

[Cite as *State ex rel. Bacote v. Cuyahoga Cty. Court of Common Pleas*, 2008-Ohio-4443.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 91441**

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**STATE OF OHIO, EX REL.,  
TIMOTHY BACOTE**

RELATOR

vs.

**CUYAHOGA COURT OF COMMON PLEAS**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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WRIT OF MANDAMUS  
MOTION NO. 409587 AND 411967  
ORDER NO. 412762

**RELEASE DATE:** September 3, 2008

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**FOR RELATOR:**

Timothy Bacote, pro se  
Inmate No. 514-644  
Marion Correctional Inst.  
P.O. Box 57  
Marion, Ohio 43301-0057

**ATTORNEYS FOR RESPONDENT:**

William D. Mason  
Cuyahoga County Prosecutor

By: Diane Smilanick  
Assistant County Prosecutor  
8th Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113  
MELODY J. STEWART, J.:

{¶ 1} Relator requests that this court compel respondent judge to rule on his motion for jail time credit in *State v. Bacote*, Cuyahoga County Court of Common Pleas Case Nos. CR-483292, 486050 and 484866 on May 2, 2007.

{¶ 2} Respondent has filed a motion for summary judgment and supplemental motion for summary judgment attached to which are copies of journal entries issued by respondent and received for filing by the clerk on May 29, 2008 and August 5, 2008, respectively, in which respondent granted relator 106 days jail time credit. Relator has not opposed respondent's request for summary judgment. Because respondent has performed the act which relator requested, this action in mandamus is moot.

{¶ 3} Accordingly, respondent's motion for summary judgment and supplemental motion for summary judgment are granted. Respondent 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.

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MELODY J. STEWART, JUDGE

KENNETH A. ROCCO, P.J., and  
MARY J. BOYLE, J., CONCUR