

THE STATE EX REL. WILSON, APPELLANT, v. MCGEE, JUDGE, APPELLEE.

[Cite as *State ex rel. Wilson v. McGee*, 123 Ohio St.3d 341, 2009-Ohio-5261.]

Mandamus — Writ sought by criminal defendant to correct his sentence — Trial court was authorized to correct its clerical error in mistakenly characterizing the degree of the offense of which the defendant was convicted — Court of appeals’ denial of writ affirmed.

(No. 2009-1038 — Submitted September 30, 2009 — Decided October 8, 2009.)

APPEAL from the Court of Appeals for Montgomery County, No. CA 23333.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Lawrence E. Wilson, for a writ of mandamus to correct his sentence. The common pleas court was authorized under Crim.R. 36 to correct its clerical error in mistakenly characterizing the degree of the offense of which Wilson was convicted. See *State ex rel. Cruzado v. Zaleski*, 111 Ohio St.3d 353, 2006-Ohio-5795, 856 N.E.2d 263, ¶ 19. Moreover, Wilson had an adequate remedy by appeal to raise his claim of noncompliance with Crim.R. 32. *Id.* at ¶ 32. Finally, Wilson waived this claim on appeal by failing to raise it in his petition in the court of appeals and by not seeking to amend his petition. See *State ex rel. R.W. Sidley, Inc. v. Crawford*, 100 Ohio St.3d 113, 2003-Ohio-5101, 796 N.E.2d 929, ¶ 32.

Judgment affirmed.

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

Lawrence E. Wilson, pro se.

SUPREME COURT OF OHIO

Mathias H. Heck Jr., Montgomery County Prosecuting Attorney, and John
A. Cumming, Assistant Prosecuting Attorney, for appellee.
