

[Cite as *State ex rel. Jones v. Calabrese*, 2003-Ohio-5255.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 83189

STATE OF OHIO, EX REL.,	:	ORIGINAL ACTION
MIKE JONES	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
JUDGE ANTHONY O. CALABRESE	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: September 30, 2003

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Denied.  
Motion No. 352681.  
Lower Case No. CR-411588  
Common Pleas Court

APPEARANCES:

For Relator: MIKE JONES, PRO SE  
Inmate No. 421-751  
Mansfield Correctional Inst.  
P.O. Box 788  
Mansfield, Ohio 44901

For Respondent: WILLIAM D. MASON, ESQ.  
Cuyahoga County Prosecutor  
BY: KRISTEN LUSNIA, ESQ.  
Assistant County Prosecutor  
Justice Center - 9<sup>th</sup> Floor  
1200 Ontario Street  
Cleveland, Ohio 44113

JUDGE MICHAEL J. CORRIGAN:

{¶1} On July 22, 2003, relator Mike Jones commenced this mandamus action against the respondent, Judge Anthony O Calabrese, Jr., to compel him to issue findings of fact and conclusions of law pertaining to a motion for post conviction relief filed in *State v. Jones*, Cuyahoga County Court of Common Pleas Case No. CR-411588, which was denied on January 7, 2003. On September 22, 2003, 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 findings of fact and conclusions of law. 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} Accordingly, we grant the respondent's motion for summary judgment. Respondent 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.

MICHAEL J. CORRIGAN  
JUDGE

TIMOTHY E. MCMONAGLE, J., CONCURS

SEAN C. GALLAGHER, J., CONCURS