

[Cite as *Schneider v. Clipper*, 2010-Ohio-3427.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 95208

JOANNE SCHNEIDER

Petitioner

vs.

WARDEN KIMBERLY CLIPPER

RESPONDENT

**JUDGMENT:
PETITION DENIED**

Writ of Habeas Corpus
Motion Nos. 435705 and 435783
Order No. 435827

BEFORE: Rocco, P.J., Kilbane, J., and McMonagle, J.

RELEASE DATE: July 21, 2010

FOR PETITIONER:

Joanne Schneider, pro se
Inmate #74646
c/o Alan Schneider
P.O. Box 35318
Cleveland, Ohio 44135

ATTORNEY FOR RESPONDENT:

Diane Mallory
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150 East Gay Street, 16th Floor
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KENNETH A. ROCCO, P.J.:

{¶ 1} Joanne Schneider has filed a petition for a writ of habeas corpus. Schneider seeks postconviction bail in *State v. Schneider*, Cuyahoga County Court of Common Pleas Case No. CR-05-473739-B. For the following reasons, we decline to issue Schneider a writ of habeas corpus.

{¶ 2} This court, in *State v. Schneider*, Cuyahoga App. No. 93128, 2010-Ohio-2089, reversed the sentence imposed upon Schneider, with regard to count one, and remanded the appeal to the trial court solely for re-sentencing. Schneider's original conviction, for the offenses of

engaging in a pattern of corrupt activity, securities fraud, false representation in the sale of a security, sale of unregistered securities, theft, and money laundering, remains in effect without alteration. Schneider seeks postconviction bail following reversal on count one and the order of re-sentencing. Habeas corpus is the proper action to seek postconviction bail. *Brown v. Rogers* (1995), 71 Ohio St.3d 570, 645 N.E.2d 124. However, habeas corpus will lie only where there exists no other legal remedy. *State ex rel. Pirman v. Money* (1994), 69 Ohio St.3d 591, 635 N.E.2d 26. In the case sub judice, Schneider has availed herself of an adequate legal remedy that prevents this court from granting her petition for a writ of habeas corpus. Schneider has filed a “motion for immediate release from state custody and reinstatement of pre-trial bond,” a “motion for decision on state’s unopposed motion to vacate and reinstatement of bond Crim.R. 46,” and an “application for contiunuation (sic) of bond pending appeal Crim.R. 46.” Each of the aforesaid motions for postconviction bail remain pending with the trial court.

{¶ 3} Accordingly, Schneider’s request for a writ of habeas corpus

is premature. Schneider possesses an adequate remedy at law by way of application to the trial court or the court of appeals vis-a-vis postconviction bail. It is further ordered that the Clerk of the Eighth District Court of Appeals serve notice of this judgment upon all parties as mandated by Civ.R. 58(B).

Petition denied.

KENNETH A. ROCCO, PRESIDING JUDGE

MARY EILEEN KILBANE, J. and
CHRISTINE T. McMONAGLE, J., CONCUR