

[Cite as *State ex rel. Ford v. Gallagher*, 2011-Ohio-746.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 96231**

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**STATE OF OHIO EX REL.,  
MILTON FORD**

RELATOR

VS.

**HONORABLE EILEEN A. GALLAGHER, JUDGE**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Procedendo  
Motion No. 441140  
Order No. 441753

**RELEASE DATE:** February 16, 2011



**FOR RELATOR**

Milton Ford, Pro Se  
Inmate No. 522-963  
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  
8<sup>th</sup> Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

MARY J. BOYLE, J.:

{¶ 1} Relator, Milton Ford, requests in this action in procedendo that this court compel respondent judge to rule on his motions for jail-time credit filed in *State v. Ford*, Cuyahoga County Court of Common Pleas Case No. CR-492933, on January 19 and May 18, 2010.

{¶ 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 6, 2011, denying Ford's motions. Respondent had granted relator 198 days jail-time credit in a journal entry received for filing on May 30, 2008. Respondent argues that this



action in mandamus is, therefore, moot. To the extent that Ford is requesting that this court compel respondent to rule on his motions for jail-time credit, we agree.

{¶ 3} Relator has opposed the motion and argues that he is entitled to additional jail-time credit because he was confined in the juvenile detention center prior to his case being bound over to the court of common pleas. “To the extent that [relator] sought to compel the judge to grant him [additional] days of jail-time credit, he is asking for a writ of mandamus, as compared to a writ of procedendo, and his claim is ill-founded.” *Leonard v. State*, Cuyahoga App. No. 93872, 2009-Ohio-5971, ¶1. As was the case in *Leonard*, we treat Ford’s request that this court compel respondent to order additional jail-time credit as a request for relief in mandamus.

{¶ 4} ““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 [relator] seeks an increase in his jail-time credit, therefore, mandamus is not appropriate.” *Sansom v. Donnelly*, Cuyahoga App. No. 95162, 2010-Ohio-3515, ¶3. Likewise, in this action, Ford had an adequate remedy by way of appeal and is not entitled to relief to compel respondent to grant additional jail-time credit.



{¶ 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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MARY J. BOYLE, JUDGE

MARY EILEEN KILBANE, A.J., and  
PATRICIA ANN BLACKMON, J., CONCUR