

[Cite as *State ex rel. Blackburn v. Saffold*, 2002-Ohio-1068.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 80806

STATE OF OHIO EX REL.	:	
GARY BLACKBURN	:	PETITION FOR WRIT OF MANDAMUS
	:	
PETITIONER	:	MOTION NOS. 36148 AND 36071
	:	
v.	:	JOURNAL ENTRY AND OPINION
	:	
JUDGE SHIRLEY STRICKLAND	:	
SAFFOLD	:	
	:	
RESPONDENT	:	

DATE OF JOURNALIZATION: MARCH 8, 2002

JUDGMENT: WRIT DENIED.

APPEARANCES:

For Petitioner: Gary Blackburn, *pro se*
Inmate No. 405-643
Richland Correctional Institution
P.O. Box 8107
Mansfield, OH 44901

For Respondent: William D. Mason, Esq.
Cuyahoga County Prosecutor
Diane Smilanick, Esq.
Assistant County Prosecutor
Justice Center - 8th Floor
1200 Ontario Street
Cleveland, OH 44113:

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TIMOTHY E. McMONAGLE, A.J.:

{¶1} On January 29, 2001, the relator, Gary Blackburn, commenced this mandamus action against the respondent, Judge Shirley Strickland Saffold, to compel her to rule on his motion for jail-time credit in *State v. Blackburn*, Cuyahoga County Court of Common Pleas Case No. CR-397019. On February 22, 2002, the respondent, through the Cuyahoga County Prosecutor, filed an answer and a motion for summary judgment.

{¶2} Attached to the respondent's motion for summary judgment is a copy of the court's journal entry which grants relator forty-nine days of jail-time credit. Thus, the relator's request for a writ of mandamus is moot. *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163; *State ex rel. Jerningham v. Cuyahoga County Court of Common Pleas* (1996), 74 Ohio St.3d 278, 658 N.E.2d 723.

{¶3} Additionally, the relator failed to support his complaint with an affidavit "specifying the details of the claim" as required by Loc.R. 45(B)(1)(a). *State ex rel. Wilson v. Calabrese* (Jan. 18, 1996), Cuyahoga App. No. 70077, unreported and *State ex rel. Smith v. McMonagle* (July 17, 1996), Cuyahoga App. No. 70899, unreported.

{¶4} Accordingly, we grant the respondent's motion for summary judgment. Relator to bear costs. It is further ordered that the clerk shall serve upon all parties notice of this judgment and date of entry pursuant to Civ.R. 58(B).

Writ denied.

TIMOTHY E. McMONAGLE, ADMINISTRATIVE JUDGE

JAMES J. SWEENEY, J., and

DIANE KARPINSKI, J., CONCUR.