

[Cite as *Lutz v. Mason*, 2002-Ohio-2265.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 81173

RONALD-EDWARD LUTZ	:	PETITION FOR WRIT
	:	OF CORAM NOBIS
PETITIONER	:	
	:	
-vs-	:	<i>JOURNAL ENTRY AND OPINION</i>
	:	
WILLIAM MASON	:	
	:	
RESPONDENT	:	

DATE OF JOURNALIZATION: MAY 9, 2002

JUDGMENT: Writ Dismissed.

APPEARANCES:

FOR RELATOR:

RONALD-EDWARD LUTZ, PRO SE
No. 409-056
Manci P.O. Box 788
Mansfield, Ohio 44901

FOR RESPONDENT:

WILLIAM D. MASON, ESQ.
CUYAHOGA COUNTY PROSECUTOR
1200 Ontario Street
Cleveland, Ohio 44113

ANN DYKE, J.:

{¶1} Sua Sponte, we dismiss the petitioner's complaint, as filed on April 15, 2002, which requests that this court issue a writ of coram nobis against respondent, William D. Mason. Mr. Lutz asserts that he was wrongfully convicted because the court lacked subject-matter jurisdiction and "other causes of void judgment" in

State v. Lutz, Cuyahoga Court of Common Pleas, Case Nos. 403228, 404605 and 405399.

{¶2} Coram nobis is a procedural writ that is used to correct errors of fact. However, it is not part of Ohio law. *State v. Perry* (1967), 10 Ohio St.2d 175, 226 N.E.2d 104. Accordingly, Lutz's claim for a writ of coram nobis is not well founded in this court.

{¶3} A further review of the complaint indicates that petitioner is attempting to file a petition for post conviction relief. Such petition is governed by R.C. 2953.21 and must be filed in the court that imposed the sentence and not with the court of appeals.

{¶4} Accordingly, we dismiss this action sua sponte. Petitioner to pay costs. The clerk is directed to serve notice of this judgment upon all parties as provided in Civ.R. 58(B).

Writ Dismissed.

MICHAEL J. CORRIGAN, P.J. AND
FRANK D. CELEBREZZE, JR., J., CONCUR.

JUDGE
ANN DYKE