

[Cite as *State ex rel. Stipanovich v. McMonagle*, 2010-Ohio-529.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94450

**STATE OF OHIO, EX REL.
CHRISTOPHER STIPANOVICH**

RELATOR

VS.

JUDGE RICHARD MCMONAGLE

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 429928
Order No. 429873

RELEASE DATE: February 12, 2010

FOR RELATOR

Christopher Stipanovich, pro se
Inmate No. 561-730
Belmont Correctional Inst.
P.O. Box 540
St. Clairsville, Ohio 43950

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

JAMES J. SWEENEY, J.:

{¶ 1} On December 30, 2009, the relator, Christopher Stipanovich, commenced this mandamus action against the respondent, Judge Richard McMonagle, to compel the judge to grant him an additional five days of jail-time credit in the underlying case, *State of Ohio v. Christopher Stipanovich*, Cuyahoga County Common Pleas Court Case No. CR-513670. Stipanovich alleged that the judge had not given him full credit and that on December 11, 2009, he moved for additional credit. On January 6, 2010, the respondent judge, through the Cuyahoga County Prosecutor, moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a certified copy of a

December 17, 2009 journal entry which granted Stipanovich a total of twelve days of jail-time credit. Stipanovich never filed a response. Accordingly, this mandamus action is now moot. The judge has resolved the outstanding motion for jail-time credit, and Stipanovich has received his requested relief of additional credit.

{¶ 2} The court grants the judge's summary judgment motion and denies the application for a writ of mandamus. Costs assessed against the relator. 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).

JAMES J. SWEENEY, JUDGE

MELODY J. STEWART, P.J., and
ANN DYKE, J., CONCUR