

[Cite as *State ex rel. Martin v. Synenberg*, 2011-Ohio-6482.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 97182

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**STATE OF OHIO, EX REL.  
TRAMAIN E. MARTIN**

RELATOR

vs.

**HON. JUDGE JOAN C. SYNENBERG**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Procedendo  
Motion No. 447733  
Order No. 450049

**RELEASE DATE:** December 13, 2011

**FOR RELATOR**

Tramaine E. Martin  
Inmate #584-538  
Richland Correctional Institution  
P.O. Box 8107  
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

COLLEEN CONWAY COONEY, J.:

{¶ 1} On August 19, 2011, the relator, Tramaine Martin, commenced this procedendo action against the respondent, Judge Joan Synenberg, to compel the judge to rule on a motion to vacate postrelease control sanctions which he filed on January 25, 2011, in the underlying case, *State v. Martin*, Cuyahoga County Common Pleas Court Case No. CR-468883. On September 14, 2011, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a certified copy of a September 13, 2011 journal entry which granted the subject motion in

part and denied it in part. The judge ruled that to the extent that the sentence did not include the statutorily mandated terms of postrelease control, that part of the sentence is void; the rest of Martin's sentence remains valid. Martin did not oppose the respondent's motion. This establishes that Martin has received his requested relief, a resolution of the subject motion. Thus, this action is moot.

{¶ 2} Accordingly, the court grants the respondent's motion for summary judgment and denies the application for a writ of procedendo. Costs assessed against the respondent. 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).

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COLLEEN CONWAY COONEY, PRESIDING JUDGE

SEAN C. GALLAGHER, J., and  
KATHLEEN ANN KEOUGH, J., CONCUR