

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 100512

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**STATE OF OHIO EX REL.,  
ANTHONY WALKER**

RELATOR

vs.

**JUDGE MICHAEL DONNELLY**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Mandamus  
Motion No. 46927  
Order No. 471604

**RELEASED:** February 7, 2014

**FOR RELATOR**

Anthony Walker, Pro Se  
Inmate No. A 250-265  
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  
9th Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

PATRICIA ANN BLACKMON, J.:

{¶1} Anthony Walker has filed a complaint for a writ of mandamus. Walker seeks an order from this court that requires Judge Michael Donnelly to render a ruling with regard to a “request to invoke or enforce specific plea agreement” filed in *State v. Walker*, Cuyahoga C.P. Nos. CR-268354 and CR-269956. For the following reasons, we decline to issue a writ of mandamus on behalf of Walker.

{¶2} Initially, we find that Walker has failed to comply with Loc.App.R. 45(B)(1)(a), which mandates that a complaint for a writ of mandamus must be supported by a sworn affidavit that specifies the details of his claim for relief. *State ex rel. Leon v. Cuyahoga Cty. Court of Common Pleas*, 8th Dist. Cuyahoga No. 92826, 2009-Ohio-1612; *State ex rel. Santos v. McDonnell*, 8th Dist. Cuyahoga No. 90659, 2008-Ohio-214; *Turner v. Russo*, 8th Dist Cuyahoga No. 87852, 2006-Ohio-4490; *Barry v. Galvin*, 8th Dist. Cuyahoga No. 85990, 2005-Ohio-2324.

{¶3} In addition, Walker’s request for a writ of mandamus is moot. Attached to Judge Donnelly’s motion for summary judgment are copies of journal entries, journalized on October 21, 2013, which demonstrate that rulings have been rendered with regard to the requests to invoke or enforce specific performance of plea. Thus, Walker 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).

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

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PATRICIA ANN BLACKMON, JUDGE

EILEEN A. GALLAGHER, P.J., and  
EILEEN T. GALLAGHER, J., CONCUR