

[Cite as *Sansom v. Bradshaw*, 2010-Ohio-886.]

COURT OF APPEALS
RICHLAND COUNTY, OHIO
FIFTH APPELLATE DISTRICT

ROBERT SANSOM

Petitioner

-vs-

MARGARET A. BRADSHAW, WARDEN

Respondent

JUDGES:

Hon. Julie A. Edwards, P.J.

Hon. W. Scott Gwin, J.

Hon. William B. Hoffman, J.

Case No. 10CA24

OPINION

CHARACTER OF PROCEEDING:

Writ of Habeas Corpus

JUDGMENT:

Dismissed

DATE OF JUDGMENT ENTRY:

March 5, 2010

APPEARANCES:

For Petitioner

For Respondent

ROBERT SANSOM
Richland Correctional Institution
1001 Olivesburg Road
P.O. Box 8107
Mansfield, Ohio 44901

MARGARET A. BRADSHAW, WARDEN
Richland Correctional Institution
1001 Olivesburg Rd.
P.O. Box 8107
Mansfield, Ohio 44901

Hoffman, J.

{¶1} Petitioner, Robert Sansom, has filed a Petition for Writ of Habeas Corpus claiming he is entitled to release from confinement because his maximum sentence has expired. Petitioner has not attached a copy of his commitment papers. Rather, he alleges he was not able to obtain a copy of his commitment papers without impairing the efficiency of the remedy sought.

{¶2} The Supreme Court has held failure to comply with the requirement of attaching all pertinent commitment papers is a fatal defect which cannot be cured.

{¶3} “[C]ommitment papers are necessary for a complete understanding of the petition. Without them, the petition is fatally defective. When a petition is presented to a court that does not comply with R.C. 2725.04(D), there is no showing of how the commitment was procured and there is nothing before the court on which to make a determined judgment except, of course, the bare allegations of petitioner's application.” *Bloss v. Rogers*, 65 Ohio St.3d 145, 602 N.E.2d 602. See also, *Boyd v. Money*, 82 Ohio St.3d 388, wherein the Supreme Court held, “Habeas corpus petitioner's failure to attach pertinent commitment papers to his petition rendered petition fatally defective, and petitioner's subsequent attachment of commitment papers to his post-judgment motion did not cure the defect.” R.C. § 2725.04(D).

{¶4} We likewise find the failure to include all pertinent entries has made a complete understanding of the Petition impossible.

{15} For this reason, Petitioner's request for Writ of Habeas Corpus is dismissed.

By: Hoffman, J.

Edwards, P.J. and

Gwin, J. concur

s/ William B. Hoffman
HON. WILLIAM B. HOFFMAN

s/ Julie A. Edwards
HON. JULIE A. EDWARDS

s/ W. Scott Gwin
HON. W. SCOTT GWIN

