

JUNIUS, APPELLANT, v. EBERLIN, WARDEN, APPELLEE.

[Cite as *Junius v. Eberlin*, 122 Ohio St.3d 53, 2009-Ohio-2383.]

Appeal from dismissal of a petition for a writ of habeas corpus – Habeas corpus not available to remedy claim concerning validity of an indictment – Judgment affirmed.

(No. 2009-0095 — Submitted May 19, 2009 — Decided May 28, 2009.)

APPEAL from the Court of Appeals for Belmont County,
No. 08 BE 27, 2008-Ohio-6441.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Robert C. Junius Jr., for a writ of habeas corpus to compel his release from prison. Habeas corpus is not available to remedy claims concerning the validity of an indictment. *State ex rel. Tarr v. Williams*, 112 Ohio St.3d 51, 2006-Ohio-6368, 857 N.E.2d 1225, ¶ 4. Moreover, Junius’s reliance on *State v. Colon*, 118 Ohio St.3d 26, 2008-Ohio-1624, 885 N.E.2d 917 (“*Colon I*”), is misplaced, because our holding in that case “is prospective in nature and applies only to those cases pending on the date *Colon I* was announced.” *State v. Colon*, 119 Ohio St.3d 204, 2008-Ohio-3749, 893 N.E.2d 169, ¶ 5. Insofar as Junius claims that he was denied the effective assistance of counsel, that claim is not cognizable in habeas corpus. *Casey v. Hudson*, 113 Ohio St.3d 166, 2007-Ohio-1257, 863 N.E.2d 171, ¶ 3. Finally, Junius had adequate legal remedies to raise his claim of actual innocence. See *Shie v. Leonard* (1998), 84 Ohio St.3d 160, 161, 702 N.E.2d 419.

Judgment affirmed.

SUPREME COURT OF OHIO

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

Robert C. Junius Jr., pro se.

Richard Cordray, Attorney General, and Samuel Peterson, Assistant
Attorney General, for appellee.
