

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Franks v. Cosgrove*, Slip Opinion No. 2013-Ohio-402.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

**SLIP OPINION NO. 2013-OHIO-402**

**THE STATE EX REL. FRANKS, APPELLANT, v. COSGROVE, JUDGE, APPELLEE.**

**[Until this opinion appears in the Ohio Official Reports advance sheets,  
it may be cited as *State ex rel. Franks v. Cosgrove*,**

**Slip Opinion No. 2013-Ohio-402.]**

*Mandamus to compel credit for jail time in prison sentence—Remedy available in  
ordinary course of law—Writ denied.*

(No. 2012-1717—Submitted February 6, 2013—Decided February 14, 2013.)

APPEAL from the Court of Appeals for Summit County, No. 26448.

---

**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals denying the motion of appellant, Nathaniel Franks, for a writ of mandamus to compel appellee, his trial court judge, to award him jail-time credit. Franks’s claim for jail-time credit is remediable in the ordinary course of law by motion and appeal. *State ex rel. Williams v. McGinty*, 129 Ohio St.3d 275, 2011-Ohio-2641, 951 N.E.2d 755, ¶ 2. In addition, res judicata barred Franks from filing a successive mandamus action seeking the same relief. *State ex rel. Carroll v. Corrigan*, 91 Ohio St.3d 331, 744

SUPREME COURT OF OHIO

N.E.2d 771 (2001). Finally, insofar as Franks’s second mandamus claim was instituted by motion, “original actions for extraordinary relief like a writ of mandamus must be commenced by filing a complaint or a petition, not by filing a ‘motion’ or an ‘application.’ ” *State ex rel. Bealler v. Ohio Adult Parole Auth.*, 91 Ohio St.3d 36, 37, 740 N.E.2d 1100 (2001).

Judgment affirmed.

O’CONNOR, C.J., and PFEIFER, O’DONNELL, LANZINGER, KENNEDY, FRENCH, and O’NEILL, JJ., concur.

---

Nathaniel Franks, pro se.

Sherri Bevan Walsh, Summit County Prosecuting Attorney, and Corina Staehle Gaffney, Assistant Prosecuting Attorney, for appellee.

---