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SLIP OPINION NO. 2026-OHIO-3379

JOHNSON, APPELLANT, v. STUFF, WARDEN, APPELLEE.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Johnson v. Stuff*, Slip Opinion No. 2026-Ohio-3379.]

Habeas corpus—Inmate’s underlying theories of relief are not cognizable in habeas corpus, because he has raised only nonjurisdictional issues for which he had an adequate remedy in ordinary course of law by way of direct appeal—Court of appeals’ judgment granting warden’s motion to dismiss affirmed.

(No. 2026-0054—Submitted June 30, 2026—Decided September 2, 2026.)

APPEAL from the Court of Appeals for Ashtabula County,

No. 2025-A-0053, 2025-Ohio-5710.

The per curiam opinion below was joined by KENNEDY, C.J., and FISCHER, DEWINE, BRUNNER, DETERS, HAWKINS, and SHANAHAN, JJ.

Per Curiam.

{¶ 1} Appellant, Robert D. Johnson, appeals the judgment of the Eleventh District Court of Appeals dismissing his petition for a writ of habeas corpus against appellee, Warden Angela Stuff.¹ The Eleventh District dismissed Johnson’s petition because he could have raised his claims by way of direct appeal from his convictions and sentence and he had not served his maximum sentence. We affirm the Eleventh District’s judgment.

I. BACKGROUND

{¶ 2} In 2017, a Cuyahoga County jury found Johnson guilty of attempted rape, aggravated burglary, burglary, abduction, assault, and criminal damaging. The trial court sentenced him to an aggregate term of 12 years in prison. Johnson appealed, and the Eighth District Court of Appeals affirmed his convictions and sentence. *State v. Johnson*, 2018-Ohio-3999 (8th Dist.). This court declined to accept jurisdiction over Johnson’s discretionary appeal. 2019-Ohio-173.

{¶ 3} In early 2025, Johnson filed his first petition for a writ of habeas corpus in the Eleventh District. The court dismissed the petition, determining that it did not contain any claims cognizable in habeas corpus. *Johnson v. Reynolds*, 2025-Ohio-2929, ¶ 13-14 (11th Dist.).

{¶ 4} In September 2025, Johnson filed the habeas petition that is the subject of the current appeal. He argued that the trial court had lacked subject-matter and personal jurisdiction and that as a result, his convictions are void and he is being held illegally. The warden filed a motion to dismiss the petition for failure to state a claim under Civ.R. 12(B)(6). The warden contended that the trial court

1. At the time Johnson filed the petition that is the subject of this appeal, he was incarcerated at the Lake Erie Correctional Institution. His petition named the warden of that institution as the respondent and was properly filed in and decided by the Eleventh District Court of Appeals. *See* R.C. 2725.03. After he filed his notice of appeal in this court, Johnson was transferred to the Richland Correctional Institution and filed a motion to substitute Angela Stuff, the warden of that institution, as the appellee in this appeal. We grant the motion.

had possessed jurisdiction over Johnson’s case under R.C. 2931.03 and that any error in the court’s “invocation and exercise of that jurisdiction renders the court’s judgment voidable” and thus not subject to collateral attack in habeas corpus. Therefore, the warden argued, Johnson had an adequate remedy in the ordinary course of the law and was not entitled to the writ. The court agreed and dismissed Johnson’s petition on adequate-remedy grounds as well as because he had not served his maximum sentence. 2025-Ohio-5710, ¶ 18-20 (11th Dist.).

{¶ 5} Johnson has appealed to this court as of right.

II. ANALYSIS

{¶ 6} We review de novo a decision of the court of appeals dismissing a habeas corpus petition. *State ex rel. Parker v. Black*, 2022-Ohio-1730, ¶ 6.

{¶ 7} “To be entitled to a writ of habeas corpus, a party must show that he is being unlawfully restrained of his liberty, R.C. 2725.01, and that he is entitled to immediate release from prison or confinement.” *State ex rel. Cannon v. Mohr*, 2018-Ohio-4184, ¶ 10. Further, a petitioner is not entitled to a writ ordering his immediate release if he has or had “an adequate remedy in the ordinary course of law, unless a trial court’s judgment is void for lack of jurisdiction.” *State ex rel. Davis v. Turner*, 2021-Ohio-1771, ¶ 8.

{¶ 8} Johnson raises six propositions of law challenging the Eleventh District’s dismissal of his habeas action, arguing that the Eleventh District erred in: rejecting his grounds for relief in habeas corpus (proposition of law No. I), including his challenge to the trial court’s subject-matter jurisdiction (proposition of law No. II); determining that he had an adequate remedy in the ordinary course of the law (proposition of law No. III); granting the warden’s motion to dismiss, which Johnson claims did not comply with Civ.R. 12(B)(6) (proposition of law No. IV); failing to rule on Johnson’s motion to stay execution of his sentence (proposition of law No. V); and denying him leave to amend his petition “to add other evidence” (proposition of law No. VI).

A. Proposition of Law Nos. I through III

{¶ 9} Johnson’s first three propositions of law purport to attack the jurisdiction of the trial court. However, these arguments could have been raised on direct appeal from his convictions and sentence and are not cognizable in habeas corpus. *See Knuess v. Sloan*, 2016-Ohio-3310, ¶ 6.

