

[Cite as *Collins v. Cleveland*, 2016-Ohio-5334.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 104182

DESHAWN M. COLLINS

RELATOR

vs.

CITY OF CLEVELAND

RESPONDENT

JUDGMENT:
COMPLAINT DISMISSED

Writ of Habeas Corpus
Motion No. 494880
Order No. 496911

RELEASE DATE: August 5, 2016

FOR RELATOR

Deshawn M. Collins, pro se
Inmate No. 0285187
Cuyahoga County Jail
P.O. Box 5600
Cleveland, Ohio 44101

ATTORNEYS FOR RESPONDENT

Barbara A. Langhenry, Director
City of Cleveland Law Department
By: Connor P. Nathanson
Assistant City Prosecutor
601 Lakeside Avenue, Room 106
Cleveland, Ohio 44114

LARRY A. JONES, SR., A.J.:

{¶1} Petitioner Deshawn Collins seeks a conditional writ of habeas corpus for a fast and speedy trial based upon his contention that his court-appointed counsel are allegedly providing ineffective assistance of counsel. The respondent city of Cleveland (“City”) has filed a motion to dismiss that Collins has opposed. The motion is granted for the reasons that follow.

{¶2} The City moved for dismissal on numerous grounds. First, the City contends that Collins is being held in the Cuyahoga County jail and is not in the custody of the City. Collins does not dispute this fact. Further, Collins failed to attach commitment papers and verify his petition as required by R.C. 2725.04. This renders the petition fatally defective and subject to dismissal. *Tisdale v. Eberlin*, 114 Ohio St.3d 201, 2007-Ohio-3833, 870 N.E.2d 1191, ¶ 6, citing *State ex rel. Winnick v. Gansheimer*, 112 Ohio St.3d 149, 2006-Ohio-6521, 858 N.E.2d 409, ¶ 5; R.C. 2725.04(D). Collins also did not comply with the requirements of R.C. 2969.25.

{¶3} Furthermore, a claimed violation of the right to a speedy trial is not cognizable in habeas corpus. *Id.* at ¶ 7; *see also State ex rel. Brantley v. Ghee*, 80 Ohio St.3d 287, 685 N.E.2d 1243 (1997). Collins provides no authority to support his demands to discharge his court-appointed attorneys through this original action. Collins has adequate remedies to raise any issues he has concerning the representation of his court-appointed counsel, such as by filing motions in the action that pertain to the

representation. This court has no authority to terminate counsel that was appointed to represent Collins in another matter in a different court.

{¶4} Respondent's motion to dismiss is granted.

{¶5} Complaint dismissed.

LARRY A. JONES, SR., ADMINISTRATIVE JUDGE

KATHLEEN ANN KEOUGH, J., and
PATRICIA ANN BLACKMON, J., CONCUR