

**THE STATE EX REL. DUNCAN, APPELLANT, v. DEWEESE, JUDGE, APPELLEE.**

[Cite as *State ex rel. Duncan v. DeWeese*,  
132 Ohio St.3d 525, 2012-Ohio-3835.]

*Court of appeals' judgment dismissing complaint for writ of mandamus affirmed—Sentencing entry did not need to contain a disposition concerning specifications that defendant was charged with but was not convicted of.*

(No. 2012-0904—Submitted August 22, 2012—Decided August 30, 2012.)

APPEAL from the Court of Appeals for Richland County, No. 2011 CA 102.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Roy Duncan, for a writ of mandamus to compel appellee, Richland County Common Pleas Court Judge James DeWeese, to issue a new sentencing entry. Duncan asserts that his current sentencing entry is not a final, appealable order.

{¶ 2} Contrary to Duncan's assertion, to be final and appealable, the sentencing entry did not need to contain a disposition concerning specifications that Duncan was charged with but was not convicted of. *See State ex rel. Rose v. McGinty*, 128 Ohio St.3d 371, 2011-Ohio-761, 944 N.E.2d 672, ¶ 3; *State ex rel. Davis v. Cuyahoga Cty. Court of Common Pleas*, 127 Ohio St.3d 29, 2010-Ohio-4728, 936 N.E.2d 41, ¶ 2.

{¶ 3} The December 8, 2009 sentencing entry for Duncan fully complies with Crim.R. 32(C) and R.C. 2505.02 because it states that he was convicted by a

SUPREME COURT OF OHIO

jury of specified crimes, it sets forth the sentence, it is signed by the judge, and it was entered upon the journal by the clerk of court.<sup>1</sup> *Rose* at ¶ 2.

{¶ 4} Therefore, Duncan is not entitled to the requested extraordinary relief in mandamus to compel Judge DeWeese to enter a new sentencing entry.

Judgment affirmed.

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

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Roy Duncan, pro se.

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

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1. The entry orders Duncan to “pay restitution for medical expenses to Kathy Ward, Richard Miller, or providers.” In a subsequent entry denying Duncan’s motion for resentencing, the court stated that Duncan owed no monetary restitution. The entries thus resolved any issue concerning restitution.