

ORIGINAL

IN THE SUPREME COURT OF OHIO

Corey Williams, (591-730)

12-0085

Appellant,

-VS-

On Appeal from the Marion
County Court of Appeals,
Third Appellate District

Leann Walker-Williams,

Appellee.

Court of Appeals
Case No.9-11-56

NOTICE OF APPEAL OF APPELLANT COREY WILLIAMS

Corey Williams (591-730)
N.C.C.I.
P.O. Box 1812,
Marion, Ohio. 43302

Appellant, Pro se.

Morgan A. Linn (0084622)
Assistant Attorney General
Criminal Justice Section, Habeas Unit
150 E. Gay St., 16th Floor
Columbus, Ohio. 43215
Phone: (614) 644-7233

Counsel for Appellee, Leann Walker-Williams.

RECEIVED
JAN 17 2012
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
JAN 17 2012
CLERK OF COURT
SUPREME COURT OF OHIO

NOTICE OF APPEAL OF APPELLANT COREY WILLIAMS

Appellant Corey Williams hereby gives notice of appeal to the Supreme Court of Ohio from the judgment of the Marion County Court of Appeals, Third Appellate District, entered in Court of Appeals case No. 9-11-56 on January 5, 2012.

This case originated in the Court of Appeals invokes the appellate jurisdiction of the Supreme Court and shall be designated an appeal of right. S Ct., Prac.R.2.1(A)(1).

Respectfully submitted,

Corey J. Williams 591-730
Appellant, Corey Williams,
Pro se.

CERTIFICATE OF SERVICE

I certify that a true copy of this Notice of Appeal was sent by ordinary U.S. Mail to counsel for appellee, Morgan A. Linn, at Criminal Justice Section, Habeas Unit, 150 E. Gay St., 16th Fl., Columbus, Ohio. 43215, this 12 day of January, 2012.

Respectfully submitted,

Corey J. Williams 591-730

**IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
MARION COUNTY**

**STATE OF OHIO EX REL.,
COREY J. WILLIAMS,**

FILED
COURT OF APPEALS

CASE NO. 9-11-56

PETITIONER,

JAN 05 2012

MARION COUNTY OHIO
JULIE M. KAGEL, CLERK

v.

**LEANN WALKER-WILLIAMS,
ACTING WARDEN, NORTH CENTRAL
CORRECTIONAL INSTITUTION,**

**J U D G M E N T
E N T R Y**

RESPONDENT.

This cause comes before the Court for determination of the petition for writ of habeas corpus and Respondent's Motion to Dismiss.

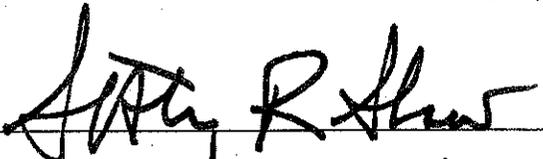
Petitioner asserts that he is unlawfully detained by Respondent and entitled to immediate release from confinement because the trial court lacked jurisdiction to enter a judgment of conviction on charges that do not appear in the indictment. The judgment of conviction and sentence reflects that Petitioner entered negotiated pleas of guilty to two amended charges in exchange for the prosecution dismissing numerous other charges. The plea agreement reflects that Petitioner agreed to the amendments, sentence, and sexual offender classification.

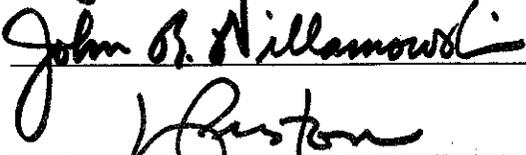
Upon consideration of same, the Court finds that the petition fails to state any claim for relief in habeas corpus. See *Ellis v. McMackin* (1992), 65 Ohio St.3d 161; *Chapman v. Jago* (1976), 48 Ohio St.2d 51; *Burch v. Morris* (1986), 25

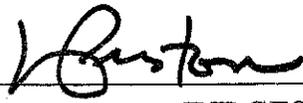
Ohio St.3d 18. Alleged errors in sentencing are not cognizable in a habeas corpus proceeding. *Dean v. Maxwell* (1963), 174 Ohio St. 193. Moreover, habeas corpus is not the proper remedy to challenge either the validity or the sufficiency of an indictment. *Luna v. Russell* (1994), 70 Ohio St.3d 561; see, also, *Wooten v. Brunsman*, 112 Ohio St.3d 153, 2006-Ohio-6524; *Bozsik v. Hudson*, 110 Ohio St.3d 245, 2006-Ohio-4356; and *Turner v. Ishee*, 98 Ohio St.3d 411, 2003-Ohio-1671. Habeas corpus is an extraordinary writ, not a substitute for direct appeal or post conviction relief. *Walker v. Maxwell* (1965), 1 Ohio St.2d 136.

Petitioner agreed to an amendment of the charges as part of his negotiated plea of guilty. Petitioner is clearly restrained by virtue of a judgment of a court of record that had jurisdiction to issue the judgment, and a writ of habeas corpus will not issue. R.C. 2725.05.

It is therefore **ORDERED, ADJUDGED and DECREED** that the petition for writ of habeas corpus be, and hereby is, dismissed at the costs of Petitioner for which judgment is hereby rendered.







JUDGES

DATED: JANUARY 4, 2012
/hlo