

[Cite as *State ex rel. Iacovone v. Russo*, 2015-Ohio-772.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 102556

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STATE OF OHIO, EX REL.  
ORSINO IACOVONE

RELATOR

vs.

JUDGE JOHN J. RUSSO

RESPONDENT

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**JUDGMENT:**  
WRIT DENIED

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Writ of Mandamus  
Motion No. 482694  
Order No. 482984

**RELEASE DATE:** February 27, 2015

**FOR RELATOR**

Orsino Iacavone  
Inmate #590-904  
2075 S. Avon Belden Road  
Grafton, OH 44044

**ATTORNEY FOR RESPONDENT**

Timothy J. McGinty  
Cuyahoga County Prosecutor  
Justice Center - 9th Floor  
1200 Ontario Street  
Cleveland, OH 44113

SEAN C. GALLAGHER, J.:

{¶1} Orsino Iacovone has filed a complaint for a writ of mandamus. Iacovone seeks an order from this court that requires Judge John J. Russo to render a ruling with regard to a “motion to correct improper sentence, request for a new sentencing hearing” filed in *State v. Iacovone*, Cuyahoga C.P. No. CR-95-320647. Judge Russo has filed a motion for summary judgment, which we grant for the following reasons.

{¶2} Attached to Judge Russo’s motion for summary judgment is a copy of a judgment entry, journalized on February 9, 2015, which demonstrates that a ruling has been rendered with regard to Iacovone’s motion to correct improper sentence and conduct a new sentencing hearing. 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).

{¶3} In addition, Iacovone’s complaint for a writ of mandamus is defective. Iacovone 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.

{¶4} Accordingly, we grant Judge Russo’s motion for summary judgment. Costs to Iacovone. Costs waived. 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).

{¶5} Writ denied.

FRANK D. CELEBREZZE, JR., A.J., and  
EILEEN A. GALLAGHER, J., CONCUR