

[Cite as *State ex rel. Rose v. McGinty*, 2010-Ohio-5020.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 95451**

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**STATE OF OHIO, EX REL.  
FLOYD ROSE**

RELATOR

vs.

**HONORABLE TIMOTHY J. MCGINTY**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Procedendo  
Motion No. 436509  
Order No. 437972

**RELEASE DATE:** October 13, 2010

**FOR RELATOR**

Floyd Rose, pro se  
Inmate # 523-596  
Richland Correctional Institution  
P.O. Box 8107  
Mansfield, Ohio 44901

**ATTORNEYS FOR RESPONDENT**

William D. Mason  
Cuyahoga County Prosecutor

By: James E. Moss  
Assistant County Prosecutor  
8th Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

MARY J. BOYLE, J.:

{¶ 1} Floyd Rose, the relator, has filed a complaint for a writ of procedendo. Rose seeks an order from this court, which requires Judge Timothy J. McGinty, the respondent, to re-enter a judgment entry of conviction and sentence in the underlying action of *State v. Rose*, Cuyahoga County Court of Common Pleas Case No. CR-492008. Judge McGinty has

filed a motion for summary judgment, which we grant for the following reasons.

{¶ 2} Rose, through his complaint for a writ of procedendo, argues that the sentencing journal entry of March 27, 2007, fails to comport with the requirements of Crim.R. 32(C) and R.C. 2505.02. Contrary to Rose's argument, the sentencing journal entry of March 27, 2007, is not defective and fully complies with Crim.R. 32(C) and R.C. 2505.02. The Supreme Court of Ohio, in *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, 893 N.E.2d 163, established that a sentencing journal entry is a final appealable order under R.C. 2505.02 and complies with Crim.R. 32(C) when it sets forth: (1) the guilty plea, the jury verdict, or the finding of the court upon which the conviction is based; (2) the sentence; (3) the signature of the judge; and (4) entry on the journal by the clerk of the court. Herein, Judge McGinty's sentencing journal entry sets forth (1) the plea of guilty; (2) the sentence with regard to the offenses of robbery and failure to comply with order or signal of a police officer; (3) the signature of Judge McGinty; and (4) entry on the journal by the clerk of court. The sentencing journal entry fully complies with *Baker*. Thus, Judge McGinty possesses no duty to re-sentence Rose. *State ex rel. Barr v. Sutula*, 126 Ohio St.3d 193, 2010-Ohio-3213, 931 N.E.2d 1078; *State ex rel. Pruitt v. Cuyahoga Cty. Court of Common Pleas*, 125 Ohio

St.3d 402, 2010-Ohio-1808, 928 N.E.2d 722. Accordingly, we grant Judge McGinty's motion for summary judgment. Costs to Rose. It is further ordered that the Clerk of the Eighth District Court of Appeals serve notice of this judgment upon all parties as required by Civ.R. 58(B).

Writ denied.

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MARY J. BOYLE, JUDGE

SEAN C. GALLAGHER, A.J., and  
FRANK D. CELEBREZZE, JR., J., CONCUR