

[Cite as *State ex rel. Fields v. Gaul*, 2015-Ohio-324.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 102219

STATE EX REL., DAVID FIELDS

RELATOR

vs.

JUDGE DANIEL GAUL

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Mandamus
Motion No. 481027
Order No. 481830

RELEASE DATE: January 26, 2015

RELATOR

David Fields, pro se
No. 652-061
2500 South Avon-Belden Road
Grafton, Ohio 44044

ATTORNEYS FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor
By: James E. Moss
Assistant County Prosecutor
9th Floor, Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

KATHLEEN ANN KEOUGH, J.:

{¶1} David Fields has filed a complaint for a writ of mandamus. Fields seeks an order from this court that requires Judge Daniel Gaul to grant additional jail-time credit in *State v. Fields*, Cuyahoga C.P. Nos. CR-13-573044-B. Judge Gaul has filed a motion for summary judgment, which we grant for the following reasons.

{¶2} Initially, we take judicial notice that Fields's name and inmate number do not appear in the "Offender Search" area of the Ohio Dept. of Rehabilitation and Correction's web site. See <http://www.drc.state.oh.us/OffenderSearch/Search.aspx>.¹ It appears that Fields has served his term of incarceration, thus rendering his request for jail-time credit moot. *State ex rel. McCuller v. Corrigan*, 8th Dist. Cuyahoga No. 89582, 2007-Ohio-1975.

{¶3} In addition, attached to Judge Gaul's motion for summary judgment is a copy of a judgment entry, journalized on May 12, 2014, which demonstrates that a ruling has been rendered with regard to Fields's motion for jail-time credit and that Fields was granted a total of 16 days of jail-time credit. Also attached to Field's complaint for a writ of mandamus is a copy of a judgment entry, journalized on October 10, 2014, which demonstrates that Judge Gaul denied Fields's motion for additional jail-time credit. Thus, the complaint for a writ of mandamus is 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 must also be noted that "[a]n error, if any, in calculating the number of jail time credit days is properly remedied through appeal, not mandamus." *State v. Gregory*, 108 Ohio App.3d 264, 670 N.E.2d 547 (1st Dist. 1995). See also *State ex rel. Flakes v. Russo*, 8th

¹A court may take judicial notice of mootness. In fact, an event that causes a case to be moot may be established by extrinsic evidence outside the record. *State ex rel. Nelson v. Russo*, 89 Ohio St.3d 227, 2000-Ohio-141, 729 N.E.2d 1181; *Pewitt v. Lorain Corr. Inst.*, 64 Ohio St.3d 470, 1992-Ohio-91, 597 N.E.2d 92.

Dist. Cuyahoga No. 94044, 2009-Ohio-6474; *State ex rel. Ponsky v. Koch*, 8th Dist. Cuyahoga No. 92437, 2009-Ohio-339.

{¶4} Finally, Fields's complaint for a writ of mandamus is defective. Fields has 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} Accordingly, we grant Judge Gaul's motion for summary judgment. Costs to Fields. 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).

{¶6} Writ denied.

KATHLEEN ANN KEOUGH, JUDGE

FRANK D. CELEBREZZE, JR., A.J. and
SEAN C. GALLAGHER, J., CONCUR