

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
BELMONT COUNTY

CORNELIUS RODRIGUEZ MORANT,

Petitioner,

v.

BRENT CARPENTER ET AL.,

Respondents.

OPINION AND JUDGMENT ENTRY
Case No. 20 BE 0017

Writ of Habeas Corpus

BEFORE:

David A. D'Apolito, Cheryl L. Waite, Carol Ann Robb, Judges.

JUDGMENT:

Respondents' motion to dismiss Petitioner's petition sustained.
Petition for writ of habeas corpus dismissed.

Cornelius Rodriguez Morant, Pro Se, #A776967, London Correctional Institution, 1580 State Route 56 SW, London, Ohio 43140, for Petitioner and

Atty. Daniel P. Fry, Belmont County Prosecutor, and *Atty. David K. Liberati*, Assistant Prosecuting Attorney, Courthouse Annex No. 1, 147-A West Main Street, St. Clairsville, Ohio 43950, for Respondents.

Dated: June 30, 2021

PER CURIAM.

{¶1} Petitioner Cornelius Rodriguez Morant, a self-represented prison inmate, has filed a petition for a writ of habeas corpus seeking immediate release from the Belmont County Jail, where he previously was incarcerated awaiting trial. The petition names three respondents: Brent Carpenter, Jail Administrator; David Lucas, Sheriff; and Bryan Minder, 9-1-1 Director. Respondents have filed a joint motion to dismiss.

{¶2} The basis of Petitioner's incarceration in the Belmont County Jail was his indictment for Failure to Comply with Order or Signal of Police Officer (third-degree felony) in violation of R.C. 2921.331(B)(C)(5)(a)(ii) in case no. 19 CR 0046. He pleaded not guilty, asserting he was a sovereign citizen beyond the court's jurisdiction. The court set Petitioner's bond at \$10,000, which he posted and subsequently had revoked when he failed to appear for a scheduled court date. The bond issuer located Petitioner in South Carolina and returned him to Belmont County where he was held in jail without bond.

{¶3} Petitioner waived his right to court appointed counsel, insisting on self-representation. The court appointed Petitioner stand by counsel. In addition to pursuing extensive pretrial discovery, Petitioner filed numerous motions in the trial court. He also filed interlocutory appeals of the court's rulings on those motions to this Court.

{¶4} Five days before the scheduled jury trial, Petitioner filed a jury trial waiver. That same day, he filed his habeas petition presently before this Court, claiming he was denied his right to a speedy trial. A week later, the case proceeded to a bench trial. The court found Petitioner guilty and sentenced him to a 36-month prison term. Petitioner's direct appeal of his conviction and sentence remains pending before this Court in *State v. Morant*, 7th Dist. Belmont No. 20 BE 0020.

{¶5} Because Petitioner filed this original action just days before his conviction and sentence, it was inevitable this Court would be divested of jurisdiction before it could have an opportunity to give it meaningful consideration and afford Respondents due process. R.C. 2725.02 grants to a court of appeals the ability to authorize writs of habeas corpus. However, R.C. 2725.03 requires that actions in habeas corpus be filed in the county where an inmate or prisoner is confined:

If a person restrained of his liberty is an inmate of a state benevolent or correctional institution, the location of which is fixed by statute and at the time is in the custody of the officers of the institution, no court or judge other than the courts or judges of *the county in which the institution is located* has jurisdiction to issue or determine a writ of habeas corpus for his production or discharge. Any writ issued by a court or judge of another county to an officer or person in charge at the state institution to compel the production or discharge of an inmate thereof is void.

(Emphasis added.)

{¶6} Shortly after the filing of his petition and his conviction and sentence, Petitioner was transferred from the Belmont County Jail into the custody of the Ohio Department of Rehabilitation and Correction and placed at the London Correctional Institution, located in London, Madison County, Ohio, well beyond this Court’s territorial jurisdiction.

{¶7} Even if this Court had jurisdiction over the petition, we would nonetheless be compelled to dismiss it. The writ of habeas corpus is an extraordinary writ issued only in certain circumstances of unlawful restraint of a person’s liberty where there is no adequate legal remedy at law, such as a direct appeal or postconviction relief. *In re Pianowski*, 7th Dist. Mahoning No. 03MA16, 2003-Ohio-3881, ¶ 3; see also *State ex rel. Pirman v. Money*, 69 Ohio St.3d 591, 593, 635 N.E.2d 26 (1994). “Absent a patent and unambiguous lack of jurisdiction, a party challenging a court’s jurisdiction has an adequate remedy at law by appeal.” *Smith v. Bradshaw*, 109 Ohio St.3d 50, 2006-Ohio-1829, 845 N.E.2d 516, ¶ 10. As indicated, Petitioner has a direct appeal of his conviction and sentence currently pending before this Court in which he could assert a violation of his right to a speedy trial.

{¶8} Accordingly, the Court sustains Respondents’ motion to dismiss the petition. Petition dismissed. Petitioner’s motion for stay overruled as moot.

{¶9} Final order. Clerk to serve notice as provided by the Rules of Civil Procedure. Costs taxed to Petitioner.

JUDGE DAVID A. D'APOLITO

JUDGE CHERYL L. WAITE

JUDGE CAROL ANN ROBB