

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Daggett v. Bradshaw*, Slip Opinion No. 2013-Ohio-4765.]

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SLIP OPINION NO. 2013-OHIO-4765

DAGGETT, APPELLANT, v. BRADSHAW, WARDEN, APPELLEE.

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Habeas corpus—Adequate remedy in the ordinary course of law exists for raising a claim of sentencing error—Court of appeals’ dismissal of petition affirmed.

(No. 2013-0562—Submitted October 9, 2013—Decided November 6, 2013.)

APPEAL from the Court of Appeals for Richland County, No. 12CA99,
2013-Ohio-713.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals granting the motion to dismiss of appellee, Margaret Bradshaw, warden of the Richland Correctional Institution, and dismissing the petition of appellant, Leotis M. Daggett, for a writ of habeas corpus. On June 15, 2011, as part of a negotiated agreement, Daggett pled guilty to a charge of robbery and was sentenced to six years in prison. The sentencing entry stated that the robbery was a felony of the fourth degree. The

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sentencing court issued two nunc pro tunc orders to correct an error in the original entry. The first again said that the charge was a felony of the fourth degree; the second, issued on July 8, 2011, corrected the entry to reflect that the charge was a second-degree felony.

{¶ 2} Daggett argues that the sentencing court lacked authority to issue the nunc pro tunc entries and that he has already served the maximum sentence for a fourth-degree felony.

{¶ 3} Daggett's claims are not cognizable in habeas corpus, because he had an adequate remedy in the ordinary course of law by way of appeal, and in general, sentencing orders are not cognizable in habeas corpus. *State ex rel. Sneed v. Anderson*, 114 Ohio St.3d 11, 2007-Ohio-2454, 866 N.E.2d 1084, ¶ 7.

{¶ 4} Moreover, a nunc pro tunc order correcting a clerical error in a sentencing entry violates neither Crim.R. 32(C) nor *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, 893 N.E.2d 163. *State ex rel. Womack v. Marsh*, 128 Ohio St.3d 303, 2011-Ohio-229, 943 N.E.2d 1010, ¶ 15; *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958 N.E.2d 142, ¶ 17-20.

Judgment affirmed.

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

Leotis M. Daggett, pro se.

Michael DeWine, Attorney General, and Thelma Thomas Price, Assistant Attorney General, for appellee.
