

[Cite as *State ex rel. Lawrence v. Jackson*, 2019-Ohio-549.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 107924

STATE OF OHIO, EX REL.
HOWARD E. LAWRENCE, IV

RELATOR

vs.

MICHAEL E. JACKSON, JUDGE

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Procedendo
Motion No. 523871
Order No. 525015

RELEASE DATE: February 11, 2019

FOR RELATOR

Howard E. Lawrence, IV, pro se
Inmate No. A643726
Ohio State Penitentiary
878 Coitsville-Hubbard Road
Youngstown, Ohio 44505

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

PATRICIA ANN BLACKMON, J.:

{¶1} On November 28, 2018, the relator, Howard Lawrence, IV, commenced this procedendo action against the respondent, Judge Michael Jackson, to compel the judge to rule on a motion for leave to file a motion for new trial, which Lawrence had filed on June 23, 2017, in the underlying case, *State v. Lawrence*, Cuyahoga C.P. No. CR-13-570740-A. On December 17, 2018, the respondent judge, through the Cuyahoga County Prosecutor, moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a copy of a certified journal entry, file-stamped December 16, 2018, in which the respondent denied the subject motion. Lawrence did not file a reply. The December 16, 2018 journal entry establishes that the respondent has proceeded to judgment on the subject motion. This action is moot.

{¶2} Accordingly, this court grants the respondent's motion for summary judgment and denies the application for a writ of procedendo. Relator to pay costs; costs waived. 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).

{¶3} Writ denied.

PATRICIA ANN BLACKMON, JUDGE

EILEEN T. GALLAGHER, P.J., and
FRANK D. CELEBREZZE, JR., J., CONCUR