

[Cite as *State ex rel. Norman v. Calabrese*, 2003-Ohio-6326.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 83202

| | | |
|------------------------|---|-----------------|
| STATE OF OHIO, EX REL. | : | ORIGINAL ACTION |
| JUJUAN NORMAN | : | |
| | : | JOURNAL ENTRY |
| Relator | : | AND |
| | : | OPINION |
| vs. | : | |
| | : | |
| ANTHONY CALABRESE, JR. | : | |
| | : | |
| Respondent | : | |

DATE OF JOURNALIZATION: NOVEMBER 26, 2003

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Denied.
Motion No. 352683
Order No. 354322

APPEARANCES:

For Relator: JUJUAN NORMAN, PRO SE
Inmate No. 421791
Mansfield Correctional Institution
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 - 9th Floor
1200 Ontario Street
Cleveland, Ohio 44113

FRANK D. CELEBREZZE, JR., J.:

{¶1} Relator requests that this court compel respondent judge to issue findings of fact and conclusions of law with respect to the petition for postconviction relief filed by relator in *State v. Norman*, Cuyahoga County Court of Common Pleas Case No. CR-411588 on September 23, 2002. Respondent is no longer a judge of the court of common pleas.

{¶2} Respondent has filed a motion for summary judgment attached to which is a copy of the findings of fact and conclusions of law issued by respondent's successor and received for filing by the clerk on September 4, 2003. Relator has not opposed the motion. Respondent argues that the duty of the court of common pleas has been discharged and that relief in mandamus is not appropriate. We agree.

{¶3} Accordingly, respondent's motion for summary judgment is granted. Relator to pay costs. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

Writ denied.

FRANK D. CELEBREZZE, JR.
JUDGE

MICHAEL J. CORRIGAN, P.J., CONCURS

JAMES J. SWEENEY, J., CONCURS

KEYWORDS

Mandamus; postconviction relief; findings of fact and conclusions

of law.