

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

Robinson v. State

2021-Ohio-634 (Ohio Ct. App. 2021) · No. C.A. No. 20CA011709 · Decided March 8, 2021

OPINION

PER CURIAM.

[Cite as Robinson v. State, 2021-Ohio-634.] STATE OF OHIO) IN THE COURT OF APPEALS
)ss: NINTH JUDICIAL DISTRICT COUNTY OF LORAIN) MARTIN ROBINSON C.A. No.
20CA011709 Petitioner v. ORIGINAL ACTION IN STATE OF OHIO HABEAS CORPUS
Respondent Dated: March 8, 2021 PER CURIAM. {¶1} Petitioner Martin Robinson has filed a
petition for writ of habeas corpus asking this Court to order the State of Ohio to release him from
prison.

Mr. Robinson, in an addendum, also named Lorain County Prosecutor Dennis Will as a
respondent in this matter. Because Mr. Robinson’s petition does not comply with the mandatory
requirements of R.C. 2969.25, this Court must dismiss this action. {¶2} R.C. 2969.25 sets forth
specific filing requirements for inmates who file a civil action against a government employee or
entity.

The respondents are a government entity and government employee and Mr. Robinson,
incarcerated in the Madison Correctional Institution, is an inmate. R.C. 2969.21(C) and (D). A
case must be dismissed if the inmate fails to comply with the mandatory requirements of R.C.
2969.25 in the commencement of the action. State ex rel. Graham v. Findlay Mun. Court, 106
Ohio St.3d 63, 2005-Ohio-3671, ¶ 6 (“The requirements C.A.

No. 20CA011709 Page 2 of 3 of R.C. 2969.25 are mandatory, and failure to comply with them
subjects an inmate’s action to dismissal.”). Mr. Robinson failed to comply with several
requirements. {¶3} An inmate seeking waiver of filing fees, as Mr. Robinson is here, must file an
affidavit of indigency.

The affidavit must include, among other things, “[a] statement that sets forth the balance in the
inmate account of the inmate for each of the preceding six months, as certified by the institutional
cashier[.]” R.C. 2969.25(C)(1).

The Supreme Court construes these words strictly: an affidavit that “does not include a statement
setting forth the balance in [an] inmate account for each of the preceding six months” fails to
comply with R.C. 2969.25(C)(1). State ex rel. Roden v. Ohio Dept. of Rehab. & Corr., 159 Ohio
St.3d 314, 2020-Ohio-408, ¶ 6. {¶4} Mr. Robinson’s affidavit of indigency is incomplete for
several reasons.

The affidavit is not notarized. It only states that he is illegally incarcerated and that he earns no money. It does not provide the balance in his inmate account for any period of time. ““R.C. 2969.25(C) does not permit substantial compliance[;]” it requires strict adherence by the filing inmate. Id. at ¶ 8, citing *State ex rel. Neil v. French*, 153 Ohio St.3d 271, 2018-Ohio-2692, ¶ 7.

Therefore, Mr. Robinson’s affidavit does not comply with the mandatory requirements of R.C. 2969.25(C)(1) and this case must be dismissed. {¶5} Because Mr. Robinson did not comply with the mandatory requirements of R.C. 2969.25, this case is dismissed. Costs are taxed to Mr. Robinson.

The clerk of courts is hereby directed to serve upon all parties not in default notice of this judgment and its date of entry upon the journal. See Civ.R. 58. LYNNE S. CALLAHAN FOR THE COURT C.A. No. 20CA011709 Page 3 of 3 HENSAL, J. TEODOSIO, J. CONCUR. APPEARANCES: MARTIN ROBINSON, Pro se, Petitioner. J.D. TOMLINSON, Prosecuting Attorney, and KATHERINE L. KEEFER, Assistant Prosecuting Attorney, for Respondent.