[Cite as *Sartain v. Leonbruno*, 2026-Ohio-4650.]

IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY

COLLEEN M. SARTAIN, Petitioner, - vs - FRANK LEONBRUNO, SHERIFF OF LAKE COUNTY, Respondent.	**CASE NO. 2026-L-0157** Original Action for Writ of Habeas Corpus

PER CURIAM OPINION AND JUDGMENT ENTRY

Decided: November 23, 2026
Judgment: Petition dismissed

Amber Sartain, 16210 Huntmere Avenue, Cleveland, OH 44110 (Next Friend on Behalf of Petitioner).

Frank Leonbruno, Sheriff of Lake County, pro se, 104 East Erie Street, Painesville, OH 44077 (Respondent).

PER CURIAM.

{¶1} This matter is before the court on the "Emergency Petition for Writ of Habeas Corpus Pursuant to R.C. Chapter 2725," filed November 12, 2026. For the reasons that follow, the petition is dismissed.

{¶2} Our review of the emergency petition indicates it was not submitted by a licensed attorney of the State of Ohio. Instead, the petition was filed by the petitioner's adult daughter as "next friend" of petitioner.

{¶3} "R.C. 2725.04 provides that a habeas corpus petition must be both signed and verified 'either by the party for whose relief it is intended, or by some person for him . . . .'" *Novak v. Gansheimer*, 2003-Ohio-5981, ¶ 3 (11th Dist.). "In interpreting the 'some person' provision of this statute, the Supreme Court of Ohio has stated that an individual is not required to be a licensed attorney in order to file a habeas corpus petition [on] behalf of an inmate." *Id.*, citing *Cuyahoga Cty. Bar Assn. v. Spurlock*, 2002-Ohio-2580, ¶ 12-15, adopting the standard set forth in *Whitmore v. Arkansas*, 495 U.S. 149, 163-165 (1990). "However, before the 'some person' provision can be applied, it must be established: (1) there exists an adequate reason, such as inaccessibility to the court system, mental incompetence, or other disability, why the inmate cannot file the case [herself]; and (2) there exists between the inmate and his 'friend' a significant relationship that will cause the 'friend' to adequately protect the inmate's interests." *Novak* at ¶ 3, citing *Spurlock* at ¶ 13.

{¶4} Here, petitioner's adult daughter represents:

> Next Friend standing is essential here because: (1) the real party in interest is physically incarcerated at the Lake County Jail, in total informational isolation, and denied access to unmonitored communications; and (2) on October 13, 2026, court-appointed defense counsel John Fatica, acting in coordination with Judge John P. O'Donnell, moved for a psychological competency evaluation in bad faith for the purpose of divesting Petitioner of her legal capacity to file pro se materials and seek conflict-free counsel. "This motion, granted by the trial court on October 14, 2026, has impaired Petitioner's capacity to sign filings on her own behalf. Amber Sartain [(petitioner's adult daughter)] has a close familial relationship with Petitioner and brings this action solely in Petitioner's best interests and at her explicit direction.

{¶5} However, we cannot discern from these representations an adequate reason petitioner is unable to proceed on her own behalf in this court. Petitioner's

daughter does not clearly allege facts demonstrating that petitioner has been denied access to file a petition in this court, that she is mentally incompetent, or that she suffers from another disability that prevents her from filing the petition. *See Lavette by & through Jefferson v. Grice*, 2026-Ohio-2361, ¶ 3 (9th Dist.) (individual filing a petition in habeas corpus did not explain how detainee's "status as a prisoner prevent[ed] him from litigating his own cause," and, thus, filer did not have standing as next friend to bring the action, requiring dismissal).

{¶6} Accordingly, having not demonstrated the propriety of next friend standing in this case, the dismissal of the petition is warranted, "with the caveat" that petitioner may refile the petition so long as she proceeds in accordance with the applicable law. *See Novak* at ¶ 6.

{¶7} Therefore, the petition in habeas corpus is sua sponte dismissed without prejudice.

JOHN J. EKLUND, J., EUGENE A. LUCCI, J., SCOTT LYNCH, J., concur.

JUDGMENT ENTRY

For the reasons stated in the per curiam opinion of this court, petitioner's petition for writ of habeas corpus is dismissed without prejudice.

Any pending motions are hereby overruled as moot.

Costs to be taxed against petitioner.

JUDGE JOHN J. EKLUND,
concurs

JUDGE EUGENE A. LUCCI,
concurs

JUDGE SCOTT LYNCH,
concurs

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.