

[Cite as *State ex rel. Davis v. Astrab*, 2015-Ohio-112.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 102041

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**STATE EX REL., JAMES A. DAVIS, JR.**

RELATOR

vs.

**MICHAEL ASTRAB, JUDGE**

RESPONDENT

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**JUDGMENT:**  
WRIT DENIED

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Writ of Mandamus  
Motion No. 479991  
Order No. 481141

**RELEASE DATE:** January 9, 2015

**RELATOR**

James A. Davis, Jr., pro se  
Inmate #444-458,  
Grafton Correctional Institution  
2500 South Avon-Belden Road  
Grafton, Ohio 44044

**ATTORNEYS FOR RESPONDENT**

Timothy J. McGinty  
Cuyahoga County Prosecutor  
James E. Moss  
Assistant County Prosecutor  
The Justice Center - 9th Floor  
1200 Ontario Street  
Cleveland, Ohio 44113

MARY EILEEN KILBANE, J.:

{¶1} James A. Davis, Jr. has filed a complaint for a writ of mandamus. Davis seeks an order from this court that requires Judge Michael Astrab to render a ruling with regard to a “motion to correct illegal void sentence due to plain error pursuant to Crim.R. 52(B)” filed in *State v. Davis*, Cuyahoga C.P. No. CR-02-428529. Judge Astrab has filed a motion for summary judgment, which we grant for the following reasons.

{¶2} Attached to Judge Astrab’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 Davis’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, Davis’s complaint for a writ of mandamus is defective. Davis’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. A simple statement that the affiant has reviewed the complaint and that the contents of the complaint are true and accurate does not satisfy the mandatory requirements of Loc.App.R. 45(B)(1)(a). *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. Davis has also failed to comply with Civ.R. 10(A), which mandates that the caption of the complaint include the address of each party. *State ex rel. Tate v. Callahan*, 8th Dist. Cuyahoga No. 85615, 2005-Ohio-1202.

{¶4} Accordingly, we grant Judge Astrab’s motion for summary judgment. Costs to Judge Astrab. 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).

Writ denied.

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MARY EILEEN KILBANE, JUDGE

EILEEN A. GALLAGHER, P.J., and  
MARY J. BOYLE, J., CONCUR