

[Cite as *Smith v. State*, 2005-Ohio-5972.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 86772

DUANE ALAN SMITH, AKA,	:	
JAMEEL HAKEEN	:	ORIGINAL ACTION
	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
STATE OF OHIO	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: NOVEMBER 7, 2005

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Denied.
Motion No. 374872
Order No. 377248

APPEARANCES:

For Relator: DUANE ALAN SMITH, AKA,
Jameel Hakeem, #33221-060
U.S. Medical Center Federal
P. O. Box 4000
Springfield, MI 65801-4000

For Respondent: WILLIAM D. MASON
Cuyahoga County Prosecutor
BY: DIANE SMILANICK
Assistant County Prosecutor
Justice Center - 9th Floor
1200 Ontario Street

Cleveland, OH 44113

JUDGE CHRISTINE T. McMONAGLE:

{¶ 1} Duane Alan Smith, a.k.a. Jameel Hakeem, has filed a complaint for a writ of mandamus. Smith seeks an order from this court which requires Judge Carolyn B. Friedland to issue rulings with regard to a "motion for execution of order" and a "petition for a writ of execution" as filed in the underlying action of *State v. Hakeem*, Cuyahoga County Court of Common Pleas Case No. CR-234283. Judge Friedland has filed a motion for summary judgment and a supplement to the motion for summary judgment.

{¶ 2} Judge Friedland has issued two separate orders which granted Smith's "motion for execution of order" and "petition for a writ of execution." The request for a writ of mandamus is moot. *State ex rel. Jerningham v. Cuyahoga County Court of Common Pleas*, 74 Ohio St.3d 278, 1996-Ohio-117, 658 N.E.2d 723. *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163;

{¶ 3} Accordingly, we grant Judge Friedland's motion for summary judgment. Costs to Judge Friedland. It is further ordered that the Clerk of the Eighth District Court of Appeals serve notice of this judgment upon all parties as required by Civ.R. 58(B).

Writ denied.

CHRISTINE T. McMONAGLE
JUDGE

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

DIANE KARPINSKI, J., CONCURS

