

[Cite as *State ex rel. Austin v. Knab*, 127 Ohio St.3d 118, 2010-Ohio-4982.]

**THE STATE EX REL. AUSTIN, APPELLANT, v. KNAB, WARDEN, APPELLEE.**

[Cite as *State ex rel. Austin v. Knab*, 127 Ohio St.3d 118, 2010-Ohio-4982.]

*Habeas corpus — Petition fatally defective — Failure to comply with verification requirement of R.C. 2725.04 — Court of appeals’ dismissal of petition affirmed.*

(No. 2010-1096 — Submitted October 13, 2010 — Decided October 19, 2010.)

APPEAL from the Court of Appeals for Ross County, No. 10CA3143.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Raymond Dean Austin, for a writ of habeas corpus to compel his release from prison. Austin’s petition was fatally defective and subject to dismissal because he failed to comply with the verification requirement of R.C. 2725.04. *Hughley v. Saunders*, 123 Ohio St.3d 90, 2009-Ohio-4089, 914 N.E.2d 370, ¶ 1. Although Austin’s petition contains several notarizations, there is no notarized statement in which he expressly swears to the truth of the allegations in the eight “grounds” listed in his petition. *Id.*; *Chari v. Vore* (2001), 91 Ohio St.3d 323, 327-328, 744 N.E.2d 763. Moreover, even if his petition were not fatally defective, he failed to state any meritorious claims that would warrant issuance of the requested extraordinary relief in habeas corpus. See, e.g., *Turner v. Brunsman*, 123 Ohio St.3d 445, 2009-Ohio-5588, 917 N.E.2d 269, ¶ 1 (claim of nonjurisdictional sentencing errors is not cognizable in habeas corpus); *State ex rel. White v. Ohio Adult Parole Auth.*, 98 Ohio St.3d 290, 2003-Ohio-773, 783 N.E.2d 900, ¶ 3 (no inherent or constitutional right to be released before expiration of prison sentence).

Judgment affirmed.

SUPREME COURT OF OHIO

BROWN, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR,  
O'DONNELL, LANZINGER, and CUPP, JJ., concur.

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Raymond Dean Austin, pro se.

Richard Cordray, Attorney General, and William H. Lamb, Assistant  
Attorney General, for appellee.

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