

[Cite as *Roman v. Kochevar*, 2011-Ohio-16.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 96203

MICHAEL ROMAN

PETITIONER

VS.

KENNETH KOCHVAR, ET AL.

RESPONDENTS

**JUDGMENT:
PETITION DISMISSED**

Writ of Habeas Corpus
Motion No. 440338
Order No. 440461

RELEASE DATE: January 5, 2011

FOR RELATOR

Michael Roman, pro se
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KENNETH A. ROCCO, J.:

{¶ 1} On December 21, 2010, the petitioner, Michael Roman, commenced what he styled as a “Petition for Writ of Habeas Corpus” against the respondents, Kenneth Kochevar and the Ohio Department of Rehabilitation and Corrections. He seeks to contest a “wrongful incarceration,” but does not state how his incarceration is illegal. He also seeks an injunction to prevent the respondents

from moving him from the Cuyahoga County Jail, as well as requesting a legal advisor and access to law data on the jail's computers. For the following reasons, this court dismisses the petition, sua sponte.

{¶ 2} The petition is fatally defective. R.C. 2725.04(D) requires a habeas corpus petitioner to include a copy of the commitment or cause of detention, i.e., the journal entry causing petitioner's detention. *Wilson v. Kochevar*, Cuyahoga App. No. 84516, 2004-Ohio-2984. Roman has provided nothing to show the cause of his confinement. R.C. 2725.04 further requires the petition to be verified. In *Chari v. Vore*, 91 Ohio St.3d 323, 2001-Ohio-49, 744 N.E.2d 763, the Supreme Court of Ohio ruled: "'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 statement in the document.' Garner, Black's Law Dictionary (7 Ed.1999) 1556 ***." The Supreme Court of Ohio then reversed the court of appeals' granting of the writ and awarding of relief and held that the cause should have been summarily dismissed because the petition was procedurally defective. It appears that Roman did not try to fulfill this requirement.

{¶ 3} Roman also failed to support his complaint with an affidavit "specifying the details of the claim" as required by Loc.R. 45(B)(1)(a). *State ex rel. Leon v. Cuyahoga Cty. Court of Common Pleas*, 123 Ohio St.3d 124, 2009-Ohio-4688, 914 N.E.2d 402; *State ex rel. Wilson v. Calabrese* (Jan. 18,

1996), Cuyahoga App. No. 70077; and *State ex rel. Smith v. McMonagle* (July 17, 1996), Cuyahoga App. No. 70899. This provides sufficient reason to dismiss the petition.

{¶ 4} He also did not comply with R.C. 2969.25(C), which requires that an inmate file a certified statement from his prison cashier setting forth the balance in his private account for each of the preceding six months. This also is sufficient reason to deny the writ, deny indigency status and assess costs against the petitioner. *State ex rel. Pamer v. Collier*, 108 Ohio St.3d 492, 2006-Ohio-1507, 844 N.E.2d 842, and *State ex rel. Hunter v. Cuyahoga Cty. Court of Common Pleas*, 88 Ohio St.3d 176, 2000-Ohio-285, 724 N.E.2d 420. Thus, the many pleading deficiencies warrant dismissal.

{¶ 5} As mentioned previously, Roman does not state a basis for a claim in habeas corpus. Thus, there is nothing for this court to consider.

{¶ 6} The court denies Roman's motions for injunctive relief, access to computers, and a legal advisor.

{¶ 7} Accordingly, this court dismisses the petition for a writ of habeas corpus. Petitioner to pay costs. The court further directs the Clerk of the Eighth District Court of Appeals to serve notice of this judgment upon all parties as required by Civ.R. 58(B).

Petition dismissed.

KENNETH A. ROCCO, PRESIDING JUDGE

PATRICIA A. BLACKMON, J., and
FRANK D. CELEBREZZE, JR., J., CONCUR