

[Cite as *State ex rel. Kennedy v. Saffold*, 2014-Ohio-3826.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 101547

**STATE OF OHIO, EX REL.
HAROLD KENNEDY, #452-396**

RELATOR

vs.

**CUYAHOGA COUNTY COMMON PLEAS COURT
JUDGE SHIRLEY S. SAFFOLD**

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 476748
Order No. 477037

RELEASE DATE: September 2, 2014

FOR RELATOR

Harold Kennedy, pro se
#452-396
Lake Erie Correctional Institution
P.O. Box 8000
Conneaut, OH 44030

ATTORNEYS FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor
BY: James E. Moss
Assistant Prosecuting Attorney
The Justice Center
1200 Ontario Street
Cleveland, OH 44113

SEAN C. GALLAGHER, P.J.:

{¶1} Harold Kennedy has filed a complaint for a writ of mandamus. Kennedy seeks an order to compel Judge Shirley Strickland Saffold to render a ruling with regard to motion for a new sentencing hearing filed in *State v. Kennedy*, Cuyahoga C.P. No. CR-437427.

{¶2} Attached to Judge Saffold's motion for summary judgment is a copy of a judgment, journalized on July 14, 2014, which demonstrates that a ruling has been rendered with regard to Kennedy's motion for a new sentencing hearing. 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} 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.

SEAN C. GALLAGHER, PRESIDING JUDGE

TIM McCORMACK, J., and
EILEEN T. GALLAGHER, J., CONCUR