

**THE STATE EX REL. FRANKS, APPELLANT, v. COSGROVE, JUDGE, APPELLEE.**

[Cite as *State ex rel. Franks v. Cosgrove*, 135 Ohio St.3d 249, 2013-Ohio-402.]

*Mandamus to compel credit for jail time in prison sentence—Remedy available in ordinary course of law—Writ denied.*

(No. 2012-1717—Submitted February 6, 2013—Decided February 14, 2013.)

APPEAL from the Court of Appeals for Summit County, No. 26448.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals denying the motion of appellant, Nathaniel Franks, for a writ of mandamus to compel appellee, his trial court judge, to award him jail-time credit. Franks’s claim for jail-time credit is remediable in the ordinary course of law by motion and appeal. *State ex rel. Williams v. McGinty*, 129 Ohio St.3d 275, 2011-Ohio-2641, 951 N.E.2d 755, ¶ 2. In addition, res judicata barred Franks from filing a successive mandamus action seeking the same relief. *State ex rel. Carroll v. Corrigan*, 91 Ohio St.3d 331, 744 N.E.2d 771 (2001). Finally, insofar as Franks’s second mandamus claim was instituted by motion, “original actions for extraordinary relief like a writ of mandamus must be commenced by filing a complaint or a petition, not by filing a ‘motion’ or an ‘application.’” *State ex rel. Bealler v. Ohio Adult Parole Auth.*, 91 Ohio St.3d 36, 37, 740 N.E.2d 1100 (2001).

Judgment affirmed.

O’CONNOR, C.J., and PFEIFER, O’DONNELL, LANZINGER, KENNEDY, FRENCH, and O’NEILL, JJ., concur.

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Nathaniel Franks, pro se.

SUPREME COURT OF OHIO

Sherri Bevan Walsh, Summit County Prosecuting Attorney, and Corina  
Stahle Gaffney, Assistant Prosecuting Attorney, for appellee.

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