

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *McDougald v. Brunsman*, Slip Opinion No. 2011-Ohio-4607.]

NOTICE

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SLIP OPINION NO. 2011-OHIO-4607

MCDUGALD, APPELLANT, v. BRUNSMAN, WARDEN, APPELLEE.

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Habeas corpus — Invalidity of indictment, innocence of charge, and prosecutorial misconduct are not claims cognizable in habeas corpus — Judgment dismissing petition affirmed.

(No. 2011-0796 — Submitted September 7, 2011 — Decided
September 15, 2011.)

APPEAL from the Court of Appeals for Warren County, No. CA2011-02-011.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Jerone McDougald, for a writ of habeas corpus. His claims are not cognizable in habeas corpus. See *Pishok v. Kelly*, 122 Ohio St.3d 292, 2009-Ohio-3452, 910 N.E.2d 1033 (validity or sufficiency of charging instrument); *Junius v. Eberlin*, 122 Ohio St.3d 53, 2009-Ohio-2383, 907 N.E.2d 1179 (actual innocence); *Keith v. Bobby*, 117 Ohio St.3d 470, 2008-Ohio-1443,

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884 N.E.2d 1067, ¶ 15 (fraud upon the court, prosecutorial misconduct, and perjured testimony).

Judgment affirmed.

O'CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O'DONNELL,
LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

Jerone McDougald, pro se.

Michael DeWine, Attorney General, and Elizabeth A. Matune, Assistant
Attorney General, for appellee.
