

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Porter v. Jensen*, Slip Opinion No. 2013-Ohio-998.]

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-998

THE STATE EX REL. PORTER, APPELLANT, v. JENSEN, JUDGE, APPELLEE.

[Until this opinion appears in the Ohio Official Reports advance sheets,

it may be cited as *State ex rel. Porter v. Jensen*,

Slip Opinion No. 2013-Ohio-998.]

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

(No. 2012-2065—Submitted March 13, 2013—Decided March 20, 2013.)

APPEAL from the Court of Appeals for Lucas County,

No. L-12-1281, 2012-Ohio-5556.

Per Curiam.

{¶ 1} We affirm the judgment dismissing the petition of appellant, Lamar Porter, for writs of mandamus and procedendo to compel appellee, Lucas County Court of Common Pleas Judge James D. Jensen, to issue a new sentencing entry that complies with Crim.R. 32(C). Neither mandamus nor procedendo will lie to compel an act that has already been performed. *State ex rel. Culgan v. Kimbler*, 132 Ohio St.3d 480, 2012-Ohio-3310, 974 N.E.2d 88. Porter's

SUPREME COURT OF OHIO

sentencing entry fully complied with Crim.R. 32(C) and constituted a final, appealable order because it set forth the fact of his convictions, the sentence, the judge's signature, and the time stamp indicating its entry upon the journal by the clerk. *See State ex rel. Jones v. Ansted*, 131 Ohio St.3d 125, 2012-Ohio-109, 961 N.E.2d 192, ¶ 2. Notwithstanding Porter's argument to the contrary, Crim.R. 32(C) did not require Judge Jensen to specify that the sentence did not include restitution. The judge's sentencing entry contained a full resolution of the counts for which Porter was convicted. A court is not required to include in the judgment entry something not ordered as part of the sentence.

Judgment affirmed.

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

Lamar Porter, pro se.

Julia R. Bates, Lucas County Prosecuting Attorney, and Kevin A. Pituch, Assistant Prosecuting Attorney, for appellee.
