

[Cite as *Wright v. Bower*, 2001-Ohio-4172.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 79794

IN RE: CLIFFORD WRIGHT

Relator

-vs-

BEN BOWER, SUPERINTENDENT

Respondent

:
:
:
: JOURNAL ENTRY
: AND
: OPINION

CHARACTER OF PROCEEDINGS:

PETITION FOR WRIT OF HABEAS
CORPUS

JUDGMENT:

WRIT GRANTED.

DATE OF JOURNALIZATION:

JULY 16, 2001

APPEARANCES:

For Relator:

David Bodiker
Jill E. Beeler
Assistant Public Defender
Ohio Public Defenders Comm.
8 East Long Street - 11th Fl.
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For Respondent:

Betty Montgomery, Atty. General
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Legal Division
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ANNE L. KILBANE, J.:

Petitioner, Clifford Wright, found a delinquent child in *In the Matter of Clifford Wright*, Mahoning County Common Pleas Court, Juvenile Division, Case No. 00 JA 2045, commenced this habeas corpus action against respondent, Ben Bower, the Superintendent of the Cuyahoga Hills Juvenile Correctional Facility, to seek his release from a commitment of at least six months to the Ohio Department of Youth Services. Mr. Wright submits that the judge exceeded his jurisdiction in the underlying case because he was charged with Failure to Comply with Order or Signal of Police Officer, a misdemeanor, but was committed to the Department of Youth Services for a felony. Mr. Bower, in his return of writ, conceded that Mr. Wright "states a meritorious claim for relief in habeas. Thus, the disposition of the Mahoning County Juvenile Court, committing Petitioner to the custody of ODYS was in error and the Writ should issue."

This court grants the writ of habeas corpus and orders the following relief: Mr. Bower is ordered to release Clifford Wright from commitment to a parent or guardian and to immediately make arrangements with the parent or guardian to effect the release. This order should not be construed to prohibit the Mahoning County Juvenile Court from taking any appropriate action in any of Mr. Wright's pending cases. Final. Mr. Bower to pay costs. The clerk is directed to serve upon the parties notice of this judgment

and its date of entry upon the journal. Civ.R. 58(B).

JUDGE
ANNE L. KILBANE

JAMES D. SWEENEY, P.J., and

COLLEEN CONWAY COONEY, J., CONCUR