

[Cite as *State ex rel. Thomas v. Strickland-Saffold*, 2014-Ohio-5347.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 101932

STATE OF OHIO, EX REL.
DAROLD THOMAS

RELATOR

vs.

HONORABLE SHIRLEY
STRICKLAND-SAFFOLD

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Mandamus
Motion No. 480122
Order No. 480151

RELEASE DATE: December 3, 2014

FOR RELATOR

Darold Thomas, pro se
Inmate No. 644
Trumbull Correctional Camp
P.O. Box 640
Leavittsburg, Ohio 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, Ohio 44113

EILEEN A. GALLAGHER, J.:

{¶1} Darold Thomas has filed a complaint for a writ of mandamus. Thomas seeks an order from this court that requires Judge Shirley Strickland Saffold to render a ruling with regard to a motion for jail-time credit filed in *State v. Thomas*, Cuyahoga C.P. No. CR-12-561685. Judge Saffold has filed a motion for summary judgment that we grant for the following reasons.

{¶2} Attached to Judge Saffold's motion for summary judgment is a copy of a judgment entry, journalized on November 10, 2014, which demonstrates that a ruling has been rendered with regard to Thomas'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} In addition, Thomas's complaint for a writ of mandamus is defective. Thomas's complaint failed to comply with Loc.App.R. 45(B)(1)(a), which requires that his complaint contain a sworn affidavit that specifies the details of his claim. *State ex rel. Hopson v. Cuyahoga Cty. Court of Common Pleas*, 135 Ohio St.3d 456, 2013-Ohio-1911, 989 N.E.2d 49; *State ex rel. Leon v. Cuyahoga Cty. Court of Common Pleas*, 123 Ohio St.3d 124, 2009-Ohio-4688, 914 N.E.2d 402. Thomas has also failed to comply with R.C. 2969.25(A), which mandates that he provide this court with a sworn affidavit that contains a description of each civil action or appeal of a civil action filed in the previous five years in any state or federal court. *State ex rel. McGrath v. McDonnell*, 126 Ohio St.3d 511, 2010-Ohio-4726, 935 N.E.2d 830. Finally, Thomas has failed to comply with R.C. 2969.25(C)(1), which mandates that he file a statement setting forth his inmate account "for each of the preceding six months, as

certified by the institutional cashier.” *State ex rel. Castro v. Corrigan*, 129 Ohio St.3d 342, 2011-Ohio-4059, 952 N.E.2d 497.

{¶4} 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 the date of entry upon the journal as required by Civ.R. 58(B).

{¶5} Writ denied.

EILEEN A. GALLAGHER, JUDGE

MARY J. BOYLE, A.J., and
MARY EILEEN KILBANE, J., CONCUR