{¶ 10} In his habeas petition, Johnson argued that his convictions are void due to pretrial errors. Specifically, he claimed that the trial court had failed to arraign him, the State had failed to indict him, “he was never read his en masse right on record and there is no transcript to support that this occurred,” and he was not advised of his right to counsel. According to Johnson, these alleged errors rendered his judgment of conviction void and subject to collateral challenge through a habeas petition.

{¶ 11} Johnson is wrong, however, because alleged irregularities that occur before or after indictment or arraignment do not affect a trial court’s jurisdiction over the case. *See Cruikshank v. Sacks*, 171 Ohio St. 552, 552-553 (1961); *see also State ex rel. Arroyo v. Sloan*, 2015-Ohio-2081, ¶ 5, quoting *McGee v. Sheldon*, 2012-Ohio-2217, ¶ 1 (“habeas corpus is not available to challenge the validity of a charging instrument”). Moreover, claims alleging that a trial court failed to afford counsel to the defendant before arraignment are likewise not jurisdictional and cannot be raised in a collateral challenge. *See State ex rel. Ogle v. Hocking Cty. Common Pleas Court*, 2023-Ohio-3534, ¶ 21.

{¶ 12} Johnson’s allegation that the trial court failed to provide him with his “en masse right” also does not challenge the court’s jurisdiction. Johnson cites *Maple Hts. v. Pinkney*, 2004-Ohio-1256, (8th Dist.), in which the court of appeals determined on direct appeal that a municipal court had violated a defendant’s speedy-trial rights. “Even though [the city] ha[d] presented a signed waiver form,” the court concluded, “the circumstances under which it was signed defeat the claim

of validity . . . [because] [f]irst, there is no transcript of the judge’s en masse notification of rights.” *Id.* at ¶ 11.

{¶ 13} But an allegation based on a trial court’s failure to notify a defendant of certain rights at arraignment does not attack the jurisdiction of the trial court; rather, it asserts an error in the *exercise of* jurisdiction. *See Cruikshank* at 552-553. *Pinkney*, a decision on direct appeal, thus does not support Johnson’s claim for a writ of habeas corpus.

{¶ 14} The claims Johnson asserts in support of his first three propositions of law do not pertain to the jurisdiction of the trial court. These claims are therefore not cognizable in habeas corpus, and he had an adequate remedy in the ordinary course of the law through which to assert them.

B. Proposition of Law Nos. IV through VI

{¶ 15} As his other three propositions of law, Johnson asserts procedural errors that he says the Eleventh District committed.

{¶ 16} As his fourth proposition of law, Johnson argues that the Eleventh District erred in granting the warden’s motion to dismiss under Civ.R. 12(B)(6) because the warden did not present evidence showing that Johnson had, in fact, been arraigned. Johnson also challenges the Eleventh District’s reliance on “unadmitted evidence”—namely, its reference to the trial court’s publicly available online docket, of which the Eleventh District took judicial notice.

{¶ 17} To the extent that Johnson argues that the warden’s motion to dismiss was deficient somehow because “the attorney general never produced any information or evidence about the petitioner[’]s court docket,” we reject the argument. As explained above, his underlying theories of relief are not cognizable in habeas corpus, because he has raised only nonjurisdictional issues for which he had an adequate remedy in the ordinary course of the law by way of direct appeal.

{¶ 18} Furthermore, the Eleventh District did not err in relying on the trial court’s publicly available online docket to determine that Johnson had been

properly indicted. A court may take judicial notice of facts that are not subject to reasonable dispute, including facts found on a court’s public docket. *See State ex rel. Ohio Republican Party v. FitzGerald*, 2015-Ohio-5056, ¶ 18 (noting that “the county posted the information [subject to judicial notice] on its own website”), citing Evid.R. 201(B). Moreover, Johnson could have opposed the warden’s motion to dismiss, but he did not file a response; Johnson forfeited this claim by failing to respond to the motion. Therefore, we reject Johnson’s fourth proposition of law.

{¶ 19} Johnson’s fifth and sixth propositions of law challenge the Eleventh District’s purported failure to rule on a motion for a stay of execution he filed. After filing the present petition, Johnson filed a “motion to stay in civil and juvenile appeal pursuant to Ohio 11th Dist.Loc.App.R. 7(A)(2).” In the motion, Johnson requested an order granting a stay “to help prevent a procedural error and not create a manifest injustice depriving [him of] his right to appeal if necessary.” Specifically, Johnson wanted the Eleventh District to vacate its judgment in *Johnson v. Reynolds*, 2025-Ohio-2929. The warden did not respond to Johnson’s motion, and the court did not enter a stand-alone ruling on it.

{¶ 20} Regardless, in its judgment entry dismissing Johnson’s habeas petition, the Eleventh District expressly overruled as moot all pending motions. Although he argues that the court erred because it did not allow him to amend his petition before dismissing the action, Johnson neither filed a revised petition nor moved for leave to amend his petition. Therefore, we reject Johnson’s fifth and sixth propositions of law.

III. CONCLUSION

{¶ 21} For these reasons, we grant Johnson’s motion to substitute parties and we affirm the Eleventh District Court of Appeals’ judgment dismissing his petition for a writ of habeas corpus.

Judgment affirmed.

Robert D. Johnson, pro se.

D. Andrew Wilson, Attorney General, and Jerri L. Fosnaught, Assistant
Attorney General, for appellee.
