

# Court of Appeals of Ohio

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EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 101901

STATE OF OHIO, EX REL.  
JEFFREY C. KEITH

RELATOR

VS.

JUDGE JOSEPH D. RUSSO

RESPONDENT

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**JUDGMENT:**

WRIT DENIED

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Writ of Mandamus  
Motion No. 479123  
Order No. 479813

**RELEASED DATE:** December 2, 2014

**FOR RELATOR**

Jeffrey C. Keith, pro se  
Inmate #334-054  
Marion Correctional Institution  
P.O. Box 57  
Marion, Ohio 43301

**ATTORNEY FOR RESPONDENT**

Timothy J. McGinty  
Cuyahoga County Prosecutor  
9th Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

PATRICIA ANN BLACKMON, J.:

{¶1} Jeffrey Keith has filed a complaint for a writ of mandamus. Keith seeks an order from this court that requires Judge Joseph D. Russo to grant motions to vacate void judgments that were filed on the following cases: *State v. Keith*, Cuyahoga C.P. No. CR-94-316724-ZA; *State v. Keith*, Cuyahoga C.P. No. CR-96-333972-ZA; and *State v. Keith*, Cuyahoga C.P. No. CR-97-350831-ZA.

{¶2} Attached to Judge Russo's motion for summary judgment are copies of judgment entries in each case that were journalized on October 8, 2014. Respondent has demonstrated that rulings have been rendered with regard to each motion. Keith is not entitled to a writ of mandamus because it is moot. *State ex rel. Culgan v. Kimbler*, 132 Ohio St.3d 480, 2012-Ohio-3310, 974 N.E.2d 88 (a writ of mandamus will not be issued to compel an act already performed); *see also State ex rel. Pettway v. Cuyahoga Cty. Court of Common Pleas*, 8th Dist. Cuyahoga No. 99259, 2013-Ohio-1567, ¶ 2. Although Keith sought a writ of mandamus that would compel respondent to grant the motions, he is not entitled to this relief. Mandamus will not be issued to compel respondent judge to enter a specific judgment on a motion. *State ex rel. Avery v. Union Cty. Court of Common Pleas*, 125 Ohio St.3d 35, 2010-Ohio-1427, 925 N.E.2d 969.

{¶3} Judge Russo's motion for summary judgment is granted. Costs to respondent. 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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PATRICIA ANN BLACKMON, JUDGE

MARY EILEEN KILBANE, P.J., and  
MELODY J. STEWART, J., CONCUR