

[Cite as *State ex rel. Beckwith v. Russo*, 2017-Ohio-8665.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

---

JOURNAL ENTRY AND OPINION  
No. 106318

---

**STATE OF OHIO, EX REL.  
RONALD BECKWITH**

RELATOR

vs.

**COMMON PLEAS COURT  
JUDGE NANCY MARGARET RUSSO**

RESPONDENT

---

**JUDGMENT:  
WRIT DENIED**

---

Writ of Mandamus  
Motion No. 511316  
Order No. 511726

**RELEASE DATE:** November 17, 2017

**FOR RELATOR**

Ronald Beckwith, pro se  
Inmate No. A663562  
Richland Correctional Institution  
P.O. Box 8107  
Mansfield, Ohio 44901

**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

FRANK D. CELEBREZZE, JR., J.:

{¶1} Ronald Beckwith has filed a complaint for a writ of mandamus through which he seeks an order that requires Judge Nancy Margaret Russo to render a judgment and issue findings of fact and conclusions of law with regard to a petition for postconviction relief, filed in *State v. Beckwith*, Cuyahoga C.P. No. CR-14-585247. Judge Russo has filed a motion for summary judgment that is granted.

{¶2} Attached to Judge Russo's motion for summary judgment is a copy of a judgment entry, journalized on October 10, 2017, which demonstrates that Judge Russo has rendered a ruling with regard to Beckwith's petition for postconviction relief. Thus, Beckwith's request for a writ of mandamus is moot. "[R]elief is unwarranted because mandamus \* \* \* will not compel the performance of a duty that has already been performed." *State ex rel. Hopson v. Cuyahoga Cty. Court of Common Pleas*, 135 Ohio St.3d 456, 2013-Ohio-1911, 989 N.E.2d 49, ¶ 4. In addition, mandamus may not be employed to control judicial discretion and compel Judge Russo to grant Beckwith's petition for postconviction relief. *Thompson v. State*, 8th Dist. Cuyahoga No. 99265, 2013-Ohio-1907.

{¶3} Accordingly, we grant Judge Russo's motion for summary judgment. Costs waived. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of its entry upon the journal as required by Civ.R. 58(B).

{¶4} Writ denied.

FRANK D. CELEBREZZE, JR., JUDGE

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