

**THE STATE EX REL. FOSTER, APPELLANT, v. DEWEESE, JUDGE, ET AL.,
APPELLEES.**

[Cite as *State ex rel. Foster v. DeWeese*, 131 Ohio St.3d 18, 2011-Ohio-6038.]

*Court of appeals' judgment dismissing complaint for writs of mandamus and
procedendo affirmed.*

(No. 2011-1351—Submitted November 16, 2011—Decided November 30, 2011.)

APPEAL from the Court of Appeals for Richland County,
No. 11CA1, 2011-Ohio-3511.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the complaint of appellant, Joseph Foster, for writs of mandamus and procedendo to compel appellees, Richland County Court of Common Pleas and Judge James DeWeese, to issue a final, appealable order in his criminal case. Neither mandamus nor procedendo will compel the performance of a duty that has already been performed. See *State ex rel. Rose v. McGinty*, 123 Ohio St.3d 86, 2009-Ohio-4050, 914 N.E.2d 366, ¶ 2. Judge DeWeese's April 3, 2007 sentencing entry in the criminal case fully complied with Crim.R. 32(C) by including the jury verdict upon which his convictions were based, the sentence, the signature of the judge, and the time stamp indicating entry on the journal by the clerk of court. See *State ex rel. Williams v. McGinty*, 129 Ohio St.3d 275, 2011-Ohio-2641, 951 N.E.2d 755, ¶ 1.

Judgment affirmed.

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

SUPREME COURT OF OHIO

Joseph Foster, pro se.

James J. Mayer Jr., Richland County Prosecuting Attorney, and Jill M.
Cochran, Assistant Prosecuting Attorney, for appellees.
