

COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT,
TRUMBULL COUNTY

Armstrong v. Wilson

2026-Ohio-2044 · No. 2026-T-0020 · Decided June 1, 2026

SUMMARY

The Ohio Eleventh District Court of Appeals dismissed Shawn L. Armstrong’s petition for a writ of habeas corpus as moot. Armstrong had challenged his confinement while felony charges were pending before the Trumbull County Grand Jury, but the grand jury returned a no bill and he was released from jail before adjudication. The court granted the sheriff’s motion to dismiss and overruled other pending motions as moot.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eleventh Appellate District, Trumbull County
WRITING FOR THE COURT	Per curiam; John J. Eklund; Robert J. Patton; Scott Lynch
JURISDICTION	Court of Appeals of Ohio, Eleventh Appellate District, Trumbull County
DECIDED	June 1, 2026
DOCKET	2026-T-0020
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original action for a writ of habeas corpus; respondent moved to dismiss, and the court dismissed the petition as moot after the petitioner was released from confinement.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Shawn L. Armstrong v. Mike Wilson, Sheriff

TOPICS

- habeas corpus
- mootness
- motions to dismiss
- appellate procedure
- civil procedure

PRACTICE AREAS

- Habeas corpus
- Appellate procedure
- Mootness
- Civil procedure

QUESTIONS PRESENTED

1. Whether Armstrong's habeas corpus petition became moot when he was released from confinement before adjudication.
2. Whether the court should grant Wilson's motion to dismiss the habeas petition.

HOLDINGS

1. A habeas corpus petition is moot when the petitioner is released from confinement before the petition is adjudicated because habeas corpus requires present unlawful restraint and entitlement to immediate release.
2. The court granted Wilson's motion to dismiss and dismissed Armstrong's habeas corpus petition as moot; all other pending motions were overruled as moot.

KEY QUOTATIONS

“To be entitled to a writ of habeas corpus, a party must show that he is being unlawfully restrained of his liberty . . . and that he is entitled to immediate release from prison or confinement.” (¶ 5)

“Thus, a petitioner’s claim becomes moot when the petitioner is released prior to adjudication of the petition.” (¶ 6)

FACTUAL BACKGROUND

Armstrong was confined in the Trumbull County Jail while awaiting indictment on charges presented to the Trumbull County Grand Jury. He alleged that his continued confinement resulted from vindictive prosecution after misdemeanor domestic-violence charges were bound over and a felonious-assault charge was presented to the grand jury. The grand jury returned a no bill, the common pleas court ordered his release, and Armstrong was released before the habeas petition was adjudicated.

PROCEDURAL HISTORY

Armstrong filed an original habeas corpus petition on March 6, 2026, alleging unlawful confinement while charges were pending before the Trumbull County Grand Jury. The court issued an alternative writ, after which Wilson moved to dismiss. The grand jury returned a no bill, the common pleas court directed Armstrong's release, and Wilson filed notice of the discharge. The appellate court granted the motion to dismiss and dismissed the petition as moot.

DISPOSITION

dismissed

CASES CITED

- State ex rel. Cannon v. Mohr, 2018-Ohio-4184, ¶ 10
- Leyman v. Bradshaw, 2016-Ohio-1093, ¶ 8
- Petrowski v. State, 1999 WL 454478, *2 (11th Dist. June 30, 1999)

- Ball v. Maxwell, 1 Ohio St. 2d 77, 78 (1965)
- Tomkalski v. Maxwell, 175 Ohio St. 377, 378 (1963)
- Page v. Green, 174 Ohio St. 178, 179 (1963)
- Pewitt v. Lorain Correctional Inst., 1992-Ohio-91, ¶ 7
- McDonald v. Keiter, 25 Ohio St. 2d 281, 283 (1971)
- Larsen v. State, 2001-Ohio-133, ¶ 4

OPINION

Armstrong v. Wilson

2026 Ohio 2044

PER CURIAM.

[Cite as Armstrong v. Wilson, 2026-Ohio-2044.]

IN THE COURT OF APPEALS OF OHIO

ELEVENTH APPELLATE DISTRICT

TRUMBULL COUNTY

SHAWN L. ARMSTRONG, CASE NO. 2026-T-0020

Petitioner, Original Action for - vs - Writ of Habeas Corpus

MIKE WILSON, SHERIFF,

Respondent.

