

**THE STATE EX REL. CRIM, APPELLANT, v. OHIO ADULT PAROLE AUTHORITY,
APPELLEE.**

[Cite as *State ex rel. Crim v. Ohio Adult Parole Auth.*, 1999-Ohio-232.]

Mandamus to compel Ohio Adult Parole Authority to credit relator's sentence with his one-hundred-eight-day period of pretrial confinement—Denial of writ affirmed—Writ of mandamus will not issue to compel an act that has already been performed.

(No. 99-491—Submitted August 25, 1999—Decided October 13, 1999.)

APPEAL from the Court of Appeals for Lucas County, No. 98AP-680.

{¶ 1} In 1998, appellant, Howard Crim, Jr., filed a complaint in the Court of Appeals for Franklin County for a writ of mandamus to compel appellee, Ohio Adult Parole Authority (“APA”), to credit his sentence with his one-hundred-eight-day period of pretrial confinement. The APA filed a motion to dismiss the complaint. The APA attached to its motion an affidavit of the prison records custodian establishing that Crim’s sentences had been credited for the period of his pretrial confinement. The court of appeals denied the writ.

{¶ 2} This cause is now before the court upon an appeal as of right.

Howard Crim, Jr., pro se.

Betty D. Montgomery, Attorney General, and *Joshua T. Cox*, Assistant Attorney General, for appellee.

Per Curiam.

{¶ 3} We affirm the judgment of the court of appeals. A writ of mandamus will not issue to compel an act that has already been performed. *State ex rel. Eads*

SUPREME COURT OF OHIO

v. Callahan (1998), 82 Ohio St.3d 405, 406, 696 N.E.2d 581, 582.

Judgment affirmed.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and
LUNDBERG STRATTON, JJ., concur.
