

The State ex rel. White, Appellant, v. Goldsberry, Judge, Appellee.

[Cite as *State ex rel. White v. Goldsberry* (1996), Ohio St.3d .]

Mandamus to compel judge to issue findings of fact and conclusions of law in judgment denying petition for postconviction relief -- Writ denied, when.

(No. 96-569 -- Submitted June 25, 1996 -- Decided August 7, 1996.)

Appeal from the Court of Appeals for Athens County, No. 95 CA 1708.

Appellant, Michael T. White, was convicted of one count of aggravated burglary, two counts of aggravated robbery, one count of felonious assault, and accompanying firearm specifications, and was sentenced accordingly. See *State v. White* (May 23, 1986), Athens App. No. 1230, unreported, 1986 WL 6048. In 1989, White filed a petition for postconviction relief, which was dismissed by the Athens County Court of Common Pleas Court. The court of appeals affirmed the dismissal. *State v. White* (1991), 71 Ohio App.3d 550, 594 N.E.2d 1087, appeal dismissed, 61 Ohio St.3d 1434, 575 N.E.2d 845. In September 1995, White filed another petition for postconviction relief, as well as several motions. The common pleas court issued a detailed judgment denying White's petition and specifically ruling on all of White's pending motions.

In December 1995, White filed a complaint for a writ of mandamus in the court of appeals. White requested a writ of mandamus to compel appellee, Common Pleas Court Judge L. Alan Goldsberry, to issue findings of fact and conclusions of law on his 1995 judgment denying White's petition for postconviction relief.

The court of appeals granted Judge Goldsberry's motion for summary judgment and denied the writ. The court of appeals determined that Judge Goldsberry did not have any duty to file findings of fact and conclusions of law. See *State ex rel. Luna v. McGimpsey* (1996), 74 Ohio St.3d 485, 486, 659 N.E.2d 1278, 1278-1279 (since the trial court possesses discretion to issue findings of fact and conclusions of law on a successive petition for postconviction relief and petitioner possesses an adequate legal remedy via appeal of judgment dismissing the successive petition, mandamus will not lie to compel findings of fact and conclusions of law); *State ex rel. Jennings v. Nurre* (1995), 72 Ohio St.3d 596, 651 N.E.2d 1006. In addition, the court of appeals concluded that Judge Goldsberry had "sufficiently discussed and ruled upon" White's petition and various motions.

The cause is now before this court upon an appeal as of right.

Michael T. White, pro se.

Per Curiam. The judgment of the court of appeals is affirmed for the reasons stated in its judgment entry.

Judgment affirmed.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and
STRATTON, JJ., concur.