

[Cite as *Sansom v. Donnelly*, 2010-Ohio-3515.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 95162**

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**ROBERT D. SANSOM**

RELATOR

VS.

**MIKE P. DONNELLY**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Mandamus  
Motion No. 434663  
Order No. 435568

**RELEASE DATE:** July 27, 2010

**FOR RELATOR**

Robert D. Sansom, pro se  
Inmate # 304823  
Richland Correctional Institution  
Po Box 8107 1001 Olivesberg Rd  
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} Relator, Robert D. Sansom, requests that this court compel respondent judge to issue an order awarding Sansom 365 days jail-time credit in *State v. Sansom*, Cuyahoga County Court of Common Pleas Case No. CR-311107.

{¶ 2} Respondent has filed a motion for summary judgment attached to which is a copy of a journal entry issued by respondent and received for filing by the clerk on January 20, 2010 in which respondent granted relator 129 days jail-time credit. Relator has not opposed the motion for summary

judgment. Respondent argues that this action in mandamus is, therefore, moot. We agree.

{¶ 3} “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* (Mar. 5, 1998), Cuyahoga App. No. 73646; *State ex rel. Spates v. Sweeney* (Apr. 17, 1997), Cuyahoga App. No. 71986.” *State ex rel. Harrington v. Russo*, Cuyahoga App. No. 94867, 2010-Ohio-1765, at ¶2. To the extent that Sansom seeks an increase in his jail-time credit, therefore, mandamus is not appropriate.

{¶ 4} Additionally, we note that the complaint has various defects. The action is not on relation of the state as required by R.C. 2731.04. Sansom has not included his own address in the caption as required by Civ.R. 10(A), which may also be a ground for dismissal. *Clarke v. McFaul*, Cuyahoga App. No. 89447, 2007-Ohio-2520, at ¶5.

{¶ 5} Accordingly, respondent's motion for summary judgment is granted. Relator to pay costs. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

Writ denied.

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ANN DYKE, JUDGE

KENNETH A. ROCCO, P.J., and  
LARRY A. JONES, J., CONCUR