

SUPREME COURT OF OHIO

Boler v. Hill

2022-Ohio-507 (Ohio 2022) · No. 2021-1073 · Decided February 24, 2022

SUMMARY

The Supreme Court of Ohio affirmed the dismissal of Phillip Dione Boler’s habeas corpus petition. The court held that the petition was barred by res judicata because Boler had previously raised the same claim, and successive habeas petitions are barred even when the grounds differ. The court also denied Boler’s motions for discharge and to expand the record, as well as his requests for oral argument.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Maureen O'Connor, C.J.; Sharon L. Kennedy, J.; Terrence O'Donnell, J.; William M. O'Neill, J.; Patrick F. Fischer, J.; Michael P. Donnelly, J.; Jennifer Brunner, J.; Jennifer L. Brunner, J.
JURISDICTION	Ohio
DECIDED	February 24, 2022
DOCKET	2021-1073
DISPOSITION	affirmed
PROCEDURAL POSTURE	Boler appealed the Third District Court of Appeals' dismissal of his habeas corpus petition to the Supreme Court of Ohio.
STANDARD OF REVIEW	The Supreme Court reviewed whether the court of appeals correctly dismissed the habeas petition; the opinion applied the legal doctrine of res judicata and did not identify a separate standard-of-review formulation.
PRECEDENTIAL VALUE	Published Supreme Court of Ohio opinion; precedential.
PARTIES	Phillip Dione Boler v. Leon Hill, Warden

TOPICS

- state post-conviction relief
- successive petitions
- appellate procedure
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether res judicata barred Boler's successive habeas corpus petition.
2. Whether Boler's convictions were void because the aggravated-robbery charge allegedly relied on a nonexistent predicate offense.
3. Whether the court of appeals improperly dismissed the petition for failure to attach all commitment orders under R.C. 2725.04(D).
4. Whether Boler was entitled to discharge, to expand the appellate record, or to oral argument.

HOLDINGS

1. Res judicata barred Boler's habeas petition because it raised essentially the same claim presented in his prior habeas petition; even if the grounds had differed, successive habeas petitions are barred when the claims could have been raised in the earlier petition.
2. Boler failed to establish that his convictions were void because he did not challenge the sentencing court's subject-matter jurisdiction or jurisdiction over his person.
3. The court did not need to address Boler's arguments concerning R.C. 2725.04(D) or the merits of his habeas claim because res judicata independently required dismissal.
4. Boler was not entitled to discharge merely because the warden failed to file a merit brief.

KEY QUOTATIONS

"The doctrine of res judicata precludes successive habeas petitions even when the grounds for relief are distinct." (§ 8)

"For these reasons, we hold that the court of appeals correctly dismissed the habeas corpus petition because it was barred by res judicata." (§ 15)

FACTUAL BACKGROUND

Boler was indicted in Athens County in 2009 for aggravated robbery and felony murder, both with firearm specifications, and was convicted of both charges in June 2009. In 2021, he filed a habeas petition contending that the aggravated-robbery charge was based on a nonexistent predicate offense and that his convictions were therefore void. He had previously raised essentially the same claim in a 2019 habeas petition.

PROCEDURAL HISTORY

Boler filed a petition for a writ of habeas corpus in the Third District Court of Appeals challenging the validity of his 2009 convictions. The court of appeals dismissed the petition for failure to attach all commitment orders under R.C. 2725.04(D) and because the claim was barred by res judicata based on an earlier habeas petition. The Supreme Court of Ohio affirmed on the res judicata ground and declined to address the remaining arguments.

DISPOSITION

affirmed

CASES CITED

- Boler-Bey v. Wainwright, 156 Ohio St.3d 1469, 2019-Ohio-2953, 126 N.E.3d 1183
- Bevins v. Richard, 144 Ohio St.3d 54, 2015-Ohio-2832, 40 N.E.3d 1108, ¶ 4
- State ex rel. Childs v. Lazaroff, 90 Ohio St.3d 519, 520, 739 N.E.2d 802 (2001)
- State v. Henderson, 161 Ohio St.3d 285, 2020-Ohio-4784, 162 N.E.3d 776
- State v. Harper, 160 Ohio St.3d 480, 2020-Ohio-2913, 159 N.E.3d 248
- State ex rel. Davis v. Pub. Emps. Retirement Bd., 111 Ohio St.3d 118, 2006-Ohio-5339, 855 N.E.2d 444, ¶ 15