The State ex rel. Tucker, Appellant, v. Rogers, Warden, Appellee.

[Cite as State ex rel. Tucker v. Rogers (1993), Ohio St.3d .]

Habeas corpus not available when adequate remedy at law exists -- Order revoking probation and imposing sentence is a final, appealable order from which an appeal is routinely taken.

(No. 92-1710 -- Submitted January 19, 1993 -- Decided February 24, 1993.)

Appeal from the Court of Appeals for Allen County, No. 1-92-59.

Appellant, Hubert Tucker, Sr., filed a petition for a writ of habeas corpus in the Court of Appeals for Allen County, claiming that his probation was revoked without due process of law as guaranteed in Gagnon v. Scarpelli (1973), 411 U.S. 778, 93 S.Ct. 1756, 36 L.Ed.2d 656. The court of appeals dismissed the petition, holding that appellant had an adequate remedy at law through appeal.

Hubert Tucker, Sr., pro se.

Per Curiam. We affirm the decision of the court of appeals. In In re Hunt (1976), 46 Ohio St.2d 378, 75 O.O.2d 450, 348 N.E.2d 727, paragraph two of the syllabus, we held that "[a] writ of habeas corpus will ordinarily be denied where there is an adequate remedy in the ordinary course of law." An order revoking probation and imposing sentence is a final, appealable order from which an appeal is routinely taken. See, e.g., State v. McMullen (1983), 6 Ohio St. 3d 244, 6 OBR 312, 452 N.E.2d 1292; State v. Walden (1988), 54 Ohio App.3d 160, 561 N.E.2d 995.

Accordingly, the decision of the court of appeals is affirmed.

Judgment affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.