

NOTICE OF APPEAL OF APPELLANT
LOUIS MONROE

LOUIS MONROE, hereby gives Notice of Appeal to The Ohio Supreme Court from judgment of the Warren County Court of Appeals, entered in The Court of Appeals case No: CA2008-01-001, on FEB 22, 2008.

This case raises a Substantial Constitutional Question and is one of Public or Great Interest, and it Involves a Felony.

Respectfully Submitted,
Louis Monroe
LOUIS MONROE

CERTIFICATE OF SERVICE

I, certify that a true & correct copy of The forgoing Notice of Appeal was sent to The Attorney Generals Office at 441 Vine st, Cincinnati, Ohio 45202. On this the 21st day of APRIL 2008

IN THE COURT OF APPEALS, WARREN COUNTY, OHIO

COURT OF APPEALS
WARREN COUNTY
FILED

FEB 22 2008

STATE OF OHIO ex rel.
LOUIS MONROE,

James L. Spaeth, Clerk CASE NO. CA2008-01-001
LEBANON OHIO

Petitioner, : ENTRY GRANTING MOTION TO
DISMISS

vs. :

WANZA JACKSON, Warden, :

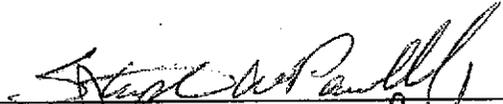
Respondent.

The above cause is before the court pursuant to a petition for writ of habeas corpus filed by petitioner, Louis Monroe, on January 3, 2008, and a motion to dismiss filed by counsel for respondent, Wanza Jackson, Warden, on January 23, 2008. Petitioner is an inmate at Warren Correctional Institution; respondent is the warden of Warren Correctional Institution.

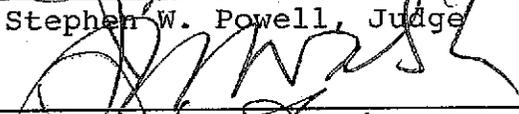
Habeas corpus is a writ directed to the person detaining another demanding that the person produce the body of the person being detained for the purpose of testing the legality of the detention or confinement. Habeas corpus is generally not available if the petitioner has an adequate remedy at law. *Ross v. Saros* (2003), 99 Ohio St.3d 412, 2003-Ohio-1128. Habeas corpus may not be used as a substitute for other forms of action, such as direct appeal, post-conviction relief or mandamus. *Adams v. Humphreys* (1986), 27 Ohio St.3d 43. The existence of an alternative remedy is enough to remove a petitioner's allegations from habeas consideration, whether the remedy is still available or not as long as the petitioner could have taken advantage of it previously. See *Luna v. Russell* (1994), 70 Ohio St.3d 561, 2004-Ohio-264. *Davie v. Edwards* (1997), 80 Ohio St.3d 170.

The basis of the present petition for writ of habeas corpus is that the complaint filed by a detective to secure the arrest warrant which led to petitioner's arrest and conviction "lacked probable cause and was deficient." Clearly, this is an argument that can be or could have been raised on direct appeal or in a petition for post-conviction relief. Accordingly, habeas corpus is not available. The motion to dismiss is therefore with merit, and the same is hereby GRANTED. This cause is hereby DISMISSED, costs to petitioner.

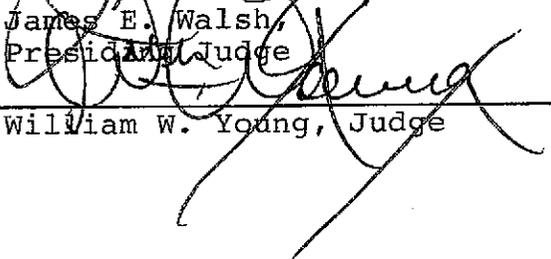
IT IS SO ORDERED.



Stephen W. Powell, Judge



James E. Walsh,
Presiding Judge



William W. Young, Judge