

[Cite as *State ex rel. Paige v. Corrigan*, 2011-Ohio-743.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 95864

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**STATE OF OHIO, EX REL.  
ARNOLD PAIGE**

RELATOR

vs.

**HONORABLE JUDGE PETER J. CORRIGAN**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Mandamus  
Motion No. 439205  
Order No. 441603

**RELEASE DATE:** February 15, 2011

**FOR RELATOR**

Arnold Paige, pro se  
Inmate No. 463-249  
Lake Erie Correctional Institution  
P.O. Box 8000  
Conneaut, Ohio 44030-8000

**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

KENNETH A. ROCCO, J.:

{¶ 1} Relator, Arnold Paige, is the defendant in *State v. Paige*, Cuyahoga Cty. Court of Common Pleas Case No. CR-445036, which has been assigned to respondent judge. In Case No. CR-445036, the judge previously assigned to Paige's case issued a sentencing entry on March 30, 2004 stating, in part: "Post release control of three years on counts one through thirty and thirty-two, five years on count thirty-one and five years on counts thirty-three through fifty-six is a part of this prison sentence allowed for the above felony (s) under R. C.2967.28."

{¶ 2} Paige contends that the March 30, 2004 sentencing entry is void because the trial court committed various errors when imposing postrelease control. He requests that this court issue a writ of mandamus compelling respondent to vacate his sentence.<sup>1</sup>

{¶ 3} Respondent filed a motion for summary judgment and argued, inter alia, that Paige does not have a clear legal right to relief in mandamus. Paige filed a brief in opposition.

{¶ 4} After the parties submitted their filings, the Supreme Court decided *State ex rel. Tucker v. Forchione*, \_\_\_ Ohio St.3d \_\_\_, 2010-Ohio-6291, \_\_\_ N.E.2d \_\_\_. Tucker was sentenced in 1999. He requested the court of appeals to issue relief in mandamus compelling the respondent court “to conduct a sentencing hearing based upon the allegation the original entry which was issued by the trial court is void.” *State ex rel. Tucker v. Forchione*, Stark App. No. 2009CA00240, 2010-Ohio-530, ¶1. The court of appeals granted respondent’s motion to dismiss the action because Tucker “has or had an adequate remedy at law by way of direct appeal \* \* \* .” *Id.*, ¶6. The Supreme Court affirmed the judgment of the court of appeals. “Tucker’s February 1, 1999 sentencing entry ‘sufficiently included language that postrelease control was part of his sentence so as to afford him sufficient notice to raise any claimed errors on appeal rather than by extraordinary writ.’ *State ex rel. Pruitt v. Cuyahoga Cty. Court of Common Pleas*, 125

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<sup>1</sup> By entry received for filing on July 8, 2010, respondent denied Paige’s motion to vacate void sentence. Paige indicates that he did not receive notice of that entry until August 4, 2010 and filed a notice of appeal on August 11, 2010. This court dismissed the appeal as

Ohio St.3d 402, 2010-Ohio-1808, 928 N.E.2d 722, ¶4; *Watkins v. Collins*, 111 Ohio St.3d 425, 2006-Ohio-5082, 857 N.E.2d 78, ¶51-53.” \_\_\_ Ohio St.3d \_\_\_, 2010-Ohio-6291, \_\_\_ N.E.2d \_\_\_, ¶1.

{¶ 5} Likewise, in this action, the March 30, 2004 sentencing entry included language expressly informing Paige that he was subject to postrelease control. The sentencing entry, therefore, provided him sufficient notice to raise any claimed errors on appeal. That is, Paige had an adequate remedy in the ordinary course of the law. As a consequence, *Tucker* requires that we deny Paige’s request for relief in mandamus.

{¶ 6} Accordingly, respondent’s motion for summary judgment 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.

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KENNETH A. ROCCO, JUDGE

SEAN C. GALLAGHER, P.J., and  
MELODY J. STEWART, J., CONCUR