

IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY, OHIO

STATE OF OHIO ex rel.	:	PER CURIAM OPINION
MICHAEL K. LOVE,	:	
	:	
Relator,	:	
	:	CASE NO. 2015-L-143
- VS -	:	
	:	
JUDGE JOHN O'DONNELL,	:	
	:	
Respondent.	:	

Original Action for Writ of Mandamus.

Judgment: Petition dismissed.

Michael K. Love, pro se, PID: A368-723, Grafton Correctional Institution, 2500 South Avon Belden Road, Grafton, OH 44044 (Relator).

Charles E. Coulson, Lake County Prosecutor, and *Eric A. Condon*, Assistant Prosecutor, Lake County Administration Building, 105 Main Street, P.O. Box 490, Painesville, OH 44077 (For Respondent).

PER CURIAM.

{¶1} Relator, Michael K. Love, petitions this court to issue its writ of mandamus, requiring respondent, the Hon. John O'Donnell, Judge of the Lake County Court of Common Pleas, to issue a new judgment entry of sentence. Respondent has moved to dismiss. Relator is presently serving 15 years to life imprisonment for felony murder. *State v. Love*, 11th Dist. Lake No. 2011-L-159, 2012-Ohio-3029, ¶3. Relator insists the

original judgment entry of sentence in his case did not contain the elements necessary to constitute a proper judgment entry, and that it never was a final appealable order. Relator did not raise this issue on his initial, direct appeal. See, e.g., *State v. Love*, 11th Dist. Lake No. 99-L-051, 2001 Ohio App. LEXIS 2147 (May 11, 2001).

{¶2} Mandamus will not lie when the relator has (or had) an adequate remedy at law. *State ex rel. Turner v. Dept. of Rehab. and Corr.*, 10th Dist. Franklin No. 13AP-911, 2014-Ohio-2789, ¶19. Mandamus is not a substitute for direct appeal. *Id.* at ¶21. This court has already determined that relator could, and should, have raised this issue on his direct appeal, and the matter is now res judicata. *Love*, 2012-Ohio-3029, ¶12-25.

{¶3} Relator's motion for summary judgment, related to the writ of mandamus, is also denied.

{¶4} Respondent's motion to dismiss is granted.

TIMOTHY P. CANNON, J., THOMAS R. WRIGHT, J., COLLEEN MARY, O'TOOLE, J.,
concur.