

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Alicea v. Krichbaum*, Slip Opinion No. 2010-Ohio-3234.]

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SLIP OPINION NO. 2010-OHIO-3234

THE STATE EX REL. ALICEA, APPELLANT, v. KRICHBAUM, JUDGE, APPELLEE.

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Slip Opinion No. 2010-Ohio-3234.]

Criminal procedure — Crim.R. 32(C) — Requirements for judgment entry of conviction.

(No. 2010-0430 — Submitted July 6, 2010 — Decided July 14, 2010.)

APPEAL from the Court of Appeals for Mahoning County,

No. 09 MA 213, 2010-Ohio-610.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the complaint of appellant, Clemente Alicea, for a writ of mandamus to compel appellee, Mahoning County Court of Common Pleas Judge R. Scott Krichbaum, to hold a new sentencing hearing. Alicea claims that his 1999 sentencing entry was not a final, appealable order because it did not include any indication of the manner of his conviction as required by Crim.R. 32(C).

SUPREME COURT OF OHIO

{¶ 2} Alicea’s claim lacks merit for two separate reasons. First, the remedy for a failure to comply with Crim.R. 32(C) is a revised sentencing entry rather than a new hearing. *State ex rel. Culgan v. Medina Cty. Court of Common Pleas*, 119 Ohio St.3d 535, 2008-Ohio-4609, 895 N.E.2d 805, ¶ 8-10. Second, Alicea’s sentencing entry fully complied with Crim.R. 32(C) and *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, 893 N.E.2d 163, syllabus. The entry specified that Alicea was found guilty of rape after a jury trial. Therefore, the sentencing entry constituted a final, appealable order, and Alicea is not entitled to a new sentencing entry. *State ex rel. Pruitt v. Cuyahoga Cty. Court of Common Pleas*, 125 Ohio St.3d 402, 2010-Ohio-1808, __ N.E.2d __.

{¶ 3} Therefore, the court of appeals properly dismissed Alicea’s complaint for a writ of mandamus.

Judgment affirmed.

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

Clemente Alicea, pro se.

Paul J. Gains, Mahoning County Prosecuting Attorney, and Ralph M.
Rivera, Assistant Prosecuting Attorney, for appellee.
