

SUPREME COURT OF OHIO

State ex rel. Norris v. Wainwright

State ex rel. Norris v. Wainwright (Slip Opinion), 2019 Ohio 4138 (Ohio 2019) · No. Nos. 2019-0235 and 2019-0236 · Decided October 10, 2019

SUMMARY

Inmate's habeas corpus petition was properly dismissed for failure to attach all commitment papers under R.C. 2725.04(D) and because he sought only earlier release rather than immediate release, which is not cognizable in habeas. His mandamus petition was also properly dismissed because he had an adequate remedy at law through appeal or postconviction relief to challenge sentencing errors, and because journal entries—not the criminal appearance docket—control the terms of a sentence.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; O'Connor, C.J.; Kennedy, J.; French, J.; Fischer, J.; Donnelly, J.; Stewart, J.; Dewine, J.
JURISDICTION	Ohio
DECIDED	October 10, 2019
DOCKET	Nos. 2019-0235 and 2019-0236
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Court of Appeals for Marion County, Nos. 9-18-34 and 9-18-33, dismissing petitions for habeas corpus and mandamus.
STANDARD OF REVIEW	De novo review for dismissal under Civ.R. 12(B)(6)
PRECEDENTIAL VALUE	Published
PARTIES	Robert Lee Norris v. Lyneal Wainwright, Warden; Ohio Department of Rehabilitation and Correction, Bureau of Sentence Computation

TOPICS

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QUESTIONS PRESENTED

1. Whether the habeas petition was properly dismissed because Norris failed to attach all commitment papers as required by R.C. 2725.04(D) and because he did not claim immediate release.
2. Whether the mandamus petition was properly dismissed because Norris had an adequate remedy at law to challenge his sentence and because the criminal appearance docket does not control over the journal entry.

HOLDINGS

1. A habeas corpus petition is properly dismissed when the petitioner fails to attach all commitment papers as required by R.C. 2725.04(D), and even if the procedural requirements are met, the petition fails to state a claim if the petitioner does not seek immediate release from prison.
2. A writ of mandamus is not available when the petitioner has an adequate remedy at law, such as appeal or postconviction relief, to challenge alleged sentencing errors; additionally, the criminal appearance docket does not control over the signed journal entry.

KEY QUOTATIONS

“A writ of habeas corpus is warranted in certain circumstances when ‘there is an unlawful restraint of a person’s liberty and there is no adequate remedy in the ordinary course of law.’” (¶ 5)

“R.C. 2725.04(D) requires an inmate to attach a ‘copy of the commitment or cause of detention’ to his petition for a writ of habeas corpus.” (¶ 6)

“Habeas corpus is proper in the criminal context only if the petitioner is entitled to immediate release from prison or some other physical confinement.” (¶ 9)

“Norris fails to state a claim in mandamus because he had an adequate remedy at law to challenge alleged sentencing errors.” (¶ 16)

“The criminal appearance docket is not the court’s ‘journal’. It is the journal entries that are signed by the judge, not the docket entries, that control.” (¶ 19)

FACTUAL BACKGROUND

In September 1993, Norris was sentenced to consecutive prison terms for rape and kidnapping. He later sought habeas corpus claiming his rape sentences were to be served concurrently and he had completed them, and mandamus challenging his kidnapping sentence as exceeding the statutory maximum and arguing the docket showed concurrent sentences.

PROCEDURAL HISTORY

Norris filed petitions for habeas corpus and mandamus in the Third District Court of Appeals. The court dismissed both petitions for failure to state a claim. Norris appealed.

DISPOSITION

affirmed

CASES CITED

- Pegan v. Crawmer, 76 Ohio St. 3d 97, 666 N.E.2d 1091 (1996)
- State ex rel. McKinney v. Schmenk, 152 Ohio St. 3d 70, 2017-Ohio-9183, 92 N.E.3d 871
- State ex rel. Cannon v. Mohr, 155 Ohio St. 3d 213, 2018-Ohio-4184, 120 N.E.3d 776
- Wills v. Turner, 150 Ohio St. 3d 379, 2017-Ohio-6874, 81 N.E.3d 1252
- Workman v. Shiplevy, 80 Ohio St. 3d 174, 685 N.E.2d 231 (1997)
- Scanlon v. Brunsman, 112 Ohio St. 3d 151, 2006-Ohio-6522, 858 N.E.2d 411
- Johnson v. Crutchfield, 140 Ohio St. 3d 485, 2014-Ohio-3653, 20 N.E.3d 676
- State ex rel. Waters v. Spaeth, 131 Ohio St. 3d 55, 2012-Ohio-69, 960 N.E.2d 452
- State ex rel. Russell v. Thornton, 111 Ohio St. 3d 409, 2006-Ohio-5858, 856 N.E.2d 966
- State ex rel. Hughley v. McMonagle, 123 Ohio St. 3d 91, 2009-Ohio-4088, 914 N.E.2d 371
- State ex rel. Love v. O'Donnell, 150 Ohio St. 3d 378, 2017-Ohio-5659, 81 N.E.3d 1250
- State ex rel. Oliver v. Turner, 153 Ohio St. 3d 605, 2018-Ohio-2102, 109 N.E.3d 1204
- Day v. Wilson, 116 Ohio St. 3d 566, 2008-Ohio-82, 880 N.E.2d 919
- State ex rel. Hopson v. Cuyahoga Cty. Court of Common Pleas, 135 Ohio St. 3d 456, 2013-Ohio-1911, 989 N.E.2d 49
- State ex rel. White v. Junkin, 80 Ohio St. 3d 335, 686 N.E.2d 267 (1997)
- Cleveland v. Gholston, 8th Dist. Cuyahoga No. 96592, 2011-Ohio-6164
- State v. Inscho, 2d Dist. Greene No. 2018-CA-27, 2019-Ohio-809
- State v. Norris, 5th Dist. Stark No. CA-9436, 1995 WL 160552 (Feb. 21, 1995)

CITED IN

- State ex rel. Norris v. Wainwright, State ex rel. Norris v. Wainwright, 2019-Ohio-4138