

[Cite as *State ex rel. Jester v. Sutula*, 2002-Ohio-5360.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 81550

STATE OF OHIO, EX REL. :
WILLIE LEE JESTER :

Relator :

vs. :

KATHLEEN ANN SUTULA, JUDGE :
COURT OF COMMON PLEAS :

Respondent :

JUDGMENT :

DATE OF JOURNALIZATION :

APPEARANCES:

For relator:

WILLIE LEE JESTER
Inmate No. 180-644
P.O. Box 788
Man.C.I.
Mansfield, Ohio 44901

For respondent:

WILLIAM D. MASON
Cuyahoga County Prosecutor
L. CHRISTOPHER FREY
Assistant County Prosecutor
The Justice Center, 9th Floor
1200 Ontario Street
Cleveland, Ohio 44113

SWEENEY, JAMES D., P.J.:

{¶1} Willie Lee Jester, the relator, has filed a complaint for a writ of mandamus which requires Judge Kathleen A. Sutula, to issue findings of fact and conclusions of law with regard to a petition for post-conviction relief that was filed in the underlying action of *State v. Jester*, Cuyahoga County Court of Common Pleas Case No. CR-184772. Judge Sutula has filed a motion for summary judgment which we grant for the following reasons.

{¶2} Attached to Judge Sutula's motion for summary judgment is a copy of a judgment entry, as journalized on August 22, 2002, which demonstrates that Jester's petition for post-conviction relief was voluntarily dismissed. Accordingly, Jester's request for findings of fact and conclusions of law 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 Judge Sutula's motion for summary judgment. Costs to Jester. 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, J., and

PATRICIA A. BLACKMON, J., CONCUR.

JAMES D. SWEENEY
PRESIDING JUDGE