

THE STATE EX REL. ARNOLD, APPELLANT, v. REID, JUDGE, ET AL., APPELLEES.

[Cite as *State ex rel. Arnold v. Reid*, 1999-Ohio-442.]

Mandamus to compel common pleas court judge to journalize decisions relating to speedy trial claim made during relator's criminal trial—Complaint dismissed, when.

(No. 98-2468—Submitted February 9, 1999—Decided March 31, 1999.)

APPEAL from the Court of Appeals for Greene County, No. 98-CA-73.

{¶ 1} In 1991, appellant, Waymon Arnold, was convicted of rape in violation of R.C. 2907.02(A)(1)(b), an aggravated felony of the first degree, and sentenced to life imprisonment. The court of appeals affirmed Arnold's conviction on appeal, rejecting Arnold's argument that the state failed to comply with the R.C. 2945.71 speedy trial requirement. *State v. Arnold* (Oct. 1, 1992), Greene App. No. 91-CA-43, unreported, 1992 WL 245542, jurisdictional motion overruled in *State v. Arnold* (1993), 66 Ohio St.3d 1410, 607 N.E.2d 10. In May 1998, the court of appeals affirmed the common pleas court's denial of Arnold's petition for postconviction relief because Arnold did not file a timely petition. *State v. Arnold* (May 1, 1998), Greene App. No. 97-CA-108, unreported, 1998 WL 211820, discretionary appeal not allowed in *State v. Arnold* (1998), 83 Ohio St.3d 1428, 699 N.E.2d 945.

{¶ 2} In July 1998, Arnold filed a complaint in the Court of Appeals for Greene County for a writ of mandamus to compel appellees, the common pleas court judge, clerk of courts, and county prosecutor, to journalize decisions made during his criminal trial so that Arnold could establish his speedy trial claim. Appellees filed motions to dismiss. The court of appeals granted the motions and dismissed Arnold's complaint.

SUPREME COURT OF OHIO

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

Waymon Arnold, pro se.

Per Curiam.

{¶ 4} Arnold asserts in his sole proposition of law that the court of appeals erred by dismissing his mandamus action. Arnold's assertion is meritless.

{¶ 5} Arnold had an adequate legal remedy by appeal to raise his claim concerning the trial court's alleged failure to journalize decisions relating to the speedy-trial provisions. See *State v. King* (1994), 70 Ohio St.3d 158, 162, 637 N.E.2d 903, 906; *State v. Mincy* (1982), 2 Ohio St.3d 6, 2 OBR 282, 441 N.E.2d 571, syllabus. Unlike *State ex rel. Grove v. Nadel* (1998), 81 Ohio St.3d 325, 691 N.E.2d 275, appellees' alleged failure to journalize these entries did not preclude an appeal raising this issue.

{¶ 6} In addition, appeal and postconviction relief are not rendered inadequate by the fact that Arnold can no longer raise this issue on appeal or claim ineffective assistance of counsel in a postconviction relief petition for failing to raise this issue in his direct appeal. Cf. *In re Estate of Davis* (1996), 77 Ohio St.3d 45, 46, 671 N.E.2d 9, 10.

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

Judgment affirmed.

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