

THE STATE EX REL. RUDOLPH, APPELLANT, v. HORTON, JUDGE, APPELLEE.

[Cite as *State ex rel. Rudolph v. Horton*, 119 Ohio St.3d 350, 2008-Ohio-4476.]

Mandamus sought to compel judge to grant relator jail-time credit — Court of appeals' dismissal of complaint affirmed.

(No. 2008-0957 — Submitted August 26, 2008 — Decided September 10, 2008.)

APPEAL from the Court of Appeals for Franklin County, No. 07AP-1000.

Per Curiam.

{¶ 1} This is an appeal from a judgment dismissing a petition for a writ of mandamus to compel a judge to award jail-time credit. Because the petition does not state a viable mandamus claim, we affirm.

{¶ 2} Appellant, Tyrone Rudolph, a prison inmate, filed a petition in the Court of Appeals for Franklin County for a writ of mandamus to compel appellee, Franklin County Court of Common Pleas Judge Timothy Horton, to grant him jail-time credit on his previously entered sentence. Judge Horton filed a motion to dismiss. The court of appeals granted the motion and dismissed Rudolph's petition.

{¶ 3} We affirm the judgment of the court of appeals. Rudolph had an adequate remedy at law by appeal to raise any error by the trial court in calculating his jail-time credit. *State ex rel. Brown v. Summit Cty. Court of Common Pleas*, 99 Ohio St.3d 409, 2003-Ohio-4126, 792 N.E.2d 1123, ¶ 4. And insofar as Rudolph now claims that he is entitled to be released from prison because of his jail-time credit, habeas corpus, instead of mandamus, is the appropriate remedy. *State ex rel. Gordon v. Murphy*, 112 Ohio St.3d 329, 2006-Ohio-6572, 859 N.E.2d 928, ¶ 5.

Judgment affirmed.

SUPREME COURT OF OHIO

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR,
O'DONNELL, LANZINGER, and CUPP, JJ., concur.

Tyrone Rudolph, pro se.
