

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Culgan v. Kimbler*, Slip Opinion No. 2012-Ohio-3310.]

NOTICE

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**SLIP OPINION NO. 2012-OHIO-3310**

**THE STATE EX REL. CULGAN, APPELLANT, v. KIMBLER, JUDGE, ET AL.,  
APPELLEES.**

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it may be cited as *State ex rel. Culgan v. Kimbler*,  
Slip Opinion No. 2012-Ohio-3310.]**

*Criminal procedure—Crim.R. 32—Judgment entry of conviction—Writs of  
procedendo and mandamus denied.*

(No. 2012-0465—Submitted July 11, 2012—Decided July 24, 2012.)

APPEAL from the Court of Appeals for Medina County, No. 11CA0059-M.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Clifford J. Culgan, for writs of mandamus and procedendo to compel appellees, Medina County Court of Common Pleas Judge James Kimbler and the common pleas court, to issue a valid, final judgment in one of his criminal cases and to vacate his sentence in another of his criminal cases. “Neither mandamus nor procedendo will lie to compel an act that has already

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been performed.” *State ex rel. Lester v. Pepple*, 130 Ohio St.3d 353, 2011-Ohio-5756, 958 N.E.2d 566. Culgan’s sentencing entries constitute final, appealable orders because they each set forth his convictions, the sentence, the judge’s signature, and the time stamp indicating the entry upon the journal by the clerk. *State ex rel. Jones v. Ansted*, 131 Ohio St.3d 125, 2012-Ohio-109, 961 N.E.2d 192, ¶ 2; *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958 N.E.2d 142, paragraph one of the syllabus. And the court of appeals did not violate his right to due process and the ex post facto provisions of the United States and Ohio Constitutions. The sentences that Culgan challenges complied with Crim.R. 32(C) by specifying that he was convicted upon his no-contest pleas. *Id.* at ¶ 15-16, citing *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, 893 N.E.2d 163. Finally, insofar as Culgan argues that one of his sentences is erroneous because there is no authorization for consecutive six-month jail sentences, he had an adequate remedy by appeal to raise his claim of sentencing error. *State ex rel. Hudson v. Sutula*, 131 Ohio St.3d 177, 2012-Ohio-554, 962 N.E.2d 798.

Judgment affirmed.

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

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Clifford J. Culgan, pro se.

Dean Holman, Medina County Prosecuting Attorney, and Matthew Kern, Assistant Prosecuting Attorney, for appellees.

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