

[Cite as *Ward v. O'Donnell*, 2011-Ohio-942.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 95934

**STATE OF OHIO, EX REL.
JAMES WARD**

RELATOR

vs.

JOHN P. O'DONNELL, JUDGE

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 439543
Order No. 441812

RELEASE DATE: February 28, 2011

FOR RELATOR

James Ward, pro se
Inmate No. 590-711
Lorain Correctional Institution
2075 South Avon Belden Road
Grafton, Ohio 44044

ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor
BY: James E. Moss
Assistant Prosecuting Attorney
The Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

FRANK D. CELEBREZZE, JR., J.:

{¶ 1} Relator requests that this court compel respondent judge to grant him jail-time credit in *State v. Ward*, Cuyahoga County Court of Common Pleas Case No. CR-497192.

{¶ 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 November 19, 2010, in which respondent granted relator 26 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 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.

FRANK D. CELEBREZZE, JR., JUDGE

SEAN C. GALLAGHER, P.J., and
LARRY A. JONES, J., CONCUR