

[Cite as *State ex rel. Rakoczy v. Burnside*, 2002-Ohio-3909.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 81361

STATE OF OHIO EX REL. ROBERT	:	
RAKOCZY,	:	
	:	PETITION FOR WRIT OF
Relator	:	MANDAMUS
	:	
-vs-	:	JOURNAL ENTRY AND OPINION
	:	
HONORABLE JANET R. BURNSIDE,	:	MOTION NO. 39474
	:	
Respondent	:	

DATE OF JOURNALIZATION: JULY 30, 2002

JUDGMENT: DENIED.

APPEARANCES:

For Relator: Barbara E. Saltzman, Esq.
75 Public Square
Suite 920
Cleveland, Ohio 44113

For Respondent: William D. Mason, Esq.
Cuyahoga County Prosecutor
BY: Renee L. Snow, Esq.
Assistant County Prosecutor
The Justice Center — 9th Floor
1200 Ontario Street
Cleveland, Ohio 44113

MICHAEL J. CORRIGAN, P.J.:

{¶1} Robert Rakoczy, the relator, has filed a complaint
for a writ of mandamus through which he seeks an order from

this court which requires Judge Janet R. Burnside, the respondent, to issue findings of fact and conclusions of law with regard to petitions for postconviction relief that were filed in the underlying cases of *State v. Rakoczy*, Cuyahoga County Court of Common Pleas Case Nos. CR-398017 and 402373. Judge Burnside has filed a motion for summary judgment.

{¶2} Attached to Judge Burnside's motion for summary judgment is a copy of the findings of fact and conclusions of law as issued in both Cuyahoga County Court of Common Pleas Case Nos. CR-398017 and 402373. Thus, Rakoczy's complaint for a writ of mandamus is moot. *State ex rel. Snider v. Stapelton* (1992), 65 Ohio St.3d 40, 600 N.E.2d 240; *State ex rel. Richard v. Wells* (1992), 64 Ohio St.3d 76, 591 N.E.2d 1240.

{¶3} Accordingly, we grant Judges Burnside's motion for summary judgment. Costs to Rakoczy. It is further ordered that the Clerk of the Eighth District Court of Appeals, pursuant to Civ.R. 58(B), shall serve upon all parties notice of this judgment and date of entry.

Writ denied.

MICHAEL J. CORRIGAN
PRESIDING JUDGE

PATRICIA A. BLACKMON, J., and

ANN DYKE, J., CONCUR.