Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 101988

JOSEPH J. BRONCZYK

RELATOR

vs.

HONORABLE DANIEL GAUL

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Mandamus
Order No. 481483
Motion No. 480466

RELEASE DATE: January 7, 2015

FOR RELATOR

Joseph J. Bronczyk
#594-815
Richland Correctional Institution
P.O. Box 8107
Mansfield, OH 44901

ATTORNEYS FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor

By: James E. Moss
Assistant County Prosecutor
9th Floor Justice Center
1200 Ontario Street
Cleveland, OH 44113

TIM McCORMACK, J.:

{¶1} On September 30, 2014, the relator, Joseph Bronczyk, commenced this mandamus action against the respondent, Judge Daniel Gaul, to compel the judge to issue an entry stating reasons for the denial of Bronczyk's motion for DNA testing in the underlying case, *State v. Bronczyk*, Cuyahoga C.P. No. CR-10-540345-A. On November 24, 2014, the respondent judge moved for summary judgment on the grounds of mootness. Attached to this motion was a certified copy of a November 21, 2014 journal entry stating that the judge denied the motion for DNA testing because, pursuant to R.C. 2953.73, DNA testing of the screwdriver would not be determinative and because Bronczyk did not request DNA testing at the time of trial, as required by the statute. Bronczyk never replied to the dispositive motion. The attached journal entry establishes that the respondent judge fulfilled the statutory duty to state reasons for denying DNA testing and renders this mandamus action moot.

{¶2} Accordingly, this court grants the respondent's motion for summary judgment and denies the application for a writ of mandamus. Respondent to pay costs; costs waived. This court directs the clerk of courts to serve all parties notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶3} Writ denied.

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TIM McCORMACK, JUDGE

LARRY A. JONES, SR., P.J., and
PATRICIA ANN BLACKMON, J., CONCUR