

[Cite as *State ex rel. Stuart v. Villanueva*, 2014-Ohio-1440.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 100758

STATE EX REL. BILLY STUART

RELATOR

vs.

JUDGE JOSE VILLANUEVA

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Mandamus
Motion No. 471393
Order No. 472324

RELEASE DATE: March 28, 2014

FOR RELATOR

Billy Stuart, pro se
Inmate No. 601-509
P.O. Box 8000
Conneaut, OH 44030

ATTORNEYS FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor
By: James E. Moss
Assistant Prosecuting Attorney
Justice Center - 9th Floor
1200 Ontario Street
Cleveland, OH 44113

KENNETH A. ROCCO, J.:

{¶1} On December 16, 2013, the relator, Billy Stuart, commenced this mandamus action against the respondent, Judge Jose Villanueva, to compel the judge to state the number of jail-time credit days in a journal entry in the underlying case, *State v. Stuart*, Cuyahoga C.P. No. CR-537870. On January 13, 2014, the respondent moved for summary judgment on the grounds of mootness.¹ Attached to the dispositive motion was a certified copy of a signed and file-stamped January 9, 2014 journal entry granting 327 days of jail-time credit. Stuart did not file a response to the summary judgment motion. This establishes that the relator has received his requested relief and that the action is, therefore, moot.

{¶2} Relator also did not comply with R.C. 2969.25(C) that requires that an inmate file a certified statement from his prison cashier setting forth the balance in his private account for each of the preceding six months. This also is sufficient reason to deny the mandamus, deny indigency status, and assess costs against the relator. *State ex rel. Pamer v. Collier*,

¹The January 13, 2014 summary judgment motion is an amended motion. Previously, the respondent had filed a summary judgment motion several hours earlier — Motion No. 471379; the court denies that motion as moot.

108 Ohio St.3d 492, 2006-Ohio-1507, 844 N.E.2d 842; and *Hazel v. Knab*, 130 Ohio St.3d 22, 2011-Ohio-4608, 955 N.E.2d 378.

{¶3} Accordingly, the court grants the respondent's motion for summary judgment and denies the application for a writ of mandamus. Relator to pay costs. This court directs the clerk of court to serve all parties notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶4} Writ denied.

KENNETH A. ROCCO, JUDGE

LARRY A. JONES, SR., P.J., and
TIM McCORMACK, J., CONCUR

