COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT COUNTY OF CUYAHOGA

STATE EX REL., DANIEL WEAVER, :

Relator, No. 113194

:

v.

:

JUDGE BRENDAN SHEEHAN ADMINISTRATIVE/PRESIDING JUDGE,

Respondent. :

JOURNAL ENTRY AND OPINION

JUDGMENT: WRIT DENIED **DATED:** October 20, 2023

Writ of Procedendo Motion No. 568555 Order No. 568668

Appearances:

Deanna Robertson, for relator.

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

EMANUELLA D. GROVES, J.:

{¶ 1} Daniel Weaver, the relator, has filed a complaint for a writ of procedendo. Weaver seeks an order from this court that compels Judge Brendan

Sheehan, the respondent, to render a ruling with regard to an application for expungement/sealing of the criminal conviction, filed November 6, 2020, in *State v. Weaver*, Cuyahoga C.P. No. CR-20-654316-A. Judge Sheehan has filed a motion

for summary judgment that is granted.

{¶2} Attached to the motion for summary judgment is a copy of judgment

entry, journalized October 12, 2023, which demonstrates that Judge Sheehan has

granted Weaver's application for expungement/sealing of the criminal conviction in

CR-20-654316-A. 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} Writ denied.

EMANUELLA D. GROVES, JUDGE

MARY EILEEN KILBANE, P.J., and MARY J. BOYLE, J., CONCUR