

[Cite as *Turner v. Sutula*, 2015-Ohio-2959.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 102724

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**JOHN L. TURNER, JR.**

RELATOR

VS.

**JUDGE JOHN D. SUTULA, ET AL.**

RESPONDENTS

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**JUDGMENT:**  
COMPLAINT DISMISSED

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Writ of Mandamus  
Order No. 485918

**RELEASE DATE:** July 20, 2015

**FOR RELATOR**

John L. Turner, Jr., pro se  
Lake County Jail  
104 E. Erie Street  
Painesville, Ohio 44077

**ATTORNEYS FOR RESPONDENTS****For Judge John D. Sutula**

Timothy J. McGinty  
Cuyahoga County Prosecutor  
The Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

**For Donald Butler**

Donald Butler, pro se  
Donald Butler & Associates  
Suite 600  
75 Public Square  
Cleveland, Ohio 44113

MELODY J. STEWART, J.:

{¶1} Relator, John L. Turner, Jr. filed this action for a writ of mandamus on March 13, 2015. He seeks an order compelling respondent Judge John D. Sutula to schedule a hearing to set bond in *State v. Turner*, Cuyahoga C.P. No. CR-13-576006-A.<sup>1</sup> The trial court docket reflects that bond was set by an order dated March 24, 2015, and a nunc pro tunc order dated March 26, 2015. This action is moot. *State ex rel. Culgan v. Kimbler*, 132 Ohio St.3d 480, 2012-Ohio-3310, 974 N.E.2d 88 (a writ of mandamus will not issue to compel an act already performed). Dismissal of the action is also required due to Turner's failure to file the cashier's statement that is required by R.C. 2969.25(C)(1). "The requirements of R.C. 2969.25 are mandatory and failure to comply with them requires dismissal of an inmate's complaint." *State ex rel. Hall v. Mohr*, 140 Ohio St.3d 297, 2014-Ohio-3735, 17 N.E.3d 581, ¶ 4.

{¶2} The court directs the clerk of court to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{¶3} Complaint dismissed.

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<sup>1</sup>Relator also named Donald Butler as a respondent.

MELODY J. STEWART, JUDGE

KATHLEEN ANN KEOUGH, P.J., and  
ANITA LASTER MAYS, J., CONCUR