PER CURIAM OPINION AND JUDGMENT ENTRY

Decided: June 1, 2026 Judgment: Petition dismissed Shawn L. Armstrong, pro se, Trumbull County Jail, 150 High Street N.W., Warren, OH 44481 (Petitioner). Dennis Watkins, Trumbull County Prosecutor, and Charles L. Morrow, Assistant Prosecutor, Administration Building, Fourth Floor, 160 High Street, N.W., Warren, OH 44481 (For Respondent). PER CURIAM. {¶1} Petitioner, Shawn L. Armstrong (“Armstrong”), filed an original action seeking a writ of habeas corpus on March 6, 2026. In his petition, Armstrong contended that he was being unlawfully held in the Trumbull County Jail on charges pending before the Trumbull County Grand Jury. On March 13, 2026, this court issued an alternative writ. In accordance with the alternative writ, the respondent, Trumbull County Sheriff, Mike Wilson (“Wilson”), filed a motion to dismiss the petition on March 20, 2026. Armstrong filed a response to Wilson’s motion on April 13, 2026. Subsequently, on April 15, 2026, Wilson filed a “Notice of ‘No Bill’ and Discharge of Defendant”, again seeking dismissal of Armstrong’s petition. For the following reasons, we dismiss the petition. {¶2} At the time of his petition, Armstrong asserted that he was imprisoned in the Trumbull County Jail awaiting indictment by the Trumbull County Grand Jury. Among other things, Armstrong alleged that the Trumbull County Prosecutor’s Office was engaged in “vindictive prosecution” after domestic violence charges were bound over to the Trumbull County Court of Common Pleas from the Warren Municipal Court. According to Armstrong, he was originally charged with domestic violence, a misdemeanor, and had refused to accept the offered

plea bargain. Armstrong asserted that the alleged victim of the misdemeanor had submitted a letter to the municipal court withdrawing her accusation against him. Armstrong claimed that he was then charged with felonious assault which was pending before the Grand Jury resulting in his continued confinement. {¶3} In his March 20, 2026 motion to dismiss, Wilson asserted that Armstrong's petition was fatally defective as it failed to include a copy of the commitment or cause of detention and was not signed and verified as required by R.C. 2725.04. Wilson also argued that the petition lacked the requisite particularity as it contained "only 'bald allegations' regarding vindictive prosecution and a victim's alleged desire to withdraw charges." Additionally, Wilson sought dismissal of the petition on the grounds that Armstrong had an adequate remedy at law. {¶4} On April 13, 2026, Armstrong filed his response to Wilson's motion to dismiss and claimed that the deficiencies in his petition were the result, at least in part, of the unavailability of services in the jail. Two days later, on April 15, 2026, Wilson filed a

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Case No. 2026-T-0020 "Notice of 'No Bill' and Discharge of Defendant." Wilson attached documentation to the filing that Armstrong had been released from the Trumbull County Jail. {¶5} "To be entitled to a writ of habeas corpus, a party must show that he is being unlawfully restrained of his liberty . . . and that he is entitled to immediate release from prison or confinement." State ex rel. Cannon v. Mohr, 2018-Ohio-4184, ¶ 10, citing R.C. 2725.01; Leyman v. Bradshaw, 2016-Ohio-1093, ¶ 8. "The purpose of a habeas corpus proceeding is for the court to conduct an inquiry into whether the petitioner is being unlawfully restrained of his or her liberty at the present time." Petrowski v. State, 1999 WL 454478, *2 (11th Dist. June 30, 1999), citing Ball v. Maxwell (1965), 1 Ohio St.2d 77, 78; Tomkalski v. Maxwell (1963), 175 Ohio St. 377, 378; Page v. Green (1963), 174 Ohio St. 178, 179. Therefore, "habeas corpus will not lie if the petitioner is not presently confined." Id. As this court explained in Petrowski: Since the goal of a habeas corpus petition is to effectuate a release from present confinement, the petitioner must still be subjected to some form of custodial detention at the time the petition is adjudicated. If the petitioner's confinement in prison or jail has terminated, then the legality of such restraint can no longer be determined in a habeas corpus proceeding. Id. {¶6} Thus, a petitioner's claim becomes moot when the petitioner is released prior to adjudication of the petition. Petrowski citing Pewitt v. Lorain Correctional Inst, 1992-Ohio-91, ¶ 7; McDonald v. Keiter (1971), 25 Ohio St.2d 281, 283. See Larsen v. State, 2001-Ohio-133, ¶ 4. {¶7} Documents attached to Wilson's April 15, 2026 "Notice of 'No Bill' and Discharge of Defendant" establish that the Trumbull County Grand Jury returned a "no bill" on the charges presented. The common pleas court filed a "Verification of No Bill" and directed Wilson to release Armstrong. Armstrong was subsequently released from

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Case No. 2026-T-0020 confinement in the Trumbull County Jail.¹ Because Armstrong is no longer confined, Armstrong's petition for writ of habeas corpus is moot. {¶8} Accordingly, this action must be dismissed. Wilson's motion to dismiss is granted and the petition for writ of habeas corpus

is dismissed as moot. Any other pending motions are also overruled as moot. JOHN J. EKLUND, J., ROBERT J. PATTON, J., SCOTT LYNCH, J., concur.

1. Armstrong has not provided the court with a forwarding address.

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JUDGMENT ENTRY

For the reasons stated in the per curiam opinion of this court, it is hereby ordered that respondent's motion to dismiss is granted, and petitioner's petition for writ of habeas corpus is dismissed as moot. All other pending motions are overruled as moot. THE CLERK OF COURTS is instructed to send a copy of this opinion to petitioner at his last known address, at 1756 Sheridan Avenue, Warren, Ohio 44485. Costs to be taxed against petitioner.

JUDGE JOHN J. EKLUND,

concur

JUDGE ROBERT J. PATTON,

concur

JUDGE SCOTT LYNCH,

concur

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.

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