

[Cite as *State ex rel. Banks v. Comstock*, 2018-Ohio-4796.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 107260

STATE OF OHIO, EX REL.
KEVIN W. BANKS

RELATOR

vs.

JUDGE MARK COMSTOCK

RESPONDENT

JUDGMENT:
COMPLAINT DISMISSED

Writ of Procedendo
Motion No. 519670
Order No. 522941

RELEASE DATE: November 27, 2018

FOR RELATOR

Kevin W. Banks, pro se
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Fairborn, Ohio 45324

ATTORNEYS FOR RESPONDENT

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EILEEN T. GALLAGHER, P.J.:

{¶1} Kevin W. Banks has filed a complaint for a writ of procedendo in order to compel Judge Mark Comstock to proceed to final judgment in *Berea v. Banks*, Berea M.C. No. 16-CRB-00766.

{¶2} The Supreme Court of Ohio has established that a court may take notice of a docket that is publicly available via the internet. *State ex rel. Everhart v. McIntosh*, 115 Ohio St.3d 195, 2007-Ohio-4798, 874 N.E.2d 516, ¶ 8, citing *Doe v. Golden & Walters, P.L.L.C.*, 173 S.W.3d 260, 265 (Ky.App.2005); *Leatherworks Partnership v. Berk Realty, Inc.*, N.D. Ohio No. 4:04 CV 0784, 2005 U.S. Dist. LEXIS 27887, 2 (Nov. 15, 2005). *See also Cornelison v. Russo*, 8th Dist. Cuyahoga No. 107283, 2018-Ohio-3574; *State v. Chairperson of the Ohio Adult Parole Auth.*, 10th Dist. Franklin No. 17AP-651, 2018-Ohio-1620, ¶ 23.

{¶3} We find that Banks's complaint for a writ of procedendo is moot. An examination of the electronic docket maintained by the Berea Municipal Court discloses that on November 7, 2018, Judge Comstock found Banks guilty of the offense of domestic violence

(R.C. 2919.25) upon the entry of a plea of no contest, sentenced Banks to a jail sentence of one day, with credit granted for one day, and imposed a fine of \$75 plus court costs. The docket further reveals that Banks paid \$597, which included the fine of \$75 and court costs. Because Judge Comstock proceeded to judgment in Berea M.C. No. 16-CRB-00766, Banks has obtained the relief he has sought and the complaint for a writ of procedendo is moot. *State ex rel. Howard v. Doneghy*, 102 Ohio St.3d 355, 2004-Ohio-3207, 810 N.E.2d 958; *State ex rel. Kreps v. Christiansen*, 88 Ohio St.3d 313, 318, 725 N.E.2d 663 (2000), citing *State ex rel. Grove v. Nadel*, 84 Ohio St.3d 252, 703 N.E.2d 304 (1998).

{¶4} Accordingly, we sua sponte dismiss Banks's complaint for a writ of procedendo. Costs waived. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{¶5} Complaint dismissed.

EILEEN T. GALLAGHER, PRESIDING JUDGE

ANITA LASTER MAYS, J., and
LARRY A. JONES, SR., J., CONCUR