

SMITH, APPELLANT, v. SMITH, WARDEN, APPELLEE.

[Cite as *Smith v. Smith*, 123 Ohio St.3d 145, 2009-Ohio-4691.]

Habeas corpus — Claims that verdict forms did not list essential elements of offense and that jury failed to specify amount of drugs are not cognizable in habeas corpus — Adequate remedy exists for raising claim of sentencing error — Appellate judgment dismissing petition affirmed.

(No. 2009-0904 — Submitted September 2, 2009 — Decided September 15, 2009.)

APPEAL from the Court of Appeals for Richland County,

No. 09-CA-12, 2009-Ohio-1857.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Tony D. Smith, for a writ of habeas corpus, for the reasons stated in its opinion. Smith’s claim that the jury-verdict forms did not list the essential elements of his criminal offense is not cognizable in habeas corpus. *Wells v. Hudson*, 113 Ohio St.3d 308, 2007-Ohio-1955, 865 N.E.2d 46, ¶ 8. Nor is Smith’s claim alleging that the jury failed to specify the amount of drugs involved or the degree of the offense cognizable in habeas corpus. See *State ex rel. Wynn v. Baker* (1991), 61 Ohio St.3d 464, 465, 575 N.E.2d 208. Finally, Smith had an adequate remedy in the ordinary course of law by appeal to raise his claim of sentencing error. *State ex rel. Hughley v. McMonagle*, 121 Ohio St.3d 536, 2009-Ohio-1703, 905 N.E.2d 1220, ¶ 1.

Judgment affirmed.

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

SUPREME COURT OF OHIO

Tony D. Smith, pro se.

Richard Cordray, Attorney General, and Elizabeth A. Matune, Assistant
Attorney General, for appellee.
