

[Cite as *State ex rel. Kimbrough v. Sutula*, 2016-Ohio-5337.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 104370

STATE OF OHIO, EX REL.
KIM KIMBROUGH

RELATOR

vs.

JUDGE JOHN D. SUTULA

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Mandamus
Motion No. 496471
Order No. 497815

RELEASE DATE: August 5, 2016

FOR RELATOR

Kim Kimbrough
Grafton Correctional Institution
Inmate No. 663206
2500 S. 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

KATHLEEN ANN KEOUGH, J.:

{¶1} Kim Kimbrough has filed a complaint for a writ of mandamus. Kimbrough seeks an order from this court that requires Judge John D. Sutula to grant him jail-time credit in *State v. Kimbrough*, Cuyahoga C.P. No. CR-14-582525-A. Judge Sutula has filed a motion for summary judgment that Kimbrough has not opposed. We grant the motion for summary judgment and deny the petition because it is moot.

{¶2} The motion for summary judgment is supported by a copy of a judgment entry, journalized on May 17, 2016, which demonstrates that a ruling has been rendered with regard to Kimbrough's motion for jail-time credit and that Kimbrough was granted a total of 33 days of jail-time credit. 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, 1996-Ohio-117, 658 N.E.2d 723; *State ex rel. Gantt v. Coleman*, 6 Ohio St.3d 5, 450 N.E.2d 1163 (1983).

{¶3} Respondent's motion for summary judgment is granted and the complaint for mandamus relief is denied. Costs to respondent; 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.

KATHLEEN ANN KEOUGH, JUDGE

LARRY A. JONES, SR., A.J., and
MARY EILEEN KILBANE, J., CONCUR