

[Cite as *State ex rel. Williams v. Sutula*, 2015-Ohio-4992.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 103375

STATE OF OHIO, EX REL.
WILLIS F. WILLIAMS

RELATOR

vs.

JUDGE JOHN SUTULA

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Procedendo
Motion No. 488970
Order No. 490732

RELEASE DATE: December 1, 2015

FOR RELATOR

Willis F. Williams
Inmate No. 155394A
Richland Correctional Institution
P.O. Box 8107
Mansfield, Ohio 44901

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

ANITA LASTER MAYS, J.:

{¶1} On August 12, 2015, the relator, Willis Williams, commenced this procedendo action against the respondent, Judge John J. Russo, to compel the judge to rule on his motion to correct void judgment, which he filed in the underlying case, *State v. Williams*, Cuyahoga C.P. No. CR-79-047750-B, on March 26, 2015.¹ On September 8, 2015, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a copy of certified journal entry, file stamped September 3, 2015, in the underlying case, denying Williams's motion to correct void judgment. This journal entry establishes that Williams has received his requested relief, a ruling on his motion, and that this procedendo action is moot. Williams 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. Costs assessed against respondent; 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).

{¶3} Writ denied.

¹Judge Robert Lawther was the original judge in the underlying case. Judge John Sutula is the successor to Judge Lawther and the proper respondent in this case. Pursuant to Civ.R. 21, this court substitutes Judge John Sutula for Judge John J. Russo as the respondent.

ANITA LASTER MAYS, JUDGE

EILEEN A. GALLAGHER, P.J., and
MELODY J. STEWART, J., CONCUR