

[Cite as *State ex rel. Pettway v. Cuyahoga Cty. Court of Common Pleas*, 2013-Ohio-1567.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 99259

STATE, EX REL. TIMOTHY PETTWAY

RELATOR

vs.

**CUYAHOGA COUNTY COURT OF COMMON PLEAS,
ET AL.**

RESPONDENTS

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 461141
Order No. 463486

RELEASE DATE: April 16, 2013

FOR RELATOR

Timothy Pettway
No. 550655
Toledo Correctional Institution
P.O. Box 80033
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Toledo, Ohio 43608

ATTORNEYS FOR RESPONDENTS

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Cuyahoga County Prosecutor
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KATHLEEN ANN KEOUGH, J.:

{¶1} Timothy Pettway has filed a complaint for a writ of procedendo. Pettway seeks an order from this court, that requires Judge Deena Calabrese and the Cuyahoga County Court of Common Pleas to render a ruling with regard to a “motion to vacate void judgment” as filed in *State v. Pettway*, Cuyahoga C.P. No. CR-498474.

{¶2} Attached to the motion for summary judgment filed by Judge Calabrese and the Cuyahoga County Court of Common Pleas, is a copy of a judgment entry, journalized on December 19, 2012, which demonstrates that a ruling has been rendered with regard to Pettway’s motion to vacate void judgment. Thus, Pettway’s complaint for a writ of procedendo is moot. *State v. Jerningham*, 74 Ohio St.3d 278, 1996-Ohio-117, 658 N.E.2d 723; *State ex rel. Gantt v. Coleman*, 6 Ohio St.3d 5, 450 N.E.2d 1163 (1983).

{¶3} Accordingly, we grant the motion for summary judgment. Judge Calabrese and the Cuyahoga County Court of Common Pleas to pay costs. Costs waived. The court directs the clerk of court to serve all parties with notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶4} Writ denied.

KATHLEEN ANN KEOUGH, JUDGE

KENNETH A. ROCCO, P.J., and
MARY EILEEN KILBANE, J., CONCUR