

[Cite as *State ex rel. Sanchez v. Russo*, 2014-Ohio-4392.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 101741

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**STATE EX REL. JOSE SANCHEZ**

RELATOR

vs.

**JUDGE JOHN J. RUSSO**

RESPONDENT

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**JUDGMENT:**  
**WRIT DENIED**

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Writ of Mandamus  
Motion No. 477842  
Order No. 477912

**RELEASE DATE:** September 26, 2014

**FOR RELATOR**

Jose Sanchez, pro se  
#564-972, Grafton Correctional Institution  
2500 South Avon-Belden Road  
Grafton, Ohio 44044

**ATTORNEYS FOR RESPONDENT**

Timothy J. McGinty  
Cuyahoga County Prosecutor

BY: James E. Moss  
Assistant County Prosecutor  
The Justice Center, 8th Floor  
1200 Ontario Street  
Cleveland, Ohio 44113

LARRY A. JONES, SR., P.J.:

{¶1} Jose Sanchez has filed a complaint for a writ of mandamus. Sanchez seeks an order from this court that requires Judge Shirley Strickland Saffold to render a ruling with regard to a “motion to vacate for being twice in jeopardy” filed in *State v. Sanchez*, Cuyahoga C.P. No. CR-08-515338.<sup>1</sup> In addition, Sanchez seeks a hearing with regard to the motion to vacate. We decline to issue a writ of mandamus on behalf of Sanchez.

{¶2} Sanchez’s request for a writ of mandamus is moot. Attached to Judge Saffold’s motion for summary judgment is a copy of a journal entry, journalized on August 13, 2014, that demonstrates a ruling has been rendered with regard to the motion to vacate. In addition, Sanchez has failed to demonstrate that Judge Saffold is required to conduct a hearing with regard to the motion to vacate. Thus, Sanchez is not entitled to a writ of mandamus. *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, we grant Judge Saffold’s motion for summary judgment. Costs to Judge Saffold. Costs waived. The court directs the clerk of courts 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.

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<sup>1</sup>Sanchez incorrectly named Judge John J. Russo as the respondent. Judge Shirley Strickland Saffold is the judge assigned to preside over Case No. CR-08-515338.

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LARRY A. JONES, SR., PRESIDING JUDGE

KATHLEEN ANN KEOUGH, J., and  
EILEEN T. GALLAGHER, J., CONCUR