

[Cite as *Howard v. Miller*, 2014-Ohio-2100.]

STATE OF OHIO, BELMONT COUNTY  
IN THE COURT OF APPEALS  
SEVENTH DISTRICT

|                         |   |                  |
|-------------------------|---|------------------|
| ALPHONSO HOWARD,        | ) |                  |
|                         | ) | CASE NO. 14 BE15 |
| PETITIONER,             | ) |                  |
|                         | ) |                  |
| - VS -                  | ) | OPINION          |
|                         | ) | AND              |
| MICHELE MILLER, WARDEN, | ) | JUDGMENT ENTRY   |
|                         | ) |                  |
| RESPONDENT.             | ) |                  |

CHARACTER OF PROCEEDINGS: Petition for Writ of Habeas Corpus

JUDGMENT: Petition Dismissed. Respondent's Motion to Dismiss Granted.

APPEARANCES:

For Petitioner:

Alphonso Howard, Pro-se  
Inmate #494548  
Belmont Correctional Institution  
P.O. Box 540  
St. Clairsville, OH 43950

For Respondent:

Mike DeWine  
Ohio Attorney General  
Maura O'Neill Jaite  
Assistant Attorney General  
Ohio Attorney General's Office  
Criminal Justice Section  
150 East Gay Street, 16th Floor  
Columbus, OH 43215

JUDGES:

Hon. Mary DeGenaro  
Hon. Joseph J. Vukovich  
Hon. Cheryl L. Waite

Dated: May 12, 2014

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PER CURIAM.

{¶1} Petitioner Alphonso Howard is an inmate at the Belmont Correctional Institution in St. Clairsville, Ohio. On March 28, 2014, he filed a petition for writ of habeas corpus against Respondent Michelle Miller, the Warden at that institution. Respondent has filed a motion to dismiss and/or for summary judgment in response.

{¶2} Petitioner was found guilty of forty counts of importuning and sentenced to a total of eleven years and five months in prison. The Eighth District affirmed that judgment in *State v. Howard*, 8th Dist. No. 88237, 2007-Ohio-991. Petitioner sought relief in habeas corpus on the ground that his trial counsel was ineffective. That action was dismissed due to several procedural defects and failure to state a claim in habeas corpus. *Howard v. McFaul*, 8th Dist. No. 90530, 2007-Ohio-5531, ¶1.

{¶3} Petitioner here has failed to attach any pertinent commitment papers to his petition as required by R.C. 2725.04(D). Failure to attach copies of commitment papers, such as the judgment entry of sentence, as part of the original filing of the petition for habeas corpus requires the dismissal of the petition. *Clark v. Miller*, 7th Dist. No. 13 BE 13, 2013-Ohio-2958, ¶1, citing *Bloss v. Rogers*, 65 Ohio St.3d 145, 146, 602 N.E.2d 602 (1992).

{¶4} Accordingly, Respondent's motion is granted and the petition for writ of habeas corpus is dismissed. Costs taxed against Petitioner. Final order. Clerk to serve notice as provided by the Civil Rules.

DeGenaro, P.J., concurs.

Vukovich, J, concurs.

Waite, J., concurs.