

[Cite as *State ex rel. Richards v. Fuerst*, 2002-Ohio-5361.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 81585

S/O EX REL., TIMOTHY W. RICHARDS, JR.	:	ORIGINAL ACTION
	:	
	:	
Relator	:	
	:	JOURNAL ENTRY
v.	:	AND
	:	OPINION
JUDGE NANCY A. FUERST	:	
	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: OCTOBER 3, 2002

CHARACTER OF PROCEEDING: WRIT OF MANDAMUS

JUDGMENT: WRIT DENIED.

APPEARANCES:

For Relator:

Timothy W. Richards, Jr.
Inmate No. 395-322
Belmont Correctional Inst.
P.O. Box 540
St. Clairsville, OH 43950-0540

For Respondent:

Kristen Lusnia
Assistant Prosecuting Attorney
The Justice Center
1200 Ontario Street
Cleveland, OH 44113

KENNETH A. ROCCO, P.J.:

{¶1} Timothy Richards seeks a writ of mandamus to compel Judge Nancy A. Fuerst to issue a ruling on his "motion to reconsider defendant's motion to dismiss pursuant to defendant's statutory speedy trial rights under R.C. 2945.71-73" filed in the underlying action of *State v. Richards*, Cuyahoga County Court of Common Pleas Case No. CR-390487. Judge Fuerst has filed a motion for summary judgment.

{¶2} Attached to the Judge's motion is a copy of a judgment entry, journalized on August 19, 2002, which demonstrated she had ruled on the motion. The complaint for a writ of mandamus is thus 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 Fuerst's motion for summary judgment. Costs to Richards. 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.

KENNETH A. ROCCO
PRESIDING JUDGE

ANNE L. KILBANE, J. CONCURS

COLLEEN CONWAY COONEY, J. CONCURS