

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Turner v. Brunsman*, Slip Opinion No. 2009-Ohio-5588.]

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**SLIP OPINION NO. 2009-OHIO-5588**

**TURNER, APPELLANT, v. BRUNSMAN, WARDEN, APPELLEE.**

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Turner v. Brunsman*, Slip Opinion No. 2009-Ohio-5588.]

*Habeas corpus — Dismissal affirmed — Sentencing error not cognizable in habeas corpus.*

(No. 2009-1129 — Submitted October 20, 2009 — Decided October 28, 2009.)

APPEAL from the Court of Appeals for Warren County, No. CA2009-02-021.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Donald Turner, for a writ of habeas corpus. Turner’s claim of nonjurisdictional sentencing errors is not cognizable in habeas corpus. See, e.g., *Dunn v. Smith*, 119 Ohio St.3d 364, 2008-Ohio-4565, 894 N.E.2d 312, ¶ 10. If, as Turner claims, the trial court refuses to issue a revised sentencing entry, he may compel the court to act through an action for a writ of mandamus or a writ of procedendo. *Id.* at ¶ 9.

Judgment affirmed.

SUPREME COURT OF OHIO

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

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Donald Turner, pro se.

Richard Cordray, Attorney General, and William H. Lamb, Assistant  
Attorney General, for appellee.

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