

[Cite as *State ex rel. Triplett v. Donnelly*, 2015-Ohio-323.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 102152

STATE OF OHIO, EX REL.
JAMAR TRIPLETT

RELATOR

vs.

MICHAEL DONNELLY, JUDGE

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Mandamus
Motion No. 480543
Order No. 481827

RELEASE DATE: January 26, 2015

FOR RELATOR

Jamar Triplett, pro se
Inmate No. 561-817
Mansfield Correctional Institution
P.O. Box 788
Mansfield, Ohio 44901

ATTORNEY FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor
9th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

EILEEN A. GALLAGHER, P.J.:

{¶1} Jamar Triplett has filed a complaint for a writ of mandamus through which he seeks an order from this court to Judge Michael P. Donnelly to render a ruling on a motion for jail-time credit that was filed in *State v. Triplett*, Cuyahoga C.P. Nos. CR-08-510459. Judge Donnelly has filed a motion for summary judgment, which we grant.

{¶2} Judge Donnelly's motion for summary judgment includes a copy of a judgment entry, journalized on November 17, 2014, which reflects that a ruling has been issued on Triplett's motion for jail-time credit. The complaint for a writ of mandamus is therefore 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). It is noted that any error that is alleged with regard to the calculation of jail-time credit must be addressed through a direct appeal. *State ex rel. Flakes v. Russo*, 8th Dist. Cuyahoga No. 94044, 2009-Ohio-6474; *State ex rel. Ponsky v. Koch*, 8th Dist. Cuyahoga No. 92437, 2009-Ohio-339.

{¶3} We note that, Triplett's complaint for a writ of mandamus is defective. First, Triplett has 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. *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.

{¶4} Triplett has also failed to comply with R.C. 2969.25(A), which mandates that he provide this court with a sworn affidavit that contains a description of each civil action or appeal of a civil action filed in the previous five years in any state or federal court. *State ex rel. McGrath v. McDonnell*, 126 Ohio St.3d 511, 2010-Ohio-4726, 935 N.E.2d 830.

{¶5} Finally, Triplett has failed to comply with R.C. 2969.25(C)(1), which mandates that he file a statement setting forth his inmate account “for each of the preceding six months, as certified by the institutional cashier.” *State ex rel. Castro v. Corrigan*, 129 Ohio St.3d 342, 2011-Ohio-4059, 952 N.E.2d 497.

{¶6} Accordingly, we grant Judge Donnelly’s motion for summary judgment. 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).

{¶7} Writ denied.

EILEEN A. GALLAGHER, PRESIDING JUDGE

MARY EILEEN KILBANE, J., and
EILEEN T. GALLAGHER, J., CONCUR