

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Hart v. Turner*, Slip Opinion No. 2012-Ohio-3305.]

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**SLIP OPINION NO. 2012-OHIO-3305**

**THE STATE EX REL. HART, APPELLANT, v. TURNER, WARDEN, APPELLEE.**

[Until this opinion appears in the Ohio Official Reports advance sheets,

it may be cited as *State ex rel. Hart v. Turner*,

**Slip Opinion No. 2012-Ohio-3305.]**

*Court of appeals' judgment dismissing petition for writ of habeas corpus affirmed.*

(No. 2012-0396—Submitted July 11, 2012—Decided July 24, 2012.)

APPEAL from the Court of Appeals for Marion County, No. 9-12-01.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, David Hart, for a writ of habeas corpus. Hart's speedy-trial claim is not cognizable in habeas corpus, and he had an adequate remedy by appeal from his sentencing entry to raise his claim. *Tisdale v. Eberlin*, 114 Ohio St.3d 201, 2007-Ohio-3833, 870 N.E.2d 1191, ¶ 7; *Boles v. Knab*, 130 Ohio St.3d 339, 2011-Ohio-5049, 958 N.E.2d 554, ¶ 1. Hart also waived the additional claims he raises on appeal—ineffective assistance of counsel and denial of his

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rights to due process and equal protection—because he failed to raise them in the court of appeals. *State ex rel. Compton v. Sutula*, 132 Ohio St.3d 35, 2012-Ohio-1653, 968 N.E.2d 476, ¶ 4. In addition, these claims are also not cognizable in habeas corpus, and Hart had an adequate remedy by appeal to raise them. *See, e.g., Everett v. Eberlin*, 114 Ohio St.3d 199, 2007-Ohio-3832, 870 N.E.2d 1190, ¶ 6 (ineffective assistance of counsel); *Austin v. Sacks*, 172 Ohio St. 292, 175 N.E.2d 175 (1961) (due process).

Judgment affirmed.

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

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David Hart, pro se.

Michael DeWine, Attorney General, and Jerri L. Fosnaught, Assistant Attorney General, for appellee, Neil Turner.

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