

**THE STATE EX REL. SMITH, APPELLANT, v. CUYAHOGA COUNTY  
SHERIFF'S DEPARTMENT ET AL., APPELLEES.**

[Cite as *State ex rel. Smith v. Cuyahoga Cty. Sheriff's Dept.*,  
126 Ohio St.3d 482, 2010-Ohio-4389.]

*Habeas corpus — Adequate remedy at law by way of appeal — Res judicata bars  
action — Judgment affirmed.*

(No. 2010-0906 — Submitted September 15, 2010 — Decided  
September 22, 2010.)

APPEAL from the Court of Appeals for Cuyahoga County,  
No. 94626, 2010-Ohio-1763.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals denying the request of appellant, Gregory Smith,<sup>1</sup> for a writ of habeas corpus to compel his release from confinement. Smith has an adequate remedy by way of appeal to raise his jurisdictional claim concerning his resentencing. See *Patterson v. Ohio Adult Parole Auth.*, 120 Ohio St.3d 311, 2008-Ohio-6147, 898 N.E.2d 950, ¶ 8; *State ex rel. Pruitt v. Cuyahoga Cty. Court of Common Pleas*, 125 Ohio St.3d 402, 2010-Ohio-1808, 928 N.E.2d 722, ¶ 4. Moreover, res judicata bars Smith from filing a successive habeas corpus action to raise a claim that he could have raised in his previous action. [*Smith*] *DeDonno v. Bradshaw*, 124 Ohio St.3d 1413, 2009-Ohio-6816, 919 N.E.2d 213; *Keith v. Kelley*, 125 Ohio St.3d 161, 2010-Ohio-1807, 926 N.E.2d 646, ¶ 1.

Judgment affirmed.

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1. Although Smith claims that his last name is now DeDonno, the Ohio Department of Rehabilitation and Correction still lists his last name as Smith.

SUPREME COURT OF OHIO

BROWN, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR,  
O'DONNELL, LANZINGER, and CUPP, JJ., concur.

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Gregory Smith, pro se.

William D. Mason, Cuyahoga County Prosecuting Attorney, and James E.  
Moss, Assistant Prosecuting Attorney, for appellees.

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