

COURT OF APPEALS  
RICHLAND COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

STATE OF OHIO, ex rel.  
GARY D. WALKER

Relator

JUDGES:

Hon. Patricia A. Delaney, P. J.  
Hon. John W. Wise, J.  
Hon. Earle E. Wise, J.

-VS-

JUDGE JAMES DEWEESE  
RICHLAND COUNTY COMMON  
PLEAS COURT

Respondent

Case No. 17 CA 38

O P I N I O N

CHARACTER OF PROCEEDING:

Writ of Mandamus

JUDGMENT:

Dismissed

DATE OF JUDGMENT ENTRY:

October 17, 2017

APPEARANCES:

For Relator

GARY D. WALKER  
RICHLAND CORR. INSTITUTION  
1001 Olivesburg Road  
Mansfield, Ohio 44901

For Respondent

HARRISON L. CRUMRINE  
ASSISTANT PROSECUTOR  
38 South Park Street  
Mansfield, Ohio 44902

*Delaney, P. J.*

{¶1} Relator, Gary Walker, has filed a Petition for Writ of Mandamus requesting this Court to order Respondent to issue a judgment entry in compliance with Crim.R. 32. Respondent filed a motion to dismiss indicating a compliant judgment entry has been issued. Relator has filed a response to the motion to dismiss acknowledging the entry has been filed but requesting court costs be imposed against Respondent.

{¶2} For a writ of mandamus to issue, the Relator must have a clear legal right to the relief prayed for, the Respondent must be under a clear legal duty to perform the requested act, and Relator must have no plain and adequate remedy in the ordinary course of law. *State, ex rel. Berger v. McMonagle* (1983), 6 Ohio St.3d 28, 6 OBR 50, 451 N.E.2d 225.

{¶3} However, the Supreme Court has held mandamus will not issue where the requested relief has been obtained, “Neither procedendo nor mandamus will compel the performance of a duty that has already been performed.” *State ex rel. Kreps v. Christiansen* (2000), 88 Ohio St.3d 313, 318, 725 N.E.2d 663, 668.

{¶4} Because Respondent has issued a judgment entry pursuant to Relator's motion for a judgment entry in compliance with Crim.R. 32, the request for a writ of mandamus has become moot. For this reason, the Petition for Writ of Mandamus is dismissed.

By: Delaney, P. J.

Wise, John, J., and

Wise, Earle, J., concur.

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HON. PATRICIA A. DELANEY

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HON. JOHN W. WISE

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HON. EARLE E. WISE, JR.

STATE OF OHIO, ex rel.  
GARY D. WALKER

-VS-

JUDGE JAMES DEWEESE  
RICHLAND COUNTY COMMON  
PLEAS COURT

Respondent

JUDGMENT ENTRY

Case No. 17 CA 38

For the reasons stated in our accompanying Memorandum-Opinion, Relator's Petition for Writ of Mandamus is dismissed.

Costs are waived.

HON. PATRICIA A. DELANEY

HON. JOHN W. WISE

HON. EARLE E. WISE, JR.