

**FUGETT, APPELLANT, v. TURNER, WARDEN, APPELLEE.**

[Cite as *Fugett v. Turner*, 140 Ohio St.3d 1, 2014-Ohio-1934.]

*Habeas corpus—R.C. 2725.04(D)—Failure to attach copies of commitment orders—Res judicata bars claim—Judgment affirmed and writ denied.*

(No. 2013-1350—Submitted April 30, 2014—Decided May 14, 2014.)

APPEAL from the Court of Appeals for Marion County, No. 9-13-30.

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**Per Curiam.**

{¶ 1} Donald Lee Fugett appeals the Third District Court of Appeals' dismissal of his petition for habeas corpus. For the following reasons, the court of appeals properly dismissed Fugett's petition, and we affirm.

{¶ 2} The court of appeals correctly found that Fugett failed to attach all required copies of his commitment orders and thus failed to comply with R.C. 2725.04(D). This omission renders the petition fatally defective and subject to dismissal. *Day v. Wilson*, 116 Ohio St.3d 566, 2008-Ohio-82, 880 N.E.2d 919, ¶ 4, citing *Tisdale v. Eberlin*, 114 Ohio St.3d 201, 2007-Ohio-3833, 870 N.E.2d 1191, ¶ 6.

{¶ 3} The court of appeals also correctly found that Fugett had filed a previous action for a writ of habeas corpus, *Fugett v. Jeffreys*, 108 Ohio St.3d 1506, 2006-Ohio-1329, 844 N.E.2d 852, and any valid claim could have been raised in that case. Therefore, the current case is barred by the doctrine of res judicata. *Nickelson v. Knab*, 131 Ohio St.3d 199, 2012-Ohio-579, 963 N.E.2d 154, ¶ 1, citing *Hazel v. Knab*, 130 Ohio St.3d 22, 2011-Ohio-4608, 955 N.E.2d 378, ¶ 2.

{¶ 4} Based on the foregoing, we affirm the judgment of the court of appeals.

SUPREME COURT OF OHIO

Judgment affirmed.

O'CONNOR, C.J., and PFEIFER, O'DONNELL, LANZINGER, KENNEDY,  
FRENCH, and O'NEILL, JJ., concur.

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Donald Lee Fugett, pro se.

Michael DeWine, Attorney General, and Thelma Thomas Price, Assistant  
Attorney General, for appellee.

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