

PALMER, APPELLANT, v. JEFFREYS, WARDEN, APPELLEE.

[Cite as *Palmer v. Jeffreys*, 129 Ohio St.3d 387, 2011-Ohio-4058.]

Habeas corpus — Failure to attach copy of commitment papers — Adequate remedy in ordinary course of law — Writ denied.

(No. 2011-0639 — Submitted August 8, 2011 — Decided August 17, 2011.)

APPEAL from the Court of Appeals for Ross County, No. 11CA3220.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Atropin Palmer, for a writ of habeas corpus to compel his release from prison. As the court of appeals correctly held, Palmer’s petition is “fatally defective” and subject to dismissal because he failed to attach a copy of his commitment papers. *State ex rel. Jones v. Bradshaw*, 123 Ohio St.3d 444, 2009-Ohio-5586, 917 N.E.2d 268, ¶ 1. Moreover, habeas corpus “is not available to challenge the validity of a charging instrument.” *Shroyer v. Banks*, 123 Ohio St.3d 88, 2009-Ohio-4080, 914 N.E.2d 368, ¶ 1. Palmer had adequate remedies in the ordinary course of law to raise his defective-indictment claim. *Howard v. Randle*, 95 Ohio St.3d 281, 2002-Ohio-2122, 767 N.E.2d 268, ¶ 6. We also deny Palmer’s motion to strike appellee’s brief.

Judgment affirmed.

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

Atropin Palmer, pro se.

Michael DeWine, Attorney General, and Stephanie Watson, Assistant Attorney General, for appellee.
