

**THE STATE EX REL. CLUTTER, APPELLANT, v. WISEMAN, JUDGE, ET AL.,  
APPELLEES.**

[Cite as *State ex rel. Clutter v. Wiseman*, 127 Ohio St.3d 214, 2010-Ohio-4987.]

*Criminal procedure — Mandamus and procedendo to compel resentencing —  
Petition dismissed on basis of res judicata.*

(No. 2010-0931 — Submitted September 28, 2010 — Decided October 20, 2010.)

APPEAL from the Court of Appeals for Crawford County, No. 3-10-07.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Kyle L. Clutter, for writs of mandamus and procedendo to compel appellees, Crawford County Court of Common Pleas and Judge Russell B. Wiseman of that court, to resentence him. Clutter has already unsuccessfully sought resentencing by raising a similar claim for writs of mandamus and procedendo. See *State ex rel. Clutter v. Crawford Cty. Court of Common Pleas* (Mar. 20, 2009), Crawford App. No. 3-09-01. As the court of appeals correctly concluded, res judicata thus barred Clutter from instituting a successive writ action. See *State ex rel. Tate v. Calabrese*, 125 Ohio St.3d 28, 2010-Ohio-1431, 925 N.E.2d 962.

Judgment affirmed.

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

LANZINGER, J., dissents.

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Kyle L. Clutter, pro se.

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