

[Cite as *State ex rel. Pinkston v. McDonnell*, 2015-Ohio-771.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 102471

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STATE OF OHIO, EX REL.  
IKE PINKSTON

RELATOR

vs.

JUDGE NANCY R. McDONNELL

RESPONDENT

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**JUDGMENT:**  
WRIT DENIED

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Writ of Mandamus  
Motion No. 482231  
Order No. 482541

**RELEASE DATE:** March 3, 2015

**FOR RELATOR**

Ike Pinkston, pro se  
Inmate # 524-144  
Grafton Correctional Institution  
2500 South Avon-Belden Road  
Grafton, Ohio 44044

**ATTORNEYS FOR RESPONDENT**

Timothy J. McGinty  
Cuyahoga County Prosecutor

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

EILEEN T. GALLAGHER, J.:

{¶1} Relator, Ike Pinkston (“Pinkston”), has filed a complaint for a writ of mandamus. Pinkston seeks an order from this court, which requires Judge Nancy R. McDonnell to issue a revised sentencing journal entry in *State v. Pinkston*, Cuyahoga C.P. No. CR-72-003444-ZA (Apr. 17, 2007), which includes five years of postrelease control per R.C. 2967.28. Judge McDonnell has filed a motion to dismiss, which we grant for the following reasons.

{¶2} Initially, we find that the complaint for a writ of mandamus is procedurally defective. Pinkston has failed to comply with R.C. 2969.25(C), which required him to file a statement setting forth his inmate account “for each of the preceding six months, as certified by the institutional cashier.” Pinkston’s failure to comply with R.C. 2969.25(C) allows for the summary dismissal of his complaint for a writ of mandamus. *State ex rel. Castro v. Corrigan*, 129 Ohio St.3d 342, 2011-Ohio-4059, 952 N.E.2d 497; *State ex rel. McGrath v. McDonnell*, 126 Ohio St.3d 511, 2010-Ohio-4726, 935 N.E.2d 830.

{¶3} In addition, Pinkston’s complaint for a writ of mandamus fails to state a claim upon which relief can be granted. *State ex rel. Peebles v. Anderson*, 73 Ohio St.3d 559, 653 N.E.2d 371 (1995). On February 22, 1972, Pinkston was indicted for one count of manslaughter and Judge McDonald “impose[d] a prison sentence at the Lorain Correctional Institution of 20 years, 1 to 20 years indefinite.” *See* sentencing journal entry journalized on April 17, 2007. *See also* transcript of sentencing hearing at page 13 and 18 as attached to Pinkston’s complaint for a writ of mandamus.

{¶4} R.C. 2967.28, which governs the imposition of postrelease control, applies only to crimes committed after July 1, 1996. Because Pinkston committed the offense of manslaughter prior to July 1, 1996, he is not subject to postrelease control, and Judge McDonnell possesses no

duty to issue a revised sentencing journal entry that imposes postrelease control. *State v. Rush*, 83 Ohio St.3d 53, 697 N.E.2d 634 (1998). “[P]ostrelease control does not apply to pre-Am.Sub.S.B. No. 2 sentences or crimes committed on or before July 1, 1996 as postrelease control did not exist prior to July 1, 1996.) *State v. Gavin*, 8th Dist. Cuyahoga No. 90017, 2008-Ohio-2042, ¶ 11.

{¶5} Accordingly, we grant Judge McDonnell’s motion to dismiss. Costs to Pinkston. Costs waived. 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).

{¶6} Writ dismissed.

EILEEN T. GALLAGHER, JUDGE

FRANK D. CELEBREZZE, JR., A.J., and  
LARRY A. JONES, SR., J., CONCUR