Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94606

STATE OF OHIO, EX REL. ALFONZO RUSSELL

RELATOR

vs.

JUDGE LESLIE CELEBREZZE

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Mandamus
Motion No. 431456
Order No. 431506

RELEASE DATE: March 16, 2010

FOR RELATOR

Alfonzo Russell, pro se
Inmate No. A564-213
Lake Erie Correctional Inst.
P.O. Box 8000
Conneaut, Ohio   44030

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

KENNETH A. ROCCO, J.:

{¶ 1} On January 29, 2010, relator Alfonzo Russell filed a complaint for writ of mandamus against Judge L. Celebrezze to compel him to rule on his motion for jail-time credit in the underlying matter of *State v. Russell*, Cuyahoga County Court of Common Pleas Case No. CR-519159, which was filed on September 16, 2009. On February 23, 2010, Judge Calabrese, through the Cuyahoga County Prosecutor's office, filed a motion for summary judgment.[1] For the following reason, we grant the motion for summary judgment.

{¶ 2} Attached to the motion for summary judgment is a journal entry reflecting that Judge Calabrese granted Russell's motion and awarded 125 days

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[1] Russell incorrectly named Judge Celebrezze as the respondent while the

of jail-time credit. Accordingly, we find that Russell's complaint for a writ of mandamus is moot. *State ex rel. Grant v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163; *State ex rel. Jerninghan v. Cuyahoga Cty. Court of Common Pleas* (1996), 74 Ohio St.3d 278, 658 N.E.2d 723.

{¶ 3} Accordingly, we grant Judge Calabrese's motion for summary judgment. Relator to bear costs. It is further ordered that the clerk shall serve upon all parties notice of this judgment and date of entry pursuant to Civ.R. 58(B).

Writ denied.

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KENNETH A. ROCCO, JUDGE

SEAN C. GALLAGHER, A.J., and
CHRISTINE T. MCMONAGLE, J., CONCUR

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underlying matter was before Judge Calabrese.