

[Cite as *State ex rel. Mason v. Matia*, 2011-Ohio-3068.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 95866

STATE OF OHIO, EX REL.,
WILLIAM D. MASON,
CUYAHOGA COUNTY PROSECUTOR

RELATOR
vs.

HONORABLE JUDGE DAVID T. MATIA
CUYAHOGA COUNTY COURT
OF COMMON PLEAS

RESPONDENT

JUDGMENT:
WRITS DENIED

Writs of Mandamus and Procendendo
Motion No. 445353
Order No. 445354

RELEASE DATE: June 21, 2011

FOR RELATOR

William D. Mason
Cuyahoga County Prosecutor

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LARRY A. JONES, J.:

{¶ 1} The relator, Cuyahoga County Prosecutor William Mason, commenced this mandamus and/or procedendo action against the respondent, Judge David T. Matia, to compel the judge to issue in the underlying case, *State v. Hatfield*, Cuyahoga County Common Pleas

Court Case No. CR-532633, a journal entry reflecting his decision to grant a motion in limine excluding an audio tape of an alleged drug transaction.

{¶ 2} A review of the docket in the underlying case shows that on May 13, 2011, the respondent issued the following journal entry in the underlying case: “Corrected entry of August 24, 2010: Defendant’s motion in limine is granted. Defendant sought to deny the state the opportunity to introduce and/or [sic] the tape recording made by the confidential informant during his alleged drug buy from the claimed defendant. The State of Ohio refused to identify the confidential informant during the discovery process and assured the court during a pre-trial conference that they would not be calling the confidential informant as a witness. As a result, the court granted the defendant’s motion in limine.”

{¶ 3} This entry established that the relator has received his requested relief, a journal entry granting the motion in limine. Accordingly, this writ action is moot, and the court, sua sponte, dismisses this application for a writ of mandamus and/or precedendo. Costs assessed against the respondent. The court directs the Clerk of Court of the Eighth District Court of Appeals to serve upon all parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

LARRY A. JONES, JUDGE

MARY EILEEN KILBANE, A.J., and
FRANK D. CELEBREZZE, JR., J., CONCUR