

[Cite as *State ex rel. Cade v. Cuyahoga Cty. Common Pleas Court*, 2010-Ohio-175.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

---

JOURNAL ENTRY AND OPINION  
**No. 94331**

---

**STATE OF OHIO EX REL.,  
ALFRED CADE**

RELATOR

VS.

**CUYAHOGA COUNTY COMMON PLEAS COURT**

RESPONDENT

---

**JUDGMENT:  
WRIT DENIED**

---

Writ of Procedendo  
Motion No. 429423  
Order No. 430130

**RELEASE DATE:** January 19, 2010.

**FOR RELATOR**

Alfred Cade, pro se  
Inmate No. 554-553  
Noble Correctional Institution  
15708 McConnellsville Rd.  
Caldwell, Ohio 43724

**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

COLLEEN CONWAY COONEY, J.:

{¶ 1} On December 2, 2009, the relator, Alfred Cade, commenced this procedendo action against the respondent, the Cuyahoga County Common Pleas Court, to compel the court to rule on a motion for jail-time credit that he filed on April 17, 2009, in the underlying case, *State v. Cade*, Cuyahoga County Common Pleas Court Case No. CR-511047. On December 17, 2009, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a certified copy of a journal entry, file-stamped December 11, 2009, in the underlying case, granting Cade 245 days of credit. This journal entry establishes

that Cade has received his requested relief and that the action is moot. *State ex rel. Corder v. Wilson* (1991), 68 Ohio App.3d 567, 589 N.E.2d 113. Cade never filed a response to the motion for summary judgment.

{¶ 2} Additionally, the relator failed to support his complaint with an affidavit “specifying the details of the claim” as required by Local Rule 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 writ. Costs assessed against relator. The court orders the Clerk of the Eighth District Court of Appeals to serve notice of this judgment upon all parties as required by Civ.R. 58(B).

---

COLLEEN CONWAY COONEY, PRESIDING JUDGE

MARY EILEEN KILBANE, J., and  
LARRY A. JONES, J., CONCUR