

[Cite as *State ex rel. Ivory v. Burnside*, 2011-Ohio-352.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 96197

**STATE OF OHIO, EX REL.
WILEY IVORY**

RELATOR

VS.

JUDGE JANET R. BURNSIDE, ET AL.

RESPONDENTS

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 440995
Order No. 440740

RELEASE DATE: January 21, 2011

FOR RELATOR

Wiley Ivory, pro se
Inmate No. 406-107
P.O. Box 788
Mansfield, Ohio

ATTORNEYS FOR RESPONDENTS

William D. Mason
Cuyahoga County Prosecutor

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

Mike DeWine
Attorney General of Ohio
30 East Broad Street
State Office Tower
Columbus, Ohio 43215

MELODY J. STEWART, J.:

{¶ 1} Wiley Ivory has filed a complaint for a writ of mandamus. Ivory seeks an order from this court, that requires Judge Janet R. Burnside to vacate the corrected sentencing journal entry journalized on September 13, 2010, in *State v. Ivory*, Cuyahoga County Court of Common Pleas Case No. CR-389997, and conduct a new sentencing hearing that properly imposes postrelease control.

{¶ 2} The corrected sentencing journal entry journalized on September 13, 2010, that once again imposed postrelease control upon Ivory, constituted a final, appealable order, and Ivory possesses or possessed an adequate remedy at law by way of appeal to raise any alleged errors associated with the resentencing. *State ex rel. Pruitt v. Cuyahoga Cty. Court of Common Pleas*, 125 Ohio St.3d 402, 2010-Ohio-1808, 928 N.E.2d 722; *Watkins v. Collins*, 111 Ohio St.3d 402, 2006-Ohio-5082, 857 N.E.2d 78. Thus, mandamus, as an extraordinary writ, may not be employed to vacate the corrected sentencing journal entry. *State ex rel. Tucker v. Forchione*, Slip Opinion No. 2010-Ohio-6291. See, also, *State v. Fischer*, Slip Opinion No. 2010-Ohio-6238.

{¶ 3} Accordingly, we decline to issue a writ of mandamus on behalf of Ivory. Costs to Ivory. 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.

MELODY J. STEWART, JUDGE

SEAN C. GALLAGHER, P.J., and
COLLEEN CONWAY COONEY, CONCUR