

ORIGINAL

IN THE SUPREME COURT OF OHIO

CASE NO. 09-0958

**STATE OF OHIO ex rel.
SHIGALI JONES,**

Petitioner-Appellant

vs.

MARGARET BRADSHAW, et al.

Respondents-Appellees

**ON APPEAL FROM THE
COURT OF APPEALS FOR
LORAIN COUNTY, NINTH
APPELLATE DISTRICT**

**COURT OF APPEALS
CASE NO: 09CA009545**

NOTICE OF APPEAL OF PETITIONER-APPELLANT

**PAUL MANCINO, JR. (0015576)
75 Public Square, Suite #1016
Cleveland, Ohio 44113-2098
(216) 621-1742
(216) 621-8465 (Fax)**

Counsel for Petitioner-Appellant

**RICHARD CORDRAY 38034
Ohio Attorney General
Stephanie L. Watson 63411
Assistant Attorney General
150 E. Gay Street, 16th Floor
Columbus, Ohio 43215
(614) 644-7233
(614) 728-9327 (Fax)**

Counsel for Respondents-Appellees

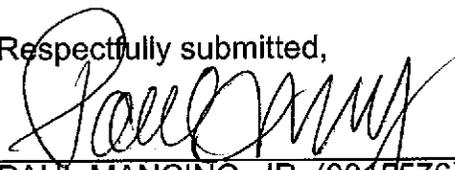
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MAY 27 2009
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
MAY 27 2009
CLERK OF COURT
SUPREME COURT OF OHIO

NOTICE OF APPEAL OF PETITIONER-APPELLANT

Appellant, Shigali Jones, hereby gives notice of appeal to the Supreme Court of Ohio from the judgment and final entered by the Court of Appeals for Lorain County on April 20, 2009. This case originated in the Court of Appeals and this is an appeal as of right to the Ohio Supreme Court pursuant to Article V, Section 2(B)(2)(a)(I) of the Ohio Constitution.

Respectfully submitted,


PAUL MANCINO, JR. (0015576)
Attorney for Defendant-Appellant
75 Public Square, Suite 1016
Cleveland, Ohio 44113
(216) 621-1742
(216) 621-8465 (Fax)

PROOF OF SERVICE

I hereby certify that a copy of the within **Notice of Appeal** has been sent to Richard Cordray, Ohio Attorney General and Stephanie L. Watson, Assistant Attorney General, 150 E. Gay Street, 16th Floor, Columbus, Ohio 43215, on this 23rd day of May, 2009.


PAUL MANCINO, JR. (0015576)
Attorney for Defendant-Appellant

STATE OF OHIO)

COUNTY OF LORAIN)

COURT OF APPEALS

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO ex rel. SHIGALI
JONES

C.A. No. 09CA009545

Petitioner

v.

MARGARET BRADSHAW,
WARDEN, et al.

Respondents

FILED
LORAIN COUNTY
2009 APR 20 A 11:12
CLERK OF COMMON PLEAS
RON NABAKOWSKI
9th APPELLATE DISTRICT

JOURNAL ENTRY

Petitioner, Shigali Jones, sought writs of habeas corpus and mandamus to order his release from prison. Respondent, Margaret Bradshaw, is warden of the Grafton Correctional Institution. Respondent moved for summary judgment arguing, in part, that Petitioner failed to attached all necessary commitment papers to his petition.

A petition for habeas corpus must be accompanied by copies of all relevant commitment papers. R.C. 2725.04(D); *Day v. Wilson*, 116 Ohio St.3d 566, 2008-Ohio-82, at ¶4. This ordinarily requires a petitioner to attach copies of all sentencing entries from the trial court that resulted in the confinement. See *Tisdale v. Eberlin*, 114 Ohio St.3d 201, 2007-Ohio-3833, at ¶6; *Hairston v. Seidner* (2000), 88 Ohio St.3d 57, 58. "These commitment papers are necessary for a complete understanding of the petition. Without them, the petition is fatally defective. When a petition is presented to a court that does not comply with R.C. 2725.04(D), there is no showing of how the commitment was procured and there is nothing before the court on which to make a determined judgment except, of course, the bare allegations of petitioner's application." *Bloss v. Rogers* (1992), 65 Ohio St.3d 145, 146.

The petition in this case states that “on September 17, 2003, [Petitioner] was released on parole from the Grafton Correctional Institution where he was being held under prisoner number 222-250.” The petition recounts that Petitioner was subsequently found in violation of the terms of his parole and taken into custody; that he was convicted and sentenced to prison in another case, but that his conviction was reversed on appeal and remanded; and that the second trial in that case resulted in an acquittal. Petitioner has attached numerous documents to his petition, but the judgment of conviction that resulted in his imprisonment in the first instance – and from which the parole violation stemmed – is conspicuously absent. Without this document, “there is no showing of how the commitment was procured and there is nothing before the court on which to make a determined judgment[.]” *Bloss* at 146. Petitioner failed to comply with R.C. 2725.04(D), and the petition for habeas corpus in this case is “fatally defective.” *Id.*

The petition in this case is also captioned as a petition for writ of mandamus. The relief that Petitioner seeks is release from prison, and mandamus is not the appropriate remedy. *State ex rel. Nelson v. Griffith*, 103 Ohio St.3d 167, 2004-Ohio-4754, at ¶5.

Because Petitioner failed to comply with R.C. 2725.04(D) by attaching all relevant orders of commitment to his petition and because mandamus is not the appropriate remedy to seek release from prison, this Court dismisses the petition for habeas corpus and for mandamus. Costs to Petitioner.

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.



Judge

Concur:

Carr, J.

Whitmore, J.