

[Cite as *State ex rel. Harris v. Sutula*, 2010-Ohio-4366.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 95291

**STATE OF OHIO, EX REL.
ANTONIO HARRIS**

RELATOR

VS.

**CUYAHOGA COUNTY COURT OF COMMON PLEAS,
JUDGE JOHN D . SUTULA**

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 435706
Order No. 437242

RELEASE DATE: September 15, 2010

FOR RELATOR

Antonio Harris, pro se
Inmate No. 550-762
Lake Erie Correctional Institution
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

SEAN C. GALLAGHER, A.J.:

{¶ 1} Relator, Antonio Harris, requests that this court compel respondent judge to dispose of the motion for additional days jail-time credit filed by Harris in *State v. Harris*, Cuyahoga County Court of Common Pleas Case No. CR-495793 on November 16, 2009.

{¶ 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 July 12, 2010 in which respondent granted relator 443 days jail-time credit. Relator has not opposed the motion. Respondent argues that this action in mandamus is, therefore, moot. We agree.

{¶ 3} Accordingly, respondent's motion summary judgment is granted. Respondent 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.

SEAN C. GALLAGHER, ADMINISTRATIVE JUDGE

ANN DYKE, J., and
LARRY A. JONES, J., CONCUR