

[Cite as *State ex rel. Lessam v. Saffold*, 2017-Ohio-7485.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 105828

**STATE OF OHIO, EX REL.
JENNIFER LESSAM**

RELATOR

vs.

JUDGE SHIRLEY SAFFOLD

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 508156
Order No. 509079

RELEASE DATE: September 6, 2017

FOR RELATOR

Jennifer Lessam
Inmate No. W-096247
Northeast Reintegration Center
2675 E. 30th Street
Cleveland, Ohio 44115

ATTORNEYS FOR RESPONDENT

Michael C. O'Malley
Cuyahoga County Prosecutor
By: James E. Moss
Assistant County Prosecutor
The Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

EILEEN T. GALLAGHER, J.:

{¶1} On May 25, 2017, the relator, Jennifer Lessam, commenced this procedendo action against the respondent, Judge Shirley Strickland Saffold, to compel the judge to rule on a motion for correction of jail-time credit, which Lessam filed on March 22, 2017, in the underlying case, *State v. Lessam*, Cuyahoga C.P. No. CR-15-599391-A. On June 21, 2017, the respondent moved for summary judgment on the grounds of mootness and pleading defects. Attached to the dispositive motion was a copy of a June 20, 2017 journal entry that granted Lessam's motion in part and granted her 22 days of jail-time credit. Lessam never filed a response. The June 20, 2017 entry establishes that the respondent judge has proceeded to judgment on the subject motion and that this writ action is moot.

{¶2} Relator also did not comply with R.C. 2969.25(C), which requires that an inmate file a certified statement from the prison cashier setting forth the balance in the inmate's private account for each of the preceding six months. This also is sufficient reason to deny the mandamus, deny indigency status, and assess costs against the relator. *State ex rel. Pamer v. Collier*, 108 Ohio St.3d 492, 2006-Ohio-1507, 844 N.E.2d 842; *State ex rel. Hunter v. Cuyahoga Cty. Court of Common Pleas*, 88 Ohio St.3d 176, 2000-Ohio-285, 724 N.E.2d 420; and *Hazel v. Knab*, 130 Ohio St.3d 22, 2011-Ohio-4608, 955 N.E.2d 378 — the defect may not be cured by subsequent filings.

{¶3} Accordingly, this court grants the respondent's motion for summary judgment and denies the application for a writ of procedendo. Relator to pay costs. 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.

EILEEN T. GALLAGHER, JUDGE

KATHLEEN ANN KEOUGH, A.J., CONCURS;
MARY EILEEN KILBANE, J., CONCURS IN PART,
DISSENTS IN PART, AND WOULD WAIVE COSTS.