

[Cite as *State ex rel. Cowan v. Gallagher*, 2015-Ohio-5433.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 103542

STATE OF OHIO, EX REL.
CRAIG COWAN

RELATOR

vs.

JUDGE SHANNON M. GALLAGHER

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Mandamus
Motion No. 490208
Order No. 491500

RELEASE DATE: December 18, 2015

FOR RELATOR

Craig Cowan, pro se
Inmate No. 622304
Grafton Correctional Institution
2500 South Avon Belden Road
Grafton, Ohio 44044

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

PATRICIA ANN BLACKMON, J.:

{¶1} Craig A. Cowan has filed a complaint for a writ of mandamus. Cowan seeks an order that requires Judge Shannon M. Gallagher to schedule and hold a resentencing hearing as ordered by this court in *State v. Cowan*, 8th Dist. Cuyahoga No. 101995, 2015-Ohio-2271. In *Cowan*, this court determined that postrelease control was improperly imposed and the appeal was remanded for the sole purpose of properly imposing postrelease control. Cowan's request for a writ of mandamus is moot.

{¶2} A review of the docket in Cuyahoga C.P. No. CR-11-550536 clearly demonstrates that Cowan was returned to Cuyahoga County Court of Common Pleas and that on November 13, 2015, he was resentenced for the sole purpose of imposing five years of mandatory postrelease control. Thus, Cowan is not entitled to a writ of mandamus. *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 Gallagher's motion for summary judgment. Costs to Judge Gallagher. 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.

PATRICIA ANN BLACKMON, JUDGE

LARRY A. JONES, SR., P.J., and
TIM McCORMACK, J., CONCUR