

[Cite as *State ex rel. Williams v. Corrigan*, 2018-Ohio-1745.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 106786

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STATE OF OHIO, EX REL.  
STEPHEN WILLIAMS

RELATOR

vs.

JUDGE PETER CORRIGAN

RESPONDENT

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**JUDGMENT:**  
WRIT DENIED

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Writ of Procedendo  
Motion No. 515296  
Order No. 516639

**RELEASE DATE:** May 2, 2018

## **FOR RELATOR**

Stephen Williams, pro se  
Inmate No. 472732  
Richland Correctional Institution  
P.O. Box 8107  
Mansfield, Ohio 44901

## **ATTORNEYS FOR RESPONDENT**

Michael C. O'Malley  
Cuyahoga County Prosecutor  
By: James E. Moss  
Assistant County Prosecutor  
The Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

KATHLEEN ANN KEOUGH, J.:

{¶1} On February 1, 2018, the relator, Stephen Williams, commenced this procedendo action against Judge Peggy Foley Jones,<sup>1</sup> to compel the judge to rule on his July 24, 2017 motion for resentencing that he filed in the underlying case, *State v. Williams*, Cuyahoga C.P. No. CR-03-434930-ZA, and to resentence him to impose postrelease control sanctions properly. On February 28, 2018, the respondent judge moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a February 27, 2018 journal entry that ordered Williams's return from prison for a hearing on March 15, 2018. The docket reveals that pursuant to a March 19, 2018 journal entry the respondent judge had conducted a hearing to

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<sup>1</sup>Judge Peter Corrigan is the successor judge to Judge Peggy Foley Jones and took the necessary action in this matter. Pursuant to Civ.R. 21, this court substitutes Judge Peter Corrigan for Judge Peggy Foley Jones as the respondent in this case.

properly impose a five-year mandatory postrelease control sanction on Williams. The entry reiterated the guilty pleas, the sentences, and then specified the terms of postrelease control. The judge then added the following: “All motions not specifically ruled on prior to the filing of this judgment entry are denied as moot.” Williams never filed a response to the motion for summary judgment. The journal entries establish that the judge has proceeded to judgment on Williams’s motion and has resentenced him to properly impose postrelease control sanctions. This writ action is moot.

{¶2} Relator also did not comply with R.C. 2969.25(C), which requires that an inmate file a certified statement from his prison cashier setting forth the balance in his private account for each of the preceding six months. This also is sufficient reason to deny the mandamus, deny indigency status, and assess costs against the relator. *State ex rel. Pamer v. Collier*, 108 Ohio St.3d 492, 2006-Ohio-1507, 844 N.E.2d 842; *State ex rel. Hunter v. Cuyahoga Cty. Court of Common Pleas*, 88 Ohio St.3d 176, 2000-Ohio-285, 724 N.E.2d 420; and *Hazel v. Knab*, 130 Ohio St.3d 22, 2011-Ohio-4608, 955 N.E.2d 378 — the defect may not be cured by subsequent filings.

{¶3} Accordingly, this court grants the respondent judge’s motion for summary judgment and denies the application for a writ of procedendo. Relator to pay costs. This court directs the clerk of courts to serve all parties notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶4} Writ denied.

SEAN C. GALLAGHER, P.J., and  
LARRY A. JONES, SR., J., CONCUR