

[Cite as *State ex rel. Melton v. McDonnell*, 2008-Ohio-1933.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 90721**

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**STATE OF OHIO, EX REL.,  
ROBERT MELTON**

RELATOR

VS.

**NANCY R. MCDONNELL, JUDGE, ET AL.**

RESPONDENTS

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**JUDGMENT:  
COMPLAINT DISMISSED**

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WRIT OF PROCEDENDO  
MOTION NO. 406336  
ORDER NO. 407372

**RELEASE DATE:** April 23, 2008

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**FOR RELATOR:**

Robert Melton, pro se  
Inmate No. 173-891  
Cuyahoga County Jail  
P.O. Box 5600  
Cleveland, Ohio 44101

**ATTORNEYS FOR RESPONDENTS:**

WILLIAM D. MASON  
Cuyahoga County Prosecutor  
By: Pamela Bolton  
Assistant County Prosecutor  
8th Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

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KENNETH A. ROCCO, P.J.:

{¶ 1} Relator requests that this court compel respondent judge to issue a ruling on the motion for judgment of acquittal filed by relator in *State v. Melton*, Cuyahoga County Court of Common Pleas Case No. CR-486986 on February 1, 2007.

{¶ 2} Respondent has filed a motion to dismiss attached to which is a copy of the journal entry denying the motion for judgment of acquittal and received for filing by the clerk on December 3, 2007. Relator has not opposed the motion. Respondent argues that this action in procedendo is, therefore, moot. We agree.

{¶ 3} Accordingly, respondent's motion to dismiss 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).

Complaint dismissed.

KENNETH A. ROCCO, PRESIDING JUDGE

MARY EILEEN KILBANE, J., and  
MARY J. BOYLE, J., CONCUR