

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

Timothy Richards, Jr.

Court of Appeals No. L-06-1116

Petitioner

v.

Kelleh Konteh, Warden,
and Adult Parole Auth. et. al.

DECISION AND JUDGMENT ENTRY

Respondents

Decided: July 11, 2006

* * * * *

Timothy Richards, Jr., pro se.

Jim Petro, Attorney General of Ohio, and Mark J. Zemba, Assistant
Attorney General, for respondents.

* * * * *

SINGER, P.J.

{¶ 1} This matter comes before the court on petitioner, Timothy Richards, Jr.’s, petition for habeas corpus. Respondent, Kelleh Konteh, has filed a motion for summary judgment in response.

{¶ 2} “[H]abeas corpus in Ohio is generally appropriate in the criminal context only if the petitioner is entitled to immediate release from prison or some type of physical confinement.’” *Smith v. Leis*, 106 Ohio St.3d 309, 2005-Ohio-5125, quoting *State ex rel. Smirnoff v. Greene* (1998), 84 Ohio St.3d 165, 167. “If a habeas corpus petitioner

seeking release is subsequently released, the petitioner's habeas corpus claim is normally rendered moot.” *Larsen v. State* (2001), 92 Ohio St.3d 69, 69-70, citing *Pewitt v. Lorain Correctional Inst.* (1992), 64 Ohio St.3d 470, 472.

{¶ 3} In that petitioner was released from custody by the Adult Parole Authority on June 19, 2006, his petition is rendered moot and ordered dismissed at petitioner's costs.

PETITION DISMISSED.

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, P.J.

JUDGE

Dennis M. Parish, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.