

COURT OF APPEALS  
MUSKINGUM COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

|                              |   |                                |
|------------------------------|---|--------------------------------|
| MATTHEW HILL.                | : | JUDGES:                        |
|                              | : | Hon. Patricia A. Delaney, P.J. |
| Relator                      | : | Hon. Sheila G. Farmer, J.      |
|                              | : | Hon. Julie A. Edwards, J.      |
| -VS-                         | : |                                |
|                              | : | Case No. CT12-0036             |
| KELLY COTTRILL, JUDGE, ET AL | : |                                |
|                              | : |                                |
| Respondents                  | : | <u>OPINION</u>                 |

CHARACTER OF PROCEEDING: Writ of Mandamus

JUDGMENT: Dismissed

DATE OF JUDGMENT: September 27, 2012

APPEARANCES:

For Relator For Respondents

|                           |      |
|---------------------------|------|
| MATTHEW HILL              | NONE |
| N.C.I. #478-775           |      |
| 15708 McConnelsville Road |      |
| Caldwell, Ohio 43724      |      |

*Farmer, J.*

{¶1} Relator, Matthew Hill, has filed a complaint for writ of mandamus requesting this Court to issue a writ requiring Respondent to rule on a motion for appointment of counsel and motion for transcript at state expense filed in the trial court.

{¶2} Subsequent to the filing of the instant of Complaint, the trial court issued an order appointing an attorney to represent Relator in his criminal appeal.

{¶3} The Supreme Court has held, “Neither procedendo nor mandamus will compel the performance of a duty that has already been performed. *State ex rel. Grove v. Nadel* (1998), 84 Ohio St.3d 252, 253, 703 N.E.2d 304, 305.” *State ex rel. Kreps v. Christiansen* (2000), 88 Ohio St.3d 313, 318, 725 N.E.2d 663, 668.

{¶4} Because the requested relief has already been obtained, we find the complaint for writ of mandamus is moot.

{¶5} We also note Relator had an adequate remedy at law by way of filing a motion for appointment of counsel and motion for transcript in this Court.

{¶6} For these reasons, the requested writ will not issue and the cause is dismissed.

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By Farmer, J.

Delaney, P.J. and

Edwards, J. concur.

s / Sheila G. Farmer

s / Patricia A. Delaney

s / Julie A. Edwards

JUDGES

IN THE COURT OF APPEALS FOR MUSKINGUM COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

MATTHEW HILL

Relator

-VS-

KELLY COTTRILL, JUDGE, ET AL

Respondents

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JUDGMENT ENTRY

CASE NO. CT12-0036

For the reasons stated in our accompanying Memorandum-Opinion, the requested writ will not issue and the cause is dismissed.

s / Sheila G. Farmer

s / Patricia A. Delaney

s / Julie A. Edwards

JUDGES