

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

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