

**COURT OF APPEALS OF OHIO**

**EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA**

STATE EX REL. JEROME GARRETT, :  
Relator, :  
v. : No. 112876  
SHIRLEY S. SAFFOLD, :  
Respondent. :

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JOURNAL ENTRY AND OPINION

**JUDGMENT: COMPLAINT DISMISSED**

**DATED: July 21, 2023**

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Writ of Procedendo  
Order No. 566201  
Motion No. 565760

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***Appearances:***

Jerome Garrett, *pro se*.

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Matthew T. Fitzsimmons IV, Assistant Prosecuting Attorney, *for respondent*.

MARY J. BOYLE, J.:

{¶ 1} Jerome Garrett, the relator, has filed a complaint for a writ of procedendo. Garrett seeks an order from this court that compels Judge Shirley Strickland Saffold, the respondent, to render rulings with regard to a “petition to

vacate or set aside sentence,” filed June 20, 2002, and an “amended petition to vacate or set aside judgment of conviction or sentence,” filed February 12, 2004, in *State v. Garrett*, Cuyahoga C.P. No. CR-01-405011. Judge Saffold has filed a motion to dismiss that is granted.

{¶ 2} Attached to the motion to dismiss is a copy of a judgment entry, journalized July 5, 2023, which demonstrates that Judge Saffold has denied Garrett’s two motions to vacate. 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. *See also State ex rel. Williams v. Croce*, 153 Ohio St.3d 348, 2018-Ohio-2703, 106 N.E.3d 55; *State ex rel. Hopson v. Cuyahoga Cty. Court of Common Pleas*, 135 Ohio St.3d 456, 2013-Ohio-1911, 989 N.E.2d 49; *State ex rel. Fontanella v. Kontos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220.

{¶ 3} Accordingly, we grant Judge Saffold’s motion to dismiss. 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).

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MARY J. BOYLE, JUDGE

ANITA LASTER MAYS, A.J., and  
SEAN C. GALLAGHER, J., CONCUR