

[Cite as *State ex rel. Hunt v. Sutula*, 2018-Ohio-753.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 106501

**STATE OF OHIO, EX REL.
JEIMIL HUNT**

RELATOR

vs.

JUDGE KATHLEEN ANN SUTULA

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 513034
Order No. 514335

RELEASE DATE: February 27, 2018

FOR RELATOR

William Norman
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ATTORNEYS FOR RESPONDENT

Michael C. O'Malley
Cuyahoga County Prosecutor
By: James E. Moss
Assistant County Prosecutor
The Justice Center, 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113

FRANK D. CELEBREZZE, JR., J.:

{¶1} Jeimil Hunt has filed a complaint for a writ of mandamus through which he seeks an order that requires Judge Kathleen Ann Sutula to settle and approve a proposed App.R. 9(C) statement of the evidence or proceedings filed in *State v. Hunt*, Cuyahoga C.P. Nos. CR-91-273936-C, CR-93-300402-D, CR-94-305667-D, and CR-94-307512-B.

Judge Sutula has filed a motion for summary judgment that is granted.

{¶2} Attached to Judge Sutula's motion for summary judgment is a copy of an "App.R. 9(C) statement of the record or proceedings," journalized on December 15, 2017, which demonstrates that Judge Sutula has settled and approved an App.R. 9(C) statement.

Thus, Hunt'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.

{¶3} Accordingly, we grant Judge Sutula'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
MARY EILEEN KILBANE, P.J., and
SEAN C. GALLAGHER, J., CONCUR