

[Cite as *Turner v. Sutula*, 2015-Ohio-3357.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 103021

JOHN L. TURNER, JR.

RELATOR

vs.

JUDGE JOHN D. SUTULA

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 486333
Order No. 487647

RELEASE DATE: August 19, 2015

FOR RELATOR

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

ATTORNEYS FOR RESPONDENT

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

ANITA LASTER MAYS, J.:

{¶1} John L. Turner, Jr. has filed a complaint for a writ of mandamus. Turner seeks an order from this court that requires Judge John D. Sutula to render rulings in *State v. Turner*, Cuyahoga C.P. No. CR-13-576006, with regard to four pending motions: 1) motion to dismiss all charges pursuant to failure to provide exculpatory evidence (filed April 15, 2015); 2) motion to dismiss all charges pursuant to violation of due process rights (filed April 21, 2015); 3) motion to dismiss all charges pursuant to violation of speedy trial right (filed May 6, 2015); and motion to dismiss all charges (filed May 11, 2015). Judge Sutula has filed a motion for summary judgment.

{¶2} Attached to Judge Sutula's motion for summary judgment is a copy of a judgment entry, journalized on June 4, 2015, which demonstrates that a ruling has been issued with regard to the motion to dismiss for failure to provide exculpatory evidence, the motion to dismiss for violation of due process rights, motion to dismiss for lack of speedy trial, and motion to dismiss all charges. Thus, Turner's complaint for a writ of mandamus is moot. *State ex rel. Fontanella v. Kontos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220; *State ex rel. Reynolds v. Basinger*, 99 Ohio St.3d 303, 2003-Ohio-3631, 791 N.E.2d 459. A writ will not issue to compel the performance of a duty that has already been performed. *State ex rel. Rose v. McGinty*, 123 Ohio St.3d 86,

2009-Ohio-4050, 914 N.E.2d 366; *State ex rel. Sevayega v. McMonagle*, 122 Ohio St.3d 54, 2009-Ohio-2367, 907 N.E.2d 1180.

{¶3} Accordingly, we grant Judge Sutula's motion for summary judgment. Costs to Turner. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the docket as required by Civ.R. 58(B).

{¶4} Writ denied.

ANITA LASTER MAYS, JUDGE

LARRY A. JONES, SR., P.J., and
PATRICIA ANN BLACKMON, J., CONCUR