

**IN THE COURT OF APPEALS  
ELEVENTH APPELLATE DISTRICT  
PORTAGE COUNTY, OHIO**

STATE OF OHIO ex rel.	:	<b>PER CURIAM OPINION</b>
WALTER E. REYES,	:	
	:	
Relator,	:	
	:	<b>CASE NO. 2014-P-0033</b>
- vs -	:	
	:	
JUDGE LAURIE J. PITTMAN,	:	
	:	
Respondent.	:	

Original Action for Writs of Procedendo and Mandamus.

Judgment: Petition dismissed.

*Walter E. Reyes*, pro se, PID: A590-238, Madison Correctional Institution, P.O. Box 740, 1851 State Route 56, London, OH 43140 (Relator).

*Victor V. Vigluicci*, Portage County Prosecutor, and *Denise L. Smith*, Chief Assistant Prosecutor, 241 South Chestnut Street, Ravenna, OH 44266 (For Respondent).

PER CURIAM.

{¶1} Relator Walter E. Reyes filed a writ of procedendo and mandamus arguing that respondent Judge Laurie Pittman has failed to execute her duties as a judge by not ruling upon his motion entitled “Motion to set aside judgment of conviction and to withdraw Plea of Guilty.” Subsequent to the writ of procedendo and mandamus filing, respondent overruled relator’s motion. Consequently, respondent argues her ruling upon the motion makes this action moot.

{¶2} A writ of procedendo and mandamus cannot be used to compel execution

of a duty that “has already been performed.” *State ex rel. Lewis v. Mahoning Cty. Court of Common Pleas*, 7th Dist. Mahoning No. 05 MA 15, 2005-Ohio-4893, ¶6 (Quotation omitted). As respondent has performed her duty to rule upon relator’s motion, this court cannot grant relator his requested relief as the matter is now moot. *State ex rel. Verbanik v. Girard Mun. Court Judge Bernard*, 11th Dist. Trumbull No. 2006-T-0080, 2007-Ohio-1786, ¶7.

{¶3} Accordingly, the petition is dismissed.

DIANE V. GRENDALL, J., CYNTHIA WESTCOTT RICE, J., THOMAS R. WRIGHT J.,  
concur.