

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

ROLAND GILBERT,	:	
	:	
Relator,	:	No. 111919
	:	
v.	:	
	:	
TOM WATSON, WARDEN, ET AL.,	:	
	:	
Respondents.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: PETITION DISMISSED

DATED: January 3, 2023

Writ of Habeas Corpus
Order No. 560441

Appearances:

Roland Gilbert, *pro se*

David Yost, Attorney General, and Stephanie L. Watson,
Assistant Attorney General, *for respondents.*

EMANUELLA D. GROVES, J.:

{¶ 1} On September 8, 2022, the petitioner, Roland Gilbert, commenced this habeas corpus action against Warden Tom Watson of the North Central Correctional Complex and the Ohio Parole Board. Gilbert alleges that he is entitled to immediate release because the parole board improperly revoked his parole. On

September 29, 2022, the respondents moved to dismiss the petition for lack of territorial jurisdiction. Gilbert never filed a response. For the following reasons, this court grants the motion to dismiss and dismisses the petition for a writ of habeas corpus.

{¶ 2} Gilbert is imprisoned in the North Central Correctional Complex in Marion County, Ohio. R.C. 2725.03 provides in pertinent part as follows: “If a person * * * is an inmate of a * * * correctional institution, the location of which is fixed by statute and at the time is in custody of the officers of the institution, no court or judge other than the courts or judges of the county in which the institution is located has jurisdiction to issue or determine a writ of habeas corpus for his production or discharge.” Any order issued by a court outside of that jurisdiction is void. Marion County is beyond the territorial jurisdiction of the Eighth District Court of Appeals, and thus, this court does not have jurisdiction to adjudicate the petition. *Goudlock v. Voorhies*, 119 Ohio St.3d 398, 2008-Ohio-4787, 894 N.E.2d 692; and *Bridges v. McMackin*, 44 Ohio St.3d 135, 541 N.E.2d 1035 (1989).

{¶ 3} Moreover, the petition is fatally defective. R.C. 2725.04(D) requires a habeas corpus petitioner to include copies of all of the commitments or causes of detention. Gilbert failed to attach any of his commitment papers. *Wilson v. Kochevar*, 8th Dist. Cuyahoga No. 84516, 2004-Ohio-2984.

{¶ 4} R.C. 2725.04 further requires the petition to be verified. In *Chari v. Vore*, 91 Ohio St.3d 323, 744 N.E.2d 763 (2001), the Supreme Court of Ohio ruled: “‘Verification’ means 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 statement in the document.’ Garner, *Black’s Law Dictionary* (7 Ed.1999) 1556 * * *.” The Supreme Court of Ohio then reversed the court of appeals’ granting of the writ and awarding of relief and held that the cause should have been summarily dismissed because the petition was procedurally defective. Gilbert did not verify his petition. *Griffin v. McFaul*, 116 Ohio St.3d 30, 2007-Ohio-5506, 876 N.E.2d 527.

{¶ 5} Gilbert has also failed to comply with R.C. 2969.25, which requires an affidavit that describes each civil action or appeal filed by the petitioner within the previous five years in any state or federal court. His failure to comply with R.C. 2969.25 warrants dismissal of the petition. *State ex rel. Zanders v. Ohio Parole Bd.*, 82 Ohio St.3d 421, 696 N.E.2d 594 (1998), and *State ex rel. Alford v. Winters*, 80 Ohio St.3d 285, 685 N.E.2d 1242 (1997). He also did not comply with R.C. 2969.25(C), which requires that an inmate file a certified statement from the prison cashier setting forth the balance in the petitioner’s private account for each of the preceding six months. This also is sufficient reason to deny the petition, deny indigency status, and assess costs against him. *State ex rel. Pamer v. Collier*, 108 Ohio St.3d 492, 2006-Ohio-1507, 844 N.E.2d 842; *Griffin, supra*; and *State ex rel. Hunter v. Cuyahoga Cty. Court of Common Pleas*, 88 Ohio St.3d 176, 724 N.E.2d 420 (2000). The many pleading deficiencies warrant dismissal.

{¶ 6} Accordingly, this court grants the respondents’ motion to dismiss and dismisses the petition. Petitioner to pay costs. This court directs the clerk of courts

to serve all parties notice of the judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶ 7} Petition dismissed.

EMANUELLA D. GROVES, JUDGE

EILEEN A. GALLAGHER, P.J., and
LISA B. FORBES, J., CONCUR