

**SMITH, APPELLANT, v. WARREN, JUDGE, APPELLEE.**

**[Cite as *Smith v. Warren*, 2000-Ohio-223.]**

*Prohibition—Writ sought to compel common pleas court judge to vacate fines assessed as part of relator’s criminal convictions and sentence, and to return \$4,774 to relator—Dismissal of complaint by court of appeals affirmed.*

(No. 00-429—Submitted June 6, 2000—Decided August 16, 2000.)

APPEAL from the Court of Appeals for Allen County, No. CA99120103.

---

{¶ 1} In December 1999, appellant, Tobe Smith, filed a complaint in the Court of Appeals for Allen County for a writ of prohibition to compel appellee, Allen County Common Pleas Court Judge Richard K. Warren, to vacate fines assessed as part of Smith’s criminal convictions and sentence, and to return \$4,774 to Smith. The court of appeals granted Judge Warren’s motion and dismissed the complaint.

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

---

*Tobe Smith, pro se.*

*Jana E. Gutman*, Allen County Assistant Prosecuting Attorney, for appellee.

---

***Per Curiam.***

{¶ 3} Smith asserts that the court of appeals erred in dismissing his prohibition action. Smith’s assertion is meritless.

{¶ 4} Prohibition will not issue if relator has an adequate remedy in the ordinary course of law. *State ex rel. Kreps v. Christiansen* (2000), 88 Ohio St.3d

SUPREME COURT OF OHIO

313, 316, 725 N.E.2d 663, 667. Appeal, not prohibition, is the remedy for the correction of errors or irregularities of a court having proper jurisdiction. *State ex rel. Jackson v. Miller* (1998), 83 Ohio St.3d 541, 543, 700 N.E.2d 1273, 1275. Smith's assertion of sentencing error is nonjurisdictional, and he had an adequate remedy by appeal to raise this issue. *Smith v. Walker* (1998), 83 Ohio St.3d 431, 432, 700 N.E.2d 592. Therefore, he was not entitled to the requested extraordinary relief in prohibition.

{¶ 5} 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.

---