

[Cite as *State ex rel. Campbell v. Fuerst*, 2015-Ohio-2414.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 102597

STATE OF OHIO, EX REL.
LOUIS CAMPBELL

RELATOR

VS.

NANCY FUERST, JUDGE

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Mandamus
Motion Nos. 483159 and 483444
Order No. 485393

RELEASE DATE: June 16, 2015

FOR RELATOR

Louis Campbell
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ATTORNEYS FOR RESPONDENT

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MARY J. BOYLE, J.:

{¶1} Petitioner Louis Campbell seeks a writ of habeas corpus on the ground that postrelease control has been improperly imposed upon him following his release from prison on June 8, 2014. Campbell maintains that the trial court improperly imposed postrelease control in *State v. Campbell*, Cuyahoga County C.P. No. CR-10-538673-A. He has named Gary Croft, Director of the Ohio Adult Parole Authority, and Judge Nancy Fuerst as respondents. Respondent Croft has filed a motion to dismiss, and Judge Fuerst has moved for summary judgment. Campbell has not opposed either motion. The motions are granted for the reasons that follow.

{¶2} The sentencing journal entry filed on March 7, 2011 in CR-10-538673-A provides that postrelease control was part of Campbell’s sentence “for 3 years mandatory” for his felony convictions pursuant to R.C. 2967.28. Campbell represents that he was released from his prison term in that case on June 8, 2014, and placed on postrelease control. He seeks a writ of habeas corpus because he believes postrelease control was improperly imposed.

{¶3} Under analogous circumstances, the Ohio Supreme Court affirmed the dismissal of a complaint for writ of habeas corpus because the petitioner had an adequate remedy by way of appeal from his sentencing entry to raise his claim. *Patterson v. Ohio Adult Parole Auth.*, 120 Ohio St.3d 311, 2008-Ohio-6147. In *Patterson*, the sentencing entry included “up to five years postrelease control.” *Id.* at ¶ 2. The Ohio Supreme

Court explained that it had “never held that these claims can be raised by extraordinary writ when the sentencing entry includes postrelease control, however inartfully it might be phrased.” *Id.* at

¶ 8. The court in *Patterson*, however, distinguished sentencing entries that included a term of postrelease control from sentencing entries that did not include any term or mention of postrelease control. *Id.* In this case, the sentencing journal entry does include a term of postrelease control. Campbell had an adequate remedy to raise the alleged improper imposition or notification of postrelease control as part of his sentence by way of an appeal. Accordingly, habeas corpus is not an available remedy to challenge the imposition of postrelease control in this case.

{¶4} The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B). Costs to relator.

{¶5} Writ denied.

MARY J. BOYLE, JUDGE

EILEEN T. GALLAGHER, J., and
LARRY A. JONES, SR., P.J., CONCUR