

Farmer, J.

{¶1} Petitioner, Brian Mays, has filed a Complaint requesting the issuance of a writ of habeas corpus ordering his immediate release from confinement based upon the allegation the sentencing entry issued by the trial court is void.

{¶2} The sole allegation raised in the Complaint is the entry issued by the trial court is void because it fails to properly impose mandatory post-release controls.

{¶3} On January 10, 2003, the journal entry containing Petitioner's sentence was filed. This entry contains the following term, "Defendant given notice of post release control for the maximum period allowed for the above felony (s) under R.C. 2967.28."

{¶4} The Supreme Court has discussed the inapplicability of extraordinary writs to challenge a sentence based upon the trial court's failure to properly impose post release control where the trial court did at least include some post release control notification in the sentencing entry.

{¶5} The Court stated in *Patterson v. Ohio Adult Parole Auth.* 120 Ohio St.3d 311, 312, "[A defendant has] an adequate remedy by way of direct appeal from his sentence to raise his claim that he did not receive proper notification about post release control at his sentencing hearing. See, e.g., *Watkins v. Collins*, 111 Ohio St.3d 425, 2006-Ohio-5082, 857 N.E.2d 78, ("The remedy for improper notification about post release control at the sentencing hearing is resentencing-not release from prison") and ("habeas corpus is not available to contest any error in the sentencing entries, and petitioners have or had an adequate remedy by way of appeal to challenge the

imposition of post release control”). We have never held that these claims can be raised by extraordinary writ when the sentencing entry includes post release control, however inartfully it might be phrased. *Id.*; cf. *Hernandez v. Kelly*, 108 Ohio St.3d 395, 2006-Ohio-126, 844 N.E.2d 301 (petitioner entitled to writ of habeas corpus because sentencing entry did not include post release control, and petitioner had completed journalized sentence); *State v. Bezak*, 114 Ohio St.3d 94, 2007-Ohio-3250, 868 N.E.2d 961 (claim of failure to properly notify offender of post release control at sentencing hearing was raised in direct appeal from sentence imposing post release control).”

{¶6} Because Relator’s sentencing entry did contain an order imposing post release control, Relator has or had an adequate remedy at law by way of direct appeal to challenge any defect if one exists. Release from prison and the issuance of a writ of habeas corpus is not warranted for improper notification of post release control.

{¶7} For these reasons, the Petition for Writ of Habeas Corpus is denied.

{¶8} WRIT DENIED.

{¶9} COSTS TO PETITIONER.

{¶10} IT IS SO ORDERED.

By Farmer, J.

Hoffman, P.J. and

Wise, J. concur.

s/ Sheila G. Farmer

s/ William B. Hoffman

s/ John W. Wise

JUDGES

IN THE COURT OF APPEALS FOR RICHLAND COUNTY, OHIO
FIFTH APPELLATE DISTRICT

BRIAN MAYS	:	
Petitioner	:	
	:	
-vs-	:	Judgment Entry
	:	
MARGARET BRADSHAW, WARDEN	:	
Mansfield Correctional Institution	:	
	:	
Respondent	:	Case No. 09CA138

For the reasons stated in our accompanying Memorandum-Opinion, The Petition for Writ of Habeas Corpus is denied. Cost to Petitioner.

s/ Sheila G. Farmer

s/ William B. Hoffman

s/ John W. Wise

JUDGES