

STATE OF OHIO, BELMONT COUNTY
IN THE COURT OF APPEALS
SEVENTH DISTRICT

STATE ex rel. RODNEY ECKLES,)	
)	CASE NO. 07 BE 43
RELATOR,)	
)	<u>OPINION</u>
- VS -)	<u>AND</u>
)	<u>JOURNAL ENTRY</u>
BELMONT COUNTY COMMON PLEAS)	
COURT, JUDGE JOHN M. SOLOVAN,)	
)	
RESPONDENT.)	

CHARACTER OF PROCEEDINGS: Petition for Writ of Mandamus.

JUDGMENT: Petition for Writ of Mandamus Dismissed as Moot.

APPEARANCES:

For Relator:

Rodney Eckles, *Pro Se*
#A518-203
North Coast Correctional Treatment Facility
2000 South Avon Belden Road
Grafton, Ohio 44044

For Respondent:

Attorney Chris Berhalter
Prosecuting Attorney
Attorney David Liberati
Assistant Prosecuting Attorney
147-A West Main Street
St. Clairsville, Ohio 43950

JUDGES:

Hon. Joseph J. Vukovich
Hon. Cheryl L. Waite
Hon. Mary DeGenaro

Dated: December 28, 2007

PER CURIAM:

{¶1} On October 23, 2007, Relator Rodney Eckles, filed a petition for writ of mandamus against Respondent Judge John M. Solovan. The petition requested this court to order Respondent to rule on Relator's motion for jail time credit in Belmont County Common Pleas Court Case No. 06CR054. On November 15, 2007, Respondent filed an answer. In that answer, Respondent directed this court to the trial court's November, 14, 2007, denial of the motion for jail time credit.

{¶2} Consequently, as a result of the November 14, 2007 decision, Relator's petition is moot. A writ of mandamus will not issue to compel an act already performed. *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas*, 74 Ohio St.3d 278, 1996-Ohio-117, citing *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5.

{¶3} Petition denied. Costs assessed against Relator. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

Vukovich, J., concurs.

Waite, J., concurs.

DeGenaro, P.J., concurs.