

[Cite as *Dickerson v. Richard*, 2015-Ohio-3241.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 102771

TAVON DICKERSON

PETITIONER

vs.

RHONDA RICHARD

RESPONDENT

JUDGMENT:
PETITION DISMISSED

Writ of Habeas Corpus
Motion No. 485221
Order No. 487138

RELEASE DATE: August 10, 2015

FOR PETITIONER

Tavon Dickerson, pro se
Inmate No. 633-439
Madison Correctional Institution
P.O. Box 740
London, OH 43140

ATTORNEY FOR RESPONDENT

M. Scott Criss
150 East Gay Street
16th Floor
Columbus, OH 43215

LARRY A. JONES, SR., J.:

{¶1} On March 23, 2015, the petitioner, Tavon Dickerson, commenced this habeas corpus action against Rhonda Richard, the warden of the Madison Correctional Institution in London, Ohio. Dickerson asserted that he is entitled to immediate release from prison because he was denied his right to retained counsel during a revocation hearing, denied his right to a transcript in a collateral proceeding, and denied his right to counsel for a misdemeanor case. On May 1, 2015, the respondent moved to dismiss on the grounds of procedural defects, territorial jurisdiction, and adequate remedies at law. Dickerson never filed a response. For the following reasons, this court grants the respondent's motion and dismisses Dickerson's petition.

{¶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. Although Dickerson avers that he attached his commitment papers, the court found none. The Supreme Court of Ohio recently affirmed the principle that the failure to comply with the statute is fatal to a habeas corpus petition. *Pointer v. Russo*, Supreme Court of Ohio No. 2014-1487, 2015-Ohio-2078, and *Al'shahid v. Cook*, Supreme Court of Ohio No. 2014-1686, 2015-Ohio-2079.

{¶3} Petitioner 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 relator. *State ex rel.*

Pamer v. Collier, 108 Ohio St.3d 492, 2006-Ohio-1507, 844 N.E.2d 842, and *Hazel v. Knab*, 130 Ohio St.3d 22, 2011-Ohio-4608, 955 N.E.2d 378.

{¶4} Moreover, this court lacks the territorial jurisdiction to consider this habeas corpus action. R.C. 2725.03 provides:

If a person restrained of his liberty is an inmate of a state benevolent or correctional institution, the location of which is fixed by statute and at the time is in the custody of the officers of the institution, no court or judge other than the courts or judges of the county in which the institution is located has jurisdiction to issue or determine a writ of habeas corpus for his production or discharge. Any writ issued by a court or judge of another county to an officer or person in charge at the state institution to compel the production or discharge of an inmate thereof is void.

Dickerson is incarcerated in Madison County. Thus, the Eighth District Court of Appeals in Cuyahoga County is not the proper forum for this petition. *Bridges v. McMackin*, 44 Ohio St.3d 135, 541 N.E.2d 1035 (1989).

{¶5} Accordingly, this court grants the respondent's motion to dismiss and dismisses this petition for a writ of habeas corpus. Petitioner to pay costs. This court directs the clerk of courts to serve all parties notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶6} Petition dismissed.

LARRY A. JONES, SR., JUDGE

FRANK D. CELEBREZZE, JR., A.J., and
MARY EILEEN KILBANE, J., CONCUR