

[Cite as *State ex rel. Green v. Saffold*, 2014-Ohio-3242.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 101151

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**STATE EX REL. ERIC D. GREEN**

RELATOR

vs.

**JUDGE SHIRLEY S. SAFFOLD**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Procedendo  
Motion No. 474018  
Order No. 476170

**RELEASE DATE:** July 22, 2014

**FOR RELATOR**

Eric D. Green  
Inmate #A573-121, Grafton  
2500 S. Avon Belden Road  
Grafton, OH 44044

**ATTORNEYS FOR RESPONDENT**

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

KENNETH A. ROCCO, P.J.:

{¶1} Relator, Eric D. Green, petitions this court to compel the respondent judge to dispose of his motion for jail-time credit filed in *State v. Green*, Cuyahoga C.P. No. CR-09-522075-A filed on October 17, 2013.

{¶2} Respondent has filed a motion for summary judgment citing numerous procedural deficiencies in Green's petition and also attached a copy of a journal entry issued by respondent that granted Green's motion for jail-time credit on April 2, 2014. Specifically, respondent asserts that Green failed to comply with the requirements of R.C. 2969.25(C), Civ.R. 10, and Loc.App.R. 45. Respondent's motion for summary judgment is granted based on the procedural deficiencies in Green's petition. Further, Green is not entitled to a writ of procedendo because the action is moot. *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas*, 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, respondent's motion for summary judgment is granted. Relator to pay costs; costs waived. 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).

{¶4} Writ denied.

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KENNETH A. ROCCO, PRESIDING JUDGE

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