

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE EX REL. REGINALD J. WYNN, :

Relator, :

No. 108576

v. :

JUDGE BRENDAN SHEEHAN, :

Respondent. :

JOURNAL ENTRY AND OPINION

JUDGMENT: WRIT DENIED

DATED: August 16, 2019

Writ of Procedendo
Motion No. 529271
Order No. 530401

Appearances:

Reginald J. Wynn, *pro se*.

Michael C. O'Malley, Cuyahoga County Prosecuting
Attorney, and James E. Moss, Assistant Prosecuting
Attorney, *for respondent*.

EILEEN T. GALLAGHER, P.J.:

{¶ 1} Reginald J. Wynn has filed a complaint for a writ of procedendo. Wynn seeks an order from this court that requires Judge Brendan J. Sheehan to render a ruling with regard to a “motion to vacate the five (5) terms of post-release

control” filed in *State v. Wynn*, Cuyahoga C.P. No. CR-06-479707-A. We deny Wynn’s request for a writ of procedendo.

{¶ 2} Attached to Judge Sheehan’s motion for summary judgment is a copy of a judgment entry, journalized June 3, 2019, which denied Wynn’s motion to vacate the five-year term of postrelease control. Wynn’s complaint for a writ of procedendo is moot because procedendo will not issue to compel the performance of a duty that has already been performed. *State ex rel. Clay v. Gee*, 138 Ohio St.3d 151, 2014-Ohio-48, 4 N.E.3d 1026; *State ex rel. Fontanella v. Kontos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220.

{¶ 3} Accordingly, we grant Judge Sheehan’s motion for summary judgment. Costs to Wynn; 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).

{¶ 4} Writ denied.

EILEEN T. GALLAGHER, PRESIDING JUDGE

LARRY A. JONES, SR., J., and
RAYMOND C. HEADEN, J., CONCUR