

[Cite as *State ex rel. Studgions v. Matia*, 2015-Ohio-4593.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 103211

**STATE OF OHIO, EX REL.
ANTOINE STUDGIONS**

RELATOR

vs.

JUDGE DAVID MATIA

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 488259
Order No. 489650

RELEASE DATE: October 30, 2015

FOR RELATOR

Antoine Studgions, pro se
Inmate No. 651374
Lake Erie Correctional Institution
501 Thompson Road
Conneaut, Ohio 44030

ATTORNEYS FOR RESPONDENT

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

LARRY A. JONES, SR.,P.J.:

{¶1} Antoine Studgions has filed a complaint for a writ of mandamus. Studgions seeks an order from this court to compel Judge David T. Matia, in *State v. Studgions*, Cuyahoga C.P. No. CR-09-521554, to correct the imposition of a five-year sentence of incarceration rendered with regard to amended Count 2 (attempted felonious assault). Studgions argues that he should have been sentenced pursuant to H.B. 86, effective September 30, 2011, which allowed a maximum sentence of 36 months for the offense of attempted felonious assault. Judge Matia has filed a motion for summary judgment.

{¶2} Attached to Judge Matia's motion for summary judgment is a copy of a journal entry, journalized on August 12, 2015, that demonstrates that Studgions be "returned to Cuyahoga County Jail from Lorain Correctional Institution for a re-sentencing set for September 1, 2015, at 9:00 AM." Further review of the docket in CR-09-521554 demonstrates that Studgions was re-sentenced and that a term of incarceration of 36 months was imposed with regard to amended Count 2 (attempted felonious assault). Studgions's complaint for a writ of mandamus is moot. *State ex rel. Dehler v. Kelly*, 123 Ohio St.3d 297, 2009-Ohio-5259, 915 N.E.2d 1223; *State ex rel. Fontanella v. Kantos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220.

{¶3} Accordingly, we grant Judge Matia's motion for summary judgment. Costs to Judge Matia. 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).

{¶4} Writ denied.

LARRY A. JONES, SR., PRESIDING JUDGE

KATHLEEN ANN KEOUGH, J., and
TIM McCORMACK, J., CONCUR