

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Koller v. Sutula*, Slip Opinion No. 2012-Ohio-3834.]

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SLIP OPINION NO. 2012-OHIO-3834

THE STATE EX REL. KOLLER, APPELLANT, v. SUTULA, JUDGE, APPELLEE.

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it may be cited as *State ex rel. Koller v. Sutula*,

Slip Opinion No. 2012-Ohio-3834.]

Court of appeals' judgment dismissing complaint for writs of mandamus and procedendo affirmed.

(No. 2012-0434—Submitted August 22, 2012—Decided August 30, 2012.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 97173, 2012-Ohio-369.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the complaint of appellant, Kevin Koller, for writs of mandamus and procedendo to compel appellee, Cuyahoga County Court of Common Pleas Judge Kathleen Ann Sutula, to enter a lawful sentence for him. “Neither mandamus nor procedendo will issue if the party seeking extraordinary relief has an adequate remedy in the ordinary course of law.” *State ex rel. Hudson v. Sutula*, 131 Ohio St.3d 177,

SUPREME COURT OF OHIO

2012-Ohio-554, 962 N.E.2d 798, ¶ 1. Koller's allied-offense claims are nonjurisdictional and are not cognizable in an extraordinary-writ action, and Koller had an adequate remedy in the ordinary course of law to raise his claims in an appeal from his sentencing entry. *See State ex rel. Agosto v. Gallagher*, 131 Ohio St.3d 176, 2012-Ohio-563, 962 N.E.2d 796, ¶ 3. Koller's double-jeopardy claim was also remediable by appeal rather than by extraordinary writ. *See Hudson* at ¶ 1.

Judgment affirmed.

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

Kevin Koller, pro se.
