

[THE STATE EX REL.] JONES, APPELLANT, v. O’CONNOR, JUDGE, APPELLEE.

[Cite as *State ex rel. Jones v. O’Connor*, 1999-Ohio-470.]

Mandamus to compel common pleas court judge to grant relator’s motion for jail-time credit—Court of appeals does not err in dismissing complaint, when.

(No 98-1782—Submitted December 15, 1998—Decided February 10, 1999.)

APPEAL from the Court of Appeals for Hamilton County, No. C-980431.

{¶ 1} In May 1998, appellant, Dennis R. Jones, filed a complaint in the Court of Appeals for Hamilton County. Jones requested a writ of mandamus to compel appellee, Hamilton County Common Pleas Court Judge John O’Connor, to grant his motion for jail-time credit because Judge O’Connor had not ruled on the motion. Judge O’Connor filed motions to dismiss Jones’s complaint. In one of the motions, Judge O’Connor asserted that the mandamus claim was moot because he had denied Jones’s motion for jail-time credit in a June 1998 entry. In the June 1998 entry, Judge O’Connor found that Jones had already received twenty-three days of jail-time credit and that he was not entitled to any more credit.

{¶ 2} The court of appeals granted Judge O’Connor’s motions and dismissed Jones’s mandamus complaint.

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

Dennis R. Jones, pro se.

Per Curiam.

{¶ 4} Jones asserts that the court of appeals erred in dismissing his complaint for a writ of mandamus. For the following reasons, however, we find this assertion to be meritless.

{¶ 5} First, to the extent that Jones requested that Judge O'Connor rule on his motion for jail-time credit, his claim was rendered moot when Judge O'Connor subsequently denied the motion. Mandamus does not lie to compel an act that has already been performed. *State ex rel. Wynn v. McCormick* (1998), 82 Ohio St.3d 420, 421, 696 N.E.2d 593.

{¶ 6} Second, Jones had an adequate remedy at law by appeal to review any sentencing error by Judge O'Connor in failing to calculate his correct jail-time credit. See, e.g., *State ex rel. Sampson v. Parrott* (1998), 82 Ohio St.3d 92, 93, 694 N.E.2d 463.

{¶ 7} Finally, the duty under R.C. 2967.191 to actually *grant* pretrial-confinement time credit rests with the Adult Parole Authority rather than Judge O'Connor. *State ex rel. Harrell v. Hamilton Cty. Court of Common Pleas* (1979), 58 Ohio St.2d 193, 12 O.O.3d 189, 389 N.E.2d 506; *State ex rel. Gooden v. Martin* (1990), 67 Ohio App.3d 685, 588 N.E.2d 185.

{¶ 8} Based on the foregoing, we affirm the judgment of the court of appeals.

Judgment affirmed.

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