

IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY, OHIO

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| STATE OF OHIO ex rel. HERBERT ANDERSON, | : | PER CURIAM OPINION |
| | : | |
| Relator, | : | CASE NO. 2019-L-129 |
| | : | |
| - vs - | : | |
| | : | |
| VINCENT A. CULOTTA, JUDGE, | : | |
| | : | |
| Respondent. | : | |
| | : | |

Original Action for Writ of Procedendo/Mandamus.

Judgment: Petition dismissed.

Herbert Anderson, pro se, PID: A572-384, Richland Correctional Institution, 1001 Olivesburg Road, P.O. Box 8107, Mansfield, OH 44905 (Relator).

Charles E. Coulson, Lake County Prosecutor, and *Michael L. DeLeone*, Assistant Prosecutor, Lake County Administration Building, 105 Main Street, P.O. Box 490, Painesville, OH 44077 (For Respondent).

PER CURIAM.

{¶1} Relator, Herbert Anderson, has filed a petition for writ of procedendo or, in the alternative, writ of mandamus. Relator seeks to compel respondent, Judge Vincent A. Culotta, to rule on a pleading requesting respondent to issue findings of fact and conclusions of law in relation to a judgment denying relator’s “writ of error coram nobis.” Respondent subsequently filed a motion to dismiss the petition as moot.

{¶2} “To be entitled to a writ of procedendo, [relator] must show a clear legal right to require the court to proceed, a clear legal duty on the part of the court to proceed, and the lack of an adequate remedy in the ordinary course of the law. A writ of procedendo is proper when a court has refused to enter judgment or has unnecessarily delayed proceeding to judgment.” (Citations omitted.) *Shoop v. State*, 144 Ohio St.3d 374, 2015-Ohio-2068, ¶6.

{¶3} Appended to respondent’s motion to dismiss is a copy of the docket in the underlying criminal matter as well as copies of the relevant judgments that are central to relator’s petition. On November 5, 2019, respondent ruled on relator’s motion seeking findings of fact and conclusions of law. The issue has consequently been resolved and relator has an adequate remedy at law to contest the merits of the judgment on appeal. The instant petition is therefore dismissed as moot.

THOMAS R. WRIGHT, P.J., CYNTHIA WESTCOTT RICE, J., MARY JANE TRAPP, J.,
concur.