

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE EX REL. DANTEZ D. :
ALEXANDER, :
Relator, : No. 112499
v. :
RICHARD A. BELL, :
Respondent. :

JOURNAL ENTRY AND OPINION

JUDGMENT: WRIT DENIED

DATED: April 18, 2023

Writ of Procedendo
Motion No. 563193
Order No. 563244

Appearances:

Dantez D. Alexander, *pro se*

Michael C. O'Malley, Cuyahoga County Prosecuting
Attorney and James E. Moss, Assistant Prosecuting
Attorney, *for respondent*.

EMANUELLA D. GROVES, J.:

{¶ 1} Dantez Alexander, the relator, has filed a complaint for a writ of procedendo. Alexander seeks an order from this court that compels Judge Richard A. Bell, the respondent, to render rulings with regard to motions to vacate the sentences imposed in *State v. Alexander*, Cuyahoga C.P. Nos. CR-16-602710-A and

CR-18-627825-A. Judge Bell has filed a motion for summary judgment that is granted.

{¶ 2} Attached to the motion for summary judgment is a copy of a judgment entry, journalized March 22, 2023, which demonstrates that Judge Bell has denied Alexander's motions to vacate sentence. Relief is unwarranted because the request for a writ of procedendo is moot. Procedendo will not compel the performance of a duty that has already been performed. *State ex rel. Ames v. Pokorny*, 164 Ohio St.3d 538, 2021-Ohio-2070, 173 N.E.3d 1208; *Thompson v. Donnelly*, 155 Ohio St.3d 184, 2018-Ohio-4073, 119 N.E.3d 1292; *State ex rel. S.Y.C. v. Floyd*, 8th Dist. Cuyahoga No. 109602, 2020-Ohio-5189.

{¶ 3} It must also be noted that Alexander possesses an adequate remedy in the ordinary course of the law through a timely appeal of Judge Bell's denial of the motions to vacate. *State ex rel. Peoples v. Johnson*, 152 Ohio St.3d 418, 2017-Ohio-9140, 97 N.E.3d 426; *State ex rel. Luoma v. Russo*, 141 Ohio St.3d 53, 2014-Ohio-4532, 21 N.E.3d 305.

{¶ 4} Accordingly, we grant Judge Bell's motion for summary judgment. Costs to Judge Bell; 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).

{15} Writ denied.

EMANUELLA D. GROVES, JUDGE

EILEEN A. GALLAGHER, P.J., and
MARY J. BOYLE, J., CONCUR