

THE STATE EX REL. EARL, APPELLANT, v. SHAFER, CUSTODIAN OF RECORDS,

APPELLEE.

[Cite as *State ex rel. Earl v. Shafer* (1999), \_\_\_ Ohio St.3d \_\_\_\_.]

*Mandamus to compel Custodian of Records of Mansfield Correctional Institution to correct relator's records in accordance with former R.C. 2929.41(E)(2) and to recalculate his parole eligibility date — Complaint dismissed, when.*

(No. 98-2548 — Submitted March 9, 1999 — Decided April 28, 1999.)

APPEAL from the Court of Appeals for Richland County, No. 98CA93.

In September 1991, appellant, Jonathan Earl, was convicted of four counts of rape and two counts of gross sexual imposition, and sentenced to an aggregate prison term of twenty-three to fifty years. In October 1998, Earl filed a complaint in the Court of Appeals for Richland County for a writ of mandamus to compel respondent, Sandra Shafer, Custodian of Records of Mansfield Correctional Institution, to correct his records in accordance with former R.C. 2929.41(E)(2) and to recalculate his parole eligibility date to either December 2001 or January 2002, depending on his good-time credits. The court of appeals dismissed the complaint.

This cause is now before the court upon an appeal as of right.

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*Jonathan Earl, pro se.*

*Betty D. Montgomery, Attorney General, and Jihad M. Smaili, Assistant Attorney General, for appellee.*

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***Per Curiam.*** We affirm the dismissal of Earl's mandamus action. Earl has an adequate legal remedy by way of a declaratory judgment action in common pleas court to correct his prison record. *State ex rel. Konoff v. Shafer* (1997), 80 Ohio St.3d 294, 295-296, 685 N.E.2d 1248, 1249-1250; *State ex rel. Yonkings v.*

*Ohio Dept. of Rehab. & Corr.* (Oct. 28, 1993), Franklin App. No. 93AP-655, unreported, 1993 WL 435190, affirmed (1994), 69 Ohio St.3d 70, 630 N.E.2d 365. There is no evidence of any present injury to Earl that would prevent a declaratory judgment from providing a complete, beneficial, and speedy remedy. *Konoff*, 80 Ohio St.3d at 295-296, 685 N.E.2d at 1250, citing *Schrader v. Vilevac* (Jan. 31, 1996), Lorain App. No. 95CA006187, unreported, 1996 WL 37762.

*Judgment affirmed.*

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