COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 80892

STATE OF OHIO, EX REL,	:	
STEVEN DIXON	:	
	:	PETITION FOR WRIT OF
Relator	:	
	:	MANDAMUS
vs.	:	
	:	
SHIRLEY STRICKLAND SAFFOLD,	:	
JUDGE, COURT OF COMMON	:	
PLEAS, CUYAHOGA COUNTY, OHIO	:	
	:	
Respondent	:	
	:	

JUDGMENT   :   WRIT DENIED.

DATE OF JOURNALIZATION   :   JUNE 20, 2002

APPEARANCES:

For relator: STEVEN DIXON, Pro se
                                Inmate No. 405-062
                                Richland Correctional Inst.
                                P.O. Box 8107
                                Mansfield, Ohio 44901

For respondent: WILLIAM D. MASON
                                  Cuyahoga County Prosecutor
                                  DIANE SMILANICK
                                  Assistant County Prosecutor
                                  The Justice Center
                                  1200 Ontario Street
                                  Cleveland, Ohio 44113

SWEENEY, JAMES D., P.J.:

    {¶1} Relator requests that this court compel respondent judge

to issue a journal entry specifying the number of days jail time credit in *State v. Dixon*, Cuyahoga County Court of Common Pleas Case No. CR-400912 and 402696. Relator was sentenced in February and March 2001, respectively.

{¶2} Respondent has filed a motion for summary judgment. Attached to the motion for summary judgment is a copy of a journal entry issued by respondent and received for filing by the clerk on March 8, 2002 in which respondent granted relator 157 days jail time credit in Case No. CR-400912. A review of the docket in Case No. CR-402696 reflects that respondent also issued a comparable journal entry in that case which was received for filing by the clerk on March 8, 2002 granting relator 157 days jail time credit. Relator has not opposed the motion. Respondent argues that this action in mandamus is, therefore, moot. We agree.

{¶3} Accordingly, respondent's motion for summary judgment is granted. Respondent to pay costs. 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).

Writ denied.

ANNE L. KILBANE, J., and

JAMES J. SWEENEY, J., CONCUR.

JAMES D. SWEENEY
PRESIDING JUDGE

KEY WORDS:
Mandamus; Jail time credit; Moot.