

**THE STATE EX REL. LESTER, APPELLANT, v. PEPPE, JUDGE, APPELLEE.**

[Cite as *State ex rel. Lester v. Pepple*, 130 Ohio St.3d 353, 2011-Ohio-5756.]

*Criminal procedure—Judgment entry of conviction sufficient—Writs of mandamus and procedendo denied.*

(No. 2011-0327—Submitted November 2, 2011—Decided November 10, 2011.)

APPEAL from the Court of Appeals for Auglaize County, No. 02-10-34.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Stephen M. Lester, for writs of mandamus and procedendo to compel appellee, Auglaize County Common Pleas Court Judge Frederick D. Pepple, to issue a final and appealable sentencing entry in his criminal case. Neither mandamus nor procedendo will lie to compel an act that has already been performed. See *State ex rel. Rose v. McGinty*, 123 Ohio St.3d 86, 2009-Ohio-4050, 914 N.E.2d 366, ¶ 2. As we held in a separate appeal by Lester, his original sentencing entry constituted a final, appealable order even though it lacked a specification concerning the manner of his conviction. *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958 N.E.2d 142, paragraphs one and two of the syllabus.

Judgment affirmed.

O’CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O’DONNELL, CUPP, and MCGEE BROWN, JJ., concur.

LANZINGER, J., concurs in judgment only.

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Stephen M. Lester, pro se.

Edwin A. Pierce, Auglaize County Prosecuting Attorney, for appellee.

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