

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Palmer v. Jeffreys*, Slip Opinion No. 2011-Ohio-4058.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

**SLIP OPINION NO. 2011-OHIO-4058**

**PALMER, APPELLANT, v. JEFFREYS, WARDEN, APPELLEE.**

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Palmer v. Jeffreys*, Slip Opinion No. 2011-Ohio-4058.]

*Habeas corpus — Failure to attach copy of commitment papers — Adequate remedy in ordinary course of law — Writ denied.*

(No. 2011-0639 — Submitted August 8, 2011 — Decided August 17, 2011.)

APPEAL from the Court of Appeals for Ross County, No. 11CA3220.

---

**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Atropin Palmer, for a writ of habeas corpus to compel his release from prison. As the court of appeals correctly held, Palmer’s petition is “fatally defective” and subject to dismissal because he failed to attach a copy of his commitment papers. *State ex rel. Jones v. Bradshaw*, 123 Ohio St.3d 444, 2009-Ohio-5586, 917 N.E.2d 268, ¶ 1. Moreover, habeas corpus “is not available to challenge the validity of a charging instrument.” *Shroyer v. Banks*, 123 Ohio St.3d 88, 2009-Ohio-4080, 914 N.E.2d 368, ¶ 1. Palmer had adequate remedies

SUPREME COURT OF OHIO

in the ordinary course of law to raise his defective-indictment claim. *Howard v. Randle*, 95 Ohio St.3d 281, 2002-Ohio-2122, 767 N.E.2d 268, ¶ 6. We also deny Palmer's motion to strike appellee's brief.

Judgment affirmed.

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

---

Atropin Palmer, pro se.

Michael DeWine, Attorney General, and Stephanie Watson, Assistant Attorney General, for appellee.

---