

[Cite as *State ex rel. Molton v. Matia*, 2003-Ohio-6630.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 83661

STATE OF OHIO, EX REL.,	:	ORIGINAL ACTION
RONALD MOLTON	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
DAVID T. MATIA, JUDGE	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: DECEMBER 11, 2003

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Denied.
Motion No. 354515
Order No. 354822

APPEARANCES:

For Relator: RONALD MOLTON, PRO SE
Inmate No. A202-023
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

Colleen Conway Cooney, J.

{¶1} On October 22, 2003, relator, Ronald Molton, commenced this mandamus action to compel Judge David T. Matia, Jr. to issue findings of fact and conclusions of law after denying Molton's motion to withdraw his guilty plea in *State v. Molton*, Cuyahoga County Court of Common Pleas Case No. CR-190261. On November 19, 2003, respondent, through the Cuyahoga County Prosecutor, filed a motion for summary judgment. For the following reason, we grant respondent's motion.

{¶2} In order for this court to issue a writ of mandamus, a relator must establish that: (1) the relator possesses a clear legal right to the relief he seeks; (2) the respondent possesses a clear legal duty to perform the requested act; and (3) the relator possesses no plain and adequate remedy in the ordinary course of the law. *State ex rel. Manson v. Morris* (1993), 66 Ohio St.3d 440, 613 N.E.2d 232, citing, *State ex rel. Berger v. McMonagle* (1983), 6 Ohio St.3d 28, 451 N.E.2d 225.

{¶3} The denial of a motion to withdraw a guilty plea pursuant to Crim.R. 32.1 does not require a trial court to issue findings of fact and conclusions of law. *State ex rel. Chavis v. Griffin* (2001), 91 Ohio St.3d 50, 741 N.E.2d 130; *State ex rel. Kavlich v. McMonagle* (Jan. 27, 2000), Cuyahoga App. No. 76927; *State v. Halliwell* (Dec. 30, 1996), Cuyahoga App. No. 70369. In light of these holdings, we find that Molton does not possess a clear legal right to the requested relief, and Judge Matia does not possess a clear legal duty to issue findings of fact and conclusions of law. Accordingly, we grant the respondent's motion for summary judgment. Relator 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).

{¶4} Writ denied.

COLLEEN CONWAY COONEY
JUDGE

FRANK D. CELEBREZZE, JR., P.J., CONCURS

ANTHONY O. CALABRESE, JR., J., CONCURS