

THE STATE EX REL. CARROLL, APPELLANT, v. CORRIGAN, JUDGE, APPELLEE.

[Cite as *State ex rel. Carroll v. Corrigan*, 1999-Ohio-367.]

Mandamus to compel common pleas court judge to issue findings of fact and conclusions of law on denial of relator's successive petition for postconviction relief—Writ denied, when.

(No. 98-1697—Submitted January 12, 1999—Decided March 3, 1999.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 74561.

{¶ 1} In 1991, appellant, Daniel Carroll, was convicted of cocaine possession, carrying a concealed weapon, and having a weapon while under disability, with various accompanying specifications, and was sentenced to prison. On appeal, the court of appeals and this court affirmed. See *State v. Carroll* (1995), 72 Ohio St.3d 87, 647 N.E.2d 784; *State v. Carroll* (June 10, 1993), Cuyahoga App. No. 62747, unreported, 1993 WL 204587. In October 1993, Carroll filed a petition for postconviction relief, which was denied by the common pleas court in 1994.

{¶ 2} In December 1995, Carroll filed a second postconviction relief action, this time requesting that his trial court correct his “illegal” sentence. In May 1996, appellee, Cuyahoga County Common Pleas Court Judge Daniel O. Corrigan, denied the requested relief.

{¶ 3} Two years later, Carroll filed a complaint in the Court of Appeals for Cuyahoga County for a writ of mandamus to compel Judge Corrigan to issue findings of fact and conclusions of law on his May 1996 denial of Carroll’s second request for postconviction relief. Judge Corrigan filed an answer and a motion for summary judgment. The court of appeals granted Judge Corrigan’s motion and denied the writ.

{¶ 4} This cause is now before the court upon an appeal as of right.

SUPREME COURT OF OHIO

Daniel Carroll, pro se.

William Mason, Cuyahoga County Prosecuting Attorney, and *Erika Ritt*,
Assistant Prosecuting Attorney, for appellee.

Per Curiam.

{¶ 5} We affirm the judgment of the court of appeals. Judge Corrigan did not have any duty to issue findings of fact and conclusions of law on Carroll's successive petition for postconviction relief. *State ex rel. White v. Goldsberry* (1996), 76 Ohio St.3d 271, 667 N.E.2d 391; *State ex rel. Luna v. McGimpsey* (1996), 74 Ohio St.3d 485, 486, 659 N.E.2d 1278, 1278-1279.

Judgment affirmed.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and
LUNDBERG STRATTON, JJ., concur.
