

[Cite as *State ex rel. Ponce v. Corrigan*, 2009-Ohio-6656.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94048

**STATE OF OHIO EX REL.,
DAVID PONCE**

RELATOR

VS.

JUDGE PETER J. CORRIGAN

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 427740
Order No. 429000

RELEASE DATE: December 15, 2009

FOR RELATOR

David Ponce, pro se
Inmate No. 544-118
Richland Correctional Institution
P.O. Box 8107
Mansfield, Ohio 44901

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

ANN DYKE, J.:

{¶ 1} David Ponce has filed a complaint for a writ of mandamus. Ponce seeks an order from this court, which requires Judge Peter J. Corrigan to comply with an order rendered by this court, in *State v. Ponce*, Cuyahoga App. No. 91329, to issue a sentencing journal entry in *State v. Ponce*, Cuyahoga Court of Common Pleas Case No. CR-91329 that complies with *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, 897 N.E.2d 163. Judge Corrigan has filed a motion for summary judgment, which demonstrates that Ponce's request for a writ of mandamus is moot.

{¶ 2} Attached to the motion for summary judgment is a copy of a sentencing journal entry, as journalized on October 20, 2009, that complies with *State v. Baker*, supra. Ponce's request for a writ of mandamus is moot. *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas*, 74 Ohio St.3d 278, 1996-Ohio-117, 658 N.E.2d 723; *State ex rel. Snider v. Stapelton* (1992), 65 Ohio St.3d 40, 600 N.E.2d 240.

{¶ 3} Accordingly, we grant Judge Corrigan's motion for summary judgment. Costs to Judge Corrigan. 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.

ANN DYKE, JUDGE

PATRICIA A. BLACKMON, P.J., and
MARY J. BOYLE, J., CONCUR