

SUPREME COURT OF OHIO

Montanez v. May

2026-Ohio-90 · No. 2025-0342 · Decided January 15, 2026

SUMMARY

The Supreme Court of Ohio affirmed the Fifth District Court of Appeals’ dismissal of Sammy Montanez’s habeas corpus petition. The court held that Montanez was imprisoned under valid Cuyahoga and Richland County judgments imposing an aggregate term of life imprisonment with parole eligibility after 20 years, and that he had not served his maximum sentence or shown entitlement to immediate release. The court also held that the warden’s motion to dismiss could be treated as a return of the writ.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Chief Justice Kennedy; Justice Fischer; Justice DeWine; Justice Brunner; Justice Deters; Justice Hawkins; Justice Shanahan
JURISDICTION	Supreme Court of Ohio
DECIDED	January 15, 2026
DOCKET	2025-0342
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal as of right from the Fifth District Court of Appeals' dismissal of Montanez's habeas corpus petition under Civ.R. 12(B)(6).
STANDARD OF REVIEW	De novo review of a decision dismissing a habeas corpus petition.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion
PARTIES	Sammy Montanez v. Harold May, Warden

TOPICS

- state post-conviction relief
- habeas corpus
- sentencing
- criminal procedure
- remedies

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- habeas corpus
- sentencing

QUESTIONS PRESENTED

1. Whether Montanez was entitled to habeas corpus relief because he had allegedly completed the sentence identified in correspondence from the Bureau of Sentence Computation.
2. Whether Montanez was entitled to immediate release when he remained imprisoned under valid judgments imposing a maximum sentence of life imprisonment and the parole board had denied parole.
3. Whether the warden's motion to dismiss could be treated as a return of the writ despite the warden's failure to file a separate return under R.C. 2725.14.
4. Whether the habeas proceeding could be dismissed when the warden allegedly failed to prove the lawfulness of Montanez's detention.

HOLDINGS

1. Montanez was not entitled to habeas corpus relief because the evidence attached to his petition showed that he was imprisoned under two valid criminal judgments and had not served his maximum sentence of life imprisonment.
2. The petitioner bears the burden of establishing the right to release and must demonstrate with particularity the extraordinary circumstances supporting habeas corpus relief.
3. The court of appeals could sua sponte treat the warden's motion to dismiss as a return of the writ and proceed to judgment.

KEY QUOTATIONS

“A writ of habeas corpus “is appropriate only if the petitioner is entitled to immediate release from prison.”” (¶ 10)

“A writ of habeas corpus “is generally available only when the petitioner’s maximum sentence has expired and he is being held unlawfully.”” (¶ 14)

““An inmate is not entitled to a writ of habeas corpus upon completion of his minimum sentence.”” (¶ 14)

““the burden is on the petitioner to establish his right to release, and the petitioner must demonstrate ‘with particularity the extraordinary circumstances entitling him to habeas corpus relief.’”” (¶ 15)

FACTUAL BACKGROUND

Montanez was convicted in Cuyahoga County of murder and an offense against a human corpse and received an aggregate sentence of 18 years to life, including a consecutive firearm specification. While serving that sentence, he pleaded guilty in Richland County to attempted possession of a deadly weapon while under detention and received a consecutive two-year sentence, resulting in an aggregate term of 20 years to life with parole eligibility after 20 years. After the parole board denied parole following the expiration of the relevant minimum term, Montanez filed a habeas petition claiming that his sentence had expired and that he was entitled to immediate release.

PROCEDURAL HISTORY

Montanez filed a petition for a writ of habeas corpus in the Fifth District Court of Appeals, asserting that his sentence had expired and that his continued incarceration was unlawful. The warden moved to dismiss, and the Fifth District dismissed the petition because Montanez had not served his maximum sentence of life imprisonment. The Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Parker v. Black, 2022-Ohio-1730, ¶ 6
- State v. Montanez, 2022-Ohio-3026, ¶¶ 4, 11, 14
- State ex rel. Carrion v. Ohio Adult Parole Auth., 1998-Ohio-656, ¶ 4
- State ex rel. Fuller v. Eppinger, 2018-Ohio-2629, ¶ 8
- State ex rel. Lockhart v. Sheldon, 2016-Ohio-627, ¶ 5
- DuBose v. McGuffey, 2022-Ohio-8, ¶ 16
- State ex rel. Wilcox v. Seidner, 1996-Ohio-390, ¶ 8
- Chari v. Vore, 2001-Ohio-49, ¶ 14
- State ex rel. Spitler v. Seiber, 16 Ohio St.2d 117, 118 (1968)
- Hammond v. Dallman, 63 Ohio St.3d 666, 667 (1992)

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