

[Cite as *State ex rel. Velez v. Russo*, 2014-Ohio-2779.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 101332

STATE EX REL., PEDRO R. VELEZ

RELATOR

vs.

HONORABLE JOSEPH RUSSO

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Mandamus
Order No. 475757
Motion No. 475325

RELEASE DATE: June 23, 2014

FOR RELATOR

Pedro R. Velez
Inmate No. 651-114
Trumbull Correctional Institution
P.O. Box 901
Leavittsburg, OH 44430

ATTORNEYS FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor

By: James E. Moss
Assistant County Prosecutor
9th Floor Justice Center
1200 Ontario Street
Cleveland, OH 44113

TIM McCORMACK, J.:

{¶1} Pedro R. Velez has filed a complaint for a writ of mandamus. Velez seeks an order from this court that requires Judge Joseph D. Russo to render a ruling with regard to a motion for jail-time credit that was filed in *State v. Velez*, Cuyahoga C.P. No. CR-573694.

{¶2} Attached to Judge Russo's motion for summary judgment is a copy of a judgment entry, journalized on May 29, 2014, which demonstrates that a ruling has been rendered with regard to Velez's motion for jail-time credit. Thus, the complaint for a writ of mandamus is moot. *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas*, 74 Ohio St.3d 278, 658 N.E.2d 723 (1996); *State ex rel. Gantt v. Coleman*, 6 Ohio St.3d 5, 450 N.E.2d 1163 (1983).

{¶3} It must also be noted that Velez's complaint for a writ of mandamus did not contain: (1) a sworn affidavit, that specified the details of his claim, as required by Loc.App.R. 45(B)(1)(a); (2) an affidavit that specified each civil action or appeal of a civil action filed within the last five years, as required by R.C. 2969.25(A); and (3) statements that sets forth the balance in his account for the preceding six months and also set forth all other owned cash and things of value, as required by R.C. 2969.25(C). The failure to comply with the requirements of Loc.App.R. 45(B)(1)(a), R.C. 2969.25(A), and 2969.25(C) warrants dismissal of Velez's complaint for a writ of mandamus. *See State ex rel. Washington v. Ohio Adult Parole Auth.*, 87 Ohio St.3d 258, 719 N.E.2d 544

(1999); *State ex rel. Jones v. McGinty*, 8th Dist. Cuyahoga No. 92602, 2009-Ohio-1258;
State ex rel. Hightower v. Russo, 8th Dist. Cuyahoga No. 82321, 2003-Ohio-3679.

{¶4} Accordingly, we grant Judge Russo's motion for summary judgment. Costs to Judge Russo. 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).

{¶5} Writ denied.

TIM McCORMACK, JUDGE

SEAN C. GALLAGHER, P.J., and
MELODY J. STEWART, J., CONCUR