Black's Law Dictionary* (7 Ed.1999), 1556. Appellant's petition is not verified in the foregoing manner and is, therefore, dismissed at petitioner's costs.

PETITION DISMISSED.

Peter M. Handwork, J.

JUDGE

William J. Skow, J.

JUDGE

Dennis M. Parish, J.
CONCUR.

JUDGE

<p>This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.sconet.state.oh.us/rod/newpdf/?source=6.</p>
