

**MCCULLER, APPELLANT, v. HUDSON, WARDEN, APPELLEE.**

[Cite as *McCuller v. Hudson*, 121 Ohio St.3d 168, 2009-Ohio-721.]

*Habeas corpus not available to challenge validity of charging instrument.*

(No. 2008-1986 — Submitted February 18, 2009 — Decided February 24, 2009.)

APPEAL from the Court of Appeals for Richland County,  
No. 08-CA-59, 2008-Ohio-4659.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Charles McCuller, for a writ of habeas corpus. Even assuming that the court of appeals erred in denying McCuller’s motion to amend his petition as moot, the court of appeals correctly dismissed the petition. A reviewing court will not reverse a correct judgment even if the lower court’s reasons were erroneous. *Goudlock v. Voorhies*, 119 Ohio St.3d 398, 2008-Ohio-4787, 894 N.E.2d 692, ¶ 12. McCuller’s claims raised in his petition and his motion to amend the petition are not cognizable in habeas corpus. *Christian v. Gansheimer*, 118 Ohio St.3d 235, 2008-Ohio-2219, 887 N.E.2d 1175, ¶ 5 (“An extraordinary writ is not available to challenge the validity or sufficiency of a charging instrument”); *State v. Colon*, 119 Ohio St.3d 204, 2008-Ohio-3749, 893 N.E.2d 169, ¶ 5 (“the rule announced in *Colon I* is prospective in nature and applies only to those cases pending on the date when *Colon I* was announced”).

Judgment affirmed.

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

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Charles McCuller, pro se.

SUPREME COURT OF OHIO

Richard Cordray, Attorney General, and M. Scott Criss, Assistant  
Attorney General, for appellee.

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