

[Cite as *State ex rel. Bronczyk v. Gaul*, 2016-Ohio-5335.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 104223

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**STATE OF OHIO, EX REL.  
JOSEPH J. BRONCZYK**

RELATOR

vs.

**HON. DANIEL GAUL, JUDGE**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Procedendo  
Motion No. 495047  
Order No. 497816

**RELEASE DATE:** August 5, 2016

**FOR RELATOR**

Joseph J. Bronczyk, pro se  
Inmate No. A594815  
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  
1200 Ontario Street  
Cleveland, Ohio 44113

SEAN C. GALLAGHER, J.:

{¶1} Relator, Joseph J. Bronczyk, commenced this procedendo action against the respondent, Judge Daniel Gaul of the Cuyahoga County Common Pleas Court, to compel him to issue a ruling on a motion he filed on November 2, 2015, in *State v. Bronczyk*, Cuyahoga C.P. No. CR-10-540345-A. Through the motion, Bronczyk was requesting leave to file a delayed motion for a new trial pursuant to Crim.R. 33.

{¶2} Respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a copy of a journal entry, file stamped March 21, 2016, signed by the respondent that denied the motion. This entry establishes that the respondent proceeded to judgment and that the relator has received his requested relief, a judgment. The relator never filed a response to respondent's motion for summary judgment. This writ action is moot. *State ex rel. Fontanella v. Kantos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220, ¶ 6.

{¶3} Respondent's motion for summary judgment is granted, and the application for a writ of procedendo is denied. Respondent to pay costs; costs waived. This court directs the clerk of courts to serve all parties notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).\_

{¶4} Writ denied.

SEAN C. GALLAGHER, JUDGE

EILEEN A. GALLAGHER, P.J., and  
ANITA LASTER MAYS, J., CONCUR