

[Cite as *State ex rel. McCornell v. Saffold*, 2015-Ohio-3150.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 102739

**STATE OF OHIO, EX REL.
VOLTAIRE MCCORNELL**

RELATOR

vs.

JUDGE SHIRLEY STRICKLAND SAFFOLD

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 484614
Order No. 486856

RELEASE DATE: August 5, 2015

FOR RELATOR

Voltaire McCornell, pro se
Inmate #564010
Grafton Correctional Institution
2500 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

EILEEN T. GALLAGHER, J.:

{¶1} On March 17, 2015, the relator, Voltaire McCornell, commenced this procedendo action against the respondent, Cuyahoga County Court Judge Shirley Strickland Saffold, to compel her to rule on his motions to correct illegal sentence and to vacate void judgment for lack of jurisdiction that he filed in the underlying case, *State v. McCornell*, Cuyahoga C.P. No. CR-09-520113-A on September 24, 2014 and March 16, 2015, respectively. On April 14, 2015, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion were copies of certified journal entries, file-stamped April 3, 2015, in the underlying case, denying the subject motions. These journal entries establish that the respondent judge has proceeded to judgment on the subject motions and that this procedendo action is moot.¹ McCornell never filed a response to the motion for summary judgment.

{¶2} Accordingly, the court grants the respondent's motion for summary judgment and denies the writ. Each side to bear their own costs; costs waived. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

¹The 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 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.

{¶3} Writ denied.

EILEEN T. GALLAGHER, JUDGE

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