

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
OTTAWA COUNTY

In re: Elsebeth Baumgartner

Joseph Baumgartner
045

Court of Appeals No. OT-02-

Petitioner

v.

Sheriff Craig Emahiser

DECISION AND JUDGMENT ENTRY

Respondent

Decided: December 24, 2002

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Joseph Baumgartner, pro se.

Mark E. Mulligan, Ottawa County Prosecuting Attorney,
for respondent.

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RESNICK, M.L., J.

{¶1} This matter is before the court on petitioner, Elsebeth Baumgartner's, "petition for writ of Habeas Corpus." The petition was filed by Joseph Baumgartner on behalf of Elsebeth Baumgartner. Respondent has filed a motion to dismiss. Petitioner has filed a motion to strike respondent's motion to dismiss.

{¶2} R.C. 4705.01 states: "[N]o person shall be permitted to practice as an attorney and counselor at law, or to commence, conduct, or defend any action or proceeding in which the person is not a party concerned, either by

using or subscribing the person's own name, or the name of another person, unless the person has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules."

{¶3} Joseph Baumgartner is not a licensed attorney in the state of Ohio. Accordingly, petitioner's application for a writ of habeas corpus is denied. Petitioner's motion to strike is rendered moot. Costs to petitioner.

PETITION DENIED.

Peter M. Handwork, J.

JUDGE

Melvin L. Resnick, J.

JUDGE

Richard W. Knepper, J.
CONCUR.

JUDGE