

[Cite as *State ex rel. Speights v. Saffold*, 2009-Ohio-6112.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 93962

**STATE OF OHIO EX REL.,
FERRELL SPEIGHTS**

RELATOR

VS.

JUDGE SHIRLEY STRICKLAND SAFFOLD

RESPONDENT

**JUDGMENT:
WRIT DENIED**

WRIT OF MANDAMUS
MOTION NO. 427095
ORDER NO. 428002

RELEASE DATE: November 18, 2009

FOR RELATOR

Ferrell Speights, pro se
Inmate No. 503-240
Belmont Correctional Institution
P.O. Box 540
St. Clairsville, Ohio 43950

ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor

BY: James E. Moss
Assistant County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

FRANK D. CELEBREZZE, JR., J.:

{¶ 1} On September 22, 2009, the relator, Ferrell Speights, commenced this mandamus action against the respondent, Judge Shirley Strickland Saffold, to compel the judge to rule on his motion for jail-time credit, filed on November 18, 2008, in the underlying case, *State v. Ferrell Speights*, Cuyahoga County Common Pleas Court Case No. CR-467984. On October 9, 2009, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a certified copy of a signed and file-stamped October 8, 2009 journal entry granting 243 days of jail-time credit in the underlying case. Speights did not timely file a response to the motion for

summary judgment. This establishes that the relator has received his requested relief and that the action is, therefore, moot. *State ex rel. Corder v. Wilson* (1991), 68 Ohio App.3d 567, 589 N.E.2d 113.

{¶ 2} Additionally, the relator failed to support his complaint with an affidavit “specifying the details of the claim” as required by Loc.R. 45(B)(1)(a). *State ex rel. Wilson v. Calabrese* (Jan. 18, 1996), Cuyahoga App. No. 70077, and *State ex rel. Smith v. McMonagle* (July 17, 1996), Cuyahoga App. No. 70899.

{¶ 3} Accordingly, the court grants the respondent’s motion for summary judgment and denies the application for a writ of mandamus. 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).

FRANK D. CELEBREZZE, JR., JUDGE

MELODY J. STEWART, P.J., and
ANN DYKE, J., CONCUR