

[Cite as *State ex rel. Walker v. Griffin*, 2010-Ohio-1675.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 94548**

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**STATE OF OHIO, EX REL.  
ANTHONY WALKER**

RELATOR

VS.

**JUDGE BURT W. GRIFFIN**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Mandamus and Procedendo  
Motion No. 431074  
Order No. 431496

**RELEASE DATE:** April 14, 2010  
**FOR RELATOR**

Anthony Walker, pro se

Inmate No.250-265  
Grafton Correctional Inst.  
2500 South Avon-Belden Road  
Grafton, Ohio 44044

## **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 January 21, 2010, relator Anthony Walker filed a complaint for writ of mandamus and procedendo against Judge Burt Griffin to compel him to rule on his motion to vacate void sentence judgment in *State v. Walker*, Cuyahoga County Court of Common Pleas Case Nos. CR-268354, which was filed on February 28, 2005. On February 11, 2010, Judge Michael P. Donnelly, through the Cuyahoga County Prosecutor's office, filed a motion for summary judgment.<sup>1</sup> For the following reason, we grant the motion for summary judgment.

{¶ 2} Although the incorrect entry is attached to the motion for summary judgment, a review of the lower court docket indicates that Judge Donnelly denied

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<sup>1</sup> The matter is now assigned to Judge Michael P. Donnelly.

Walker's motion to vacate void sentence judgment on February 5, 2010. Accordingly, we find that Walker' complaint for a writ of mandamus and procedendo is moot. *State ex rel. Grant v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163; *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas* (1996), 74 Ohio St.3d 278, 658 N.E.2d 723.

{¶ 3} Accordingly, we grant Judge Donnelly's motion for summary judgment. Respondent 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).

{¶ 4} Writ denied.

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FRANK D. CELEBREZZE, JR., JUDGE

MELODY J. STEWART, P.J., and  
LARRY A. JONES, J., CONCUR