

[Cite as *State v. Fuerst*, 2001-Ohio-4179.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 79703

STATE OF OHIO, EX REL.	:	ORIGINAL ACTION
HENRY HALL	:	
	:	
Relator	:	
	:	JOURNAL ENTRY
v.	:	AND
	:	OPINION
GERALD E. FUERST, CLERK OF	:	
COURTS	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: OCTOBER 29, 2001

CHARACTER OF PROCEEDING: WRIT OF MANDAMUS

JUDGMENT: Writ denied.

APPEARANCES:

For Relator:

HENRY HALL, *pro se*
No. 303-386
Mansfield Correctional Inst.
P.O. Box 788
Mansfield, Ohio 44901

For Respondent:

WILLIAM D. MASON, ESQ.
Cuyahoga County Prosecutor

SHERRY F. McCREARY, ESQ.
Assistant County Prosecutor
The Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

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KARPINSKI, ADM.J.:

Relator is the defendant in *State v. Hall*, Cuyahoga County Court of Common Pleas Case No. CR-319360. By entry received for filing on March 29, 1995, relator was sentenced in Case No. CR-319360 "for a term of 8 to 15 years." Also in that journal entry, the trial court indicated "mandatory time 8 years/agreed sentence."

Complaint, Exh. C. Relator contends that the trial court imposed a sentence of 8 to 15 years, Complaint, Exh. A (transcript of plea and sentence), and that respondent clerk "added within the journal entry that the defendant-relator was to serve a mandatory eight years/agreed sentence." Complaint, par. 4.

In this action in mandamus, relator requests that this court compel respondent clerk to correct the journal entry "to have the journal entry *** read as the sentence that was imposed upon the relator." Complaint, par. 5. Yet, "the clerk does not have the power to issue orders." *State ex rel. Hussing v. Court of Common Pleas* (Oct. 1, 1998), Cuyahoga App. No. 74891, unreported, at 5. After the court issues a judgment, the clerk enters the judgment on the journal. Crim.R. 32(C). Relator has not set forth any clear legal duty on the part of respondent clerk to change the journal entry.

Accordingly, respondent's motion for summary judgment or, in the alternative, motion to dismiss is granted. Relator to pay costs. The clerk is directed to serve upon the parties notice of

this judgment and its date of entry upon the journal. Civ.R.
58(B).

Writ denied.

PATRICIA ANN BLACKMON, J., and

ANNE L. KILBANE, J., CONCUR.

DIANE KARPINSKI
ADMINISTRATIVE JUDGE