

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 94805**

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**STATE OF OHIO, EX REL.,  
HERMAN PALMER**

RELATOR

vs.

**HON. MICHAEL P. DONNELLY, JUDGE**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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WRIT OF MANDAMUS  
MOTION NO. 432329  
ORDER NO. 432945

**RELEASE DATE: April 16, 2010**  
**FOR RELATOR**

Herman Palmer, Pro Se  
Inmate No. 571-004  
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  
8<sup>th</sup> Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

ANN DYKE, J.:

{¶ 1} Herman Palmer, the relator, has filed a complaint for a writ of mandamus. Palmer seeks an order from this court, which requires Judge Michael P. Donnelly to render rulings with regard to motions for jail-time credit as filed in *State v. Palmer*, Cuyahoga County Court of Common Pleas Case Nos. CR-485829 and CR-523697. Judge Donnelly has filed a motion for summary judgement.

{¶ 2} Attached to the motion for summary judgment are copies of journal entries, which demonstrate that Judge Donnelly has rendered rulings

with regard to Palmer's motions for jail-time credit and that Palmer has been granted jail-time credit in the amount of eighty-two (82) days. Palmer'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. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163. It must also be noted that any error associated with the calculation of jail-time credit must be addressed through an appeal. *State ex rel Britton v. Foley-Jones* (March 5, 1998), Cuyahoga App. No. 73646; *State ex rel. Spates v. Sweeney* (April 17, 1997), Cuyahoga App. No. 71986.

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

SEAN C. GALLAGHER, A.J., and  
COLLEEN CONWAY COONEY, J., CONCUR  
KEY WORDS