COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 83451

STATE OF OHIO, EX REL.,	:	ORIGINAL ACTION
MICHAEL DUNN	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
JUDGE KENNETH CALLAHAN	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: NOVEMBER 18, 2003

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Dismissed.
                                   Motion No. 353263

APPEARANCES:

For Relator: MICHAEL DUNN, PRO SE
                              Cuyahoga County Jail
                              P.O. Box 5600
                              Cleveland, Ohio 44101

For Respondent: WILLIAM D. MASON, ESQ.
                              Cuyahoga County Prosecutor
                              BY: JON W. OEBKER, ESQ.
                              Assistant County Prosecutor
                              Justice Center - 9th Floor
                              1200 Ontario Street
                              Cleveland, Ohio 44113

JAMES J. SWEENEY, J.

{¶1}   Michael Dunn, the relator, has filed a complaint for a writ of

mandamus. Dunn seeks an order from this court which requires Judge Kenneth

Callahan, the respondent, to dismiss the criminal charges of felonious assault and having weapons while under disability that are pending in *State v. Dunn*, Cuyahoga County Court of Common Pleas case No. CR-438757. Judge Callahan has filed a motion to dismiss which we grant for the following reasons.

{¶2} The Supreme Court of Ohio, in *State ex rel. Dix v. Angelotta* (1985), 18 Ohio St.3d 115, established that mandamus may not be employed to enforce a defendant's right to a speedy trial. In addition, the Supreme Court of Ohio, in *Dix*, held that a claim of lack of speedy trial must be addressed through a direct appeal. See also, *State ex rel. Campbell v. Gilligan* (Feb. 1, 2001), Cuyahoga App. No. 78725; *State ex rel. Drake v. Judge Sutura* (May 6, 1999), Cuyahoga App. No. 76000.

{¶3} Accordingly, we grant Judge Callahan's motion to dismiss. Clerk of the Eighth District Court of Appeals shall serve notice of this judgment and date of entry upon all parties as required by Civ.R. 58(B). Costs to Dunn.

Complaint dismissed.

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JAMES J. SWEENEY, JUDGE

DIANE KARPINSKI, J., CONCURS

SEAN C. GALLAGHER, J., CONCURS