

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Davis v. Ewers*, Slip Opinion No. 2011-Ohio-5790.]

NOTICE

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SLIP OPINION NO. 2011-OHIO-5790

THE STATE EX REL. DAVIS, APPELLANT, v. EWERS, JUDGE, APPELLEE.

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Criminal procedure—Judgment entry of conviction sufficient—Writ of mandamus denied.

(No. 2010-1605—Submitted November 2, 2011—Decided November 15, 2011.)

APPEAL from the Court of Appeals for Lorain County, No. 10CA009828.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the complaint of appellant, Benson Davis, a.k.a. Ian Davis, for a writ of mandamus to compel appellee, Lorain County Court of Common Pleas Judge Raymond J. Ewers, to issue sentencing entries in his criminal cases that comply with Crim.R. 32(C) so as to constitute final, appealable orders. “Mandamus will not compel the performance of an act that has already been performed.” *State ex rel. Dehler v. Kelly*, 123 Ohio St.3d 297, 2009-Ohio-5259, 915 N.E.2d 1223, ¶ 1. As the court of appeals correctly determined, Davis’s original sentencing entries in September

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1994 complied with Crim.R. 32(C) sufficiently to constitute final, appealable orders. *State v. Lester*, ___ Ohio St.3d ___, 2011-Ohio-5204, ___ N.E.2d ___, paragraph one of the syllabus. The omission of the “manner of the conviction” in these sentencing entries did not prevent the judgments from being final, appealable orders. *Id.*

Judgment affirmed.

O’CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O’DONNELL, CUPP, and MCGEE BROWN, JJ., concur.

LANZINGER, J., concurs in judgment only.

Benson Davis, pro se.

Dennis P. Will, Lorain County Prosecuting Attorney, and M. Robert Flanagan, Assistant Prosecuting Attorney, for appellee.
