

NOTICE

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**SLIP OPINION NO. 2026-OHIO-3486**

**CARLTON, APPELLANT, v. PALMER, WARDEN, APPELLEE.**

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Carlton v. Palmer*, Slip Opinion No. 2026-Ohio-3486.]**

*Habeas corpus—Inmate’s counsel’s signature on petition and on certificate of service did not satisfy verification requirement of R.C. 2725.04—Court of appeals’ judgment granting warden’s motion to dismiss affirmed.*

(No. 2025-1638—Submitted June 30, 2026—Decided September 10, 2026.)

APPEAL from the Court of Appeals for Mahoning County,  
No. 25 MA 0069, 2025-Ohio-5216.

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

**Per Curiam.**

{¶ 1} Appellant, Dejuan Carlton, appeals the judgment of the Seventh District Court of Appeals dismissing his petition for a writ of habeas corpus against

appellee, Bryant Palmer Jr., the warden of the institution in which Carlton is confined. The Seventh District dismissed Carlton’s petition because it was not verified, in violation of R.C. 2725.04. We affirm the court’s judgment.

## **I. BACKGROUND**

{¶ 2} In 2011, the Stark County Court of Common Pleas accepted Carlton’s pleas of guilty to one count of aggravated murder and one count of aggravated robbery, both with attached firearm specifications. The court sentenced Carlton to an aggregate term of 23 years to life in prison. In 2016, Carlton filed a motion for leave to file a delayed appeal. The Seventh District denied the motion, and this court declined to accept Carlton’s discretionary appeal from that denial, *State v. Carlton*, 2016-Ohio-5585.

{¶ 3} In July 2025, Carlton filed a petition for a writ of habeas corpus in the Seventh District, arguing that “[t]here is no legal authority for [his] imprisonment as it is the result of the trial court’s actions taken and sentence imposed absent a properly signed journal entry.” Palmer moved to dismiss Carlton’s petition, arguing that it was procedurally defective and that Carlton had not yet served his maximum prison sentence.

{¶ 4} The Seventh District granted Palmer’s motion, holding that Carlton had failed to comply with R.C. 2725.04’s verification requirement. 2025-Ohio-5216, ¶ 26, 35 (7th Dist.). The court further concluded that Carlton had adequate remedies in the ordinary course of the law through which he could challenge the trial court’s judgment entry and that his habeas claims did not implicate the subject-matter jurisdiction of the trial court. *Id.* at ¶ 27.

{¶ 5} Carlton 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} Carlton raises two propositions of law challenging the Seventh District’s dismissal of his habeas action. In particular, Carlton argues that his attorney’s signature on “a filed document” sufficiently complies with the verification requirement of R.C. 2725.04. Carlton also contends that the Seventh District erred in holding that procedural deficiencies aside, he was not entitled to habeas relief for the reason that he was not attacking the subject-matter jurisdiction of the sentencing court. We reject Carlton’s first proposition of law, and we need not reach the second.

**A. Carlton’s petition is procedurally defective**

{¶ 9} R.C. 2725.04 requires that a habeas petition be “signed and verified either by the party for whose relief it is intended, or by some person for him.” As his first proposition of law, Carlton argues that his attorney’s signature on his petition, and on the attached certificate of service, satisfies R.C. 2725.04’s verification requirement. Carlton contends that the Seventh District erred in relying on *Davis v. Sheldon*, 2020-Ohio-436, to hold that Carlton’s petition lacked verification and was subject to summary dismissal.

{¶ 10} But it is Carlton who errs in arguing that our holding in *Davis v. Sheldon* does not apply to the facts of this case. Although he notes that *Davis* does not address whether an attorney’s signature satisfies the verification requirement of R.C. 2725.04, the pertinent analysis is straightforward. A verification is a “*formal declaration* made in the presence of an authorized officer, such as a notary public,

*by which one swears to the truth of the statements in the document.’ ”* (Emphasis added.) *Chari v. Vore*, 2001-Ohio-49, ¶ 21, quoting *Black’s Law Dictionary* (7th Ed.1999). Thus, in *Davis*, we noted that a habeas petitioner failed to comply with the verification requirement because “neither [he] nor his attorney swore to the truth of the facts contained” in the petition. *Davis* at ¶ 8.

{¶ 11} An attorney’s signature on a pleading merely verifies that “the attorney . . . has read the document” and “that to the best of the attorney’s . . . knowledge, information, and belief there is good ground to support it.” Civ.R. 11. Carlton’s counsel’s signature on the habeas petition and on the certificate of service does not satisfy the basic verification requirement of R.C. 2725.04. Neither Carlton nor his attorney swore to the truth of the facts alleged in the petition. And though the petition contains counsel’s signature, it does not contain either Carlton’s verification of the truth of the allegations or a sworn statement from counsel. We reject Carlton’s argument to the contrary.

**B. We need not determine whether Carlton raises only nonjurisdictional claims**

{¶ 12} Carlton’s second proposition of law challenges the Seventh District’s statement, in dicta, that the allegations in his petition do not attack the jurisdiction of the court that imposed his sentence. *See* 2025-Ohio-5216 at ¶ 27 (“Even assuming [Carlton]’s petition was procedurally proper, . . . he challenges an alleged defect in the judgment entry rather than the trial court’s jurisdiction.”). Because Carlton’s petition was fatally defective for failing to satisfy the verification requirement of R.C. 2725.04, dismissal was required. *See Chari* at ¶ 22. Accordingly, we need not reach the arguments Carlton has asserted in support of his second proposition of law, which go to the merits of his habeas claims.

**C. Request for oral argument**

{¶ 13} The cover page of Carlton’s merit brief states: “Oral Argument Requested.” Carlton’s cover-page request does not comply with this court’s rule

governing requests for oral argument. *See* S.Ct.Prac.R. 17.02(B) (“A request for oral argument on the merits shall be by motion and filed no later than twenty days after the filing of the appellee’s . . . brief.”). We therefore deny Carlton’s request for oral argument.

### III. CONCLUSION

{¶ 14} For the foregoing reasons, we deny Carlton’s request for oral argument and affirm the judgment of the Seventh District Court of Appeals.

Judgment affirmed.

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Mary Catherine Corrigan, for appellant.

D. Andrew Wilson, Attorney General, and Lisa K. Browning, Assistant Attorney General, for appellee.

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