

[Cite as *Goodwin v. Carroll*, 2015-Ohio-1318.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 102712

JEFFERY GOODWIN

PETITIONER

vs.

DAVID CARROLL, COMMISSIONER

RESPONDENT

JUDGMENT:
PETITION DISMISSED

Writ of Habeas Corpus
Order No. 483862

RELEASE DATE: March 27, 2015

FOR PETITIONER

Jeffery Goodwin, pro se
#0309421
Cleveland Workhouse
4041 Northfield Road
Highland Hills, Ohio 44122

ATTORNEYS FOR RESPONDENT

Barbara A. Langhenry
Director of Law

BY: Annette G. Butler
City of Cleveland - Law Department
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ANITA LASTER MAYS, J.:

{¶1} Jeffery Goodwin (“Goodwin”) has filed a petition for a writ of habeas corpus. Goodwin asserts that he is being unlawfully restrained in the Cleveland Workhouse located at 4041 Northfield Road, Highland Hills, Ohio 44122. Goodwin contends his confinement is illegal due to the alleged violation of his right to have counsel present at sentencing and because he believes the sentence imposed on him otherwise violated his constitutional rights. For the reasons that follow, the petition for writ of habeas corpus is sua sponte dismissed.

{¶2} Where there is an adequate remedy in the ordinary course of the law, the extraordinary writ of habeas corpus is not available. *Brown v. Bradshaw*, 126 Ohio St.3d 265, 2010-Ohio-3758, 933 N.E.2d 259. Goodwin has an adequate remedy by way of direct appeal from his conviction and sentence to raise allegations of sentencing errors and the alleged violation of his right to have counsel present at critical stages in the criminal proceedings. *Id.* at ¶ 1 (appeal is an adequate remedy to raise claims that accused was denied his right to have counsel present at a critical stage of the proceedings); *Majoros v. Collins*, 64 Ohio St.3d 442, 443, 596 N.E.2d 1038 (1992) (the Ohio Supreme Court has “consistently held that sentencing errors are not jurisdictional and are not cognizable in habeas corpus”).

{¶3} Goodwin’s petition is also defective because it is not notarized or verified. Failure to verify a petition in compliance with R.C. 2725.04 is grounds for dismissal of

the petition. *McGrath v. McFaul*, 8th Dist. Cuyahoga No. 90043, 2007-Ohio-4440, ¶ 5, citing *Chari v. Vore*, 91 Ohio St.3d 323, 2001-Ohio 49, 744 N.E.2d 76, and *Sidle v. Ohio Adult Parole Auth.*, 89 Ohio St.3d 520, 2000-Ohio-237, 733 N.E.2d 1115.

{¶4} Petition dismissed.

Accordingly, the court dismisses the petition for habeas corpus. Costs assessed against the petitioner. This court directs the clerk of courts to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

ANITA LASTER MAYS, JUDGE

LARRY A. JONES, SR., P.J., and
EILEEN A. GALLAGHER, J., CONCUR