

[Cite as *State ex rel. Womack v. Saffold*, 2015-Ohio-2957.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 102719

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**STATE OF OHIO, EX REL.  
DEMETRIUS WOMACK**

RELATOR

vs.

**JUDGE SHIRLEY STRICKLAND SAFFOLD**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Procedendo  
Motion No. 484369  
Order No. 486905

**RELEASE DATE:** July 22, 2015

**FOR RELATOR**

Demetrius Womack, pro se  
Inmate #632096 Grafton Reintegration Center  
2500 S. Avon Belden Road  
Grafton, OH 44044

**ATTORNEYS FOR RESPONDENT**

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

KATHLEEN ANN KEOUGH, P.J.:

{¶1} On March 11, 2015, the relator, Demetrius Womack, commenced this procedendo action against the respondent, Judge Shirley Strickland Saffold, to compel the judge to rule on Crim.R. 36 motions to correct clerical error that Womack filed on February 28, 2014, in the underlying cases, *State v. Womack*, Cuyahoga C.P. Nos. CR-12-561502-A and CR-12-562461-A. On April 7, 2015, the respondent, through the Cuyahoga County prosecutor, moved for summary judgment on the grounds of mootness and pleading defects. Womack never filed a response. For the following reasons, this court grants the judge's summary judgment motion and denies the application for a writ of procedendo.

{¶2} Attached to the judge's motion are certified copies of three March 30, 2015 judgment entries in the underlying cases. The first in CR-12-562461-A denies the subject motion. The second in CR-12-561502-A grants the subject motion and promises to enter a nunc pro tunc order correcting the sentencing entry to state that the sentence in CR-12-561502-A was to run concurrently to any other sentence. The third entry is the nunc pro tunc entry providing that the sentence in CR-12-561502-A is to run concurrent to any other sentence. These journal entries establish that the respondent judge has proceeded to judgment on the subject motions and that this procedendo action is moot.<sup>1</sup>

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<sup>1</sup>The writ of procedendo is merely an order from a court of superior jurisdiction to one of inferior jurisdiction to proceed to judgment. *Yee v. Erie Cty. Sheriff's Dept.*, 51 Ohio St.3d 43, 553 N.E.2d 1354 (1990). Procedendo is appropriate when a court has either refused to render a judgment

{¶3} Relator also did not comply with R.C. 2969.25(C), which requires that an inmate file a certified statement from his prison cashier setting forth the balance in his private account for each of the preceding six months. This also is sufficient reason to deny the writ action, deny indigency status and assess costs against the relator. *State ex rel. Pamer v. Collier*, 108 Ohio St.3d 492, 2006-Ohio-1507, 844 N.E.2d 842; *State ex rel. Hunter v. Cuyahoga Cty. Court of Common Pleas*, 88 Ohio St.3d 176, 2000-Ohio-285, 724 N.E.2d 420; and *Hazel v. Knab*, 130 Ohio St.3d 22, 2011-Ohio-4608, 955 N.E.2d 378.

{¶4} Accordingly, this court grants the respondent's motion for summary judgment and denies the application for a writ of procedendo. Relator to pay costs. 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).

{¶5} Writ denied.

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KATHLEEN ANN KEOUGH, PRESIDING JUDGE

MARY JANE BOYLE, J., and  
PATRICIA ANN BLACKMON, J., CONCUR

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or has unnecessarily delayed proceeding to judgment. *State ex rel. Watkins v. Eighth Dist. Court of Appeals*, 82 Ohio St.3d 532, 1998-Ohio-190, 696 N.E.2d 1079.