

COURT OF APPEALS OF OHIO
EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

R.C.H.,	:	
Relator,	:	
v.	:	No. 113098
JUDGE JOHN J. RUSSO,	:	
Respondent.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: COMPLAINT DISMISSED
DATED: November 3, 2023

Writ of Procedendo
Motion No. 569058
Order No. 569133

Appearances:

R.C.H., *pro se*.

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

EILEEN T. GALLAGHER, J.:

{¶ 1} On August 17, 2023, the relator, R.C.H. commenced this procedendo action to compel the respondent judge to issue a final ruling on the relator's motion

for expungement of criminal record that he filed on April 6, 2023, in the underlying case, *State v. R.C.H.*, Cuyahoga C.P. No. CR-12-568211-A.¹ On October 30, 2023, the respondent judge moved for summary judgment on the grounds of mootness. Attached to the dispositive motion is a copy of the judge's October 26, 2023 judgment entry in which the respondent noted that he had heard the application for expungement and granted the motion. This journal entry establishes beyond doubt that the respondent judge has proceeded to judgment on the subject motion and that this case is moot.

{¶ 2} Accordingly, this court grants the respondent judge's motion for summary judgment and dismisses this application for procedendo action as moot. Respondent to pay costs; costs waived. This court directs the clerk of courts to serve all parties notice of the judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶ 3} Writ dismissed.

EILEEN T. GALLAGHER, JUDGE

ANITA LASTER MAYS, A.J., and
MICHAEL JOHN RYAN, J., CONCUR

¹ The relator named Judge Dick Ambrose as the respondent. However, he has retired, and Judge John J. Russo now presides over the case. Pursuant to Civ.R. 21, this court substitutes Judge John J. Russo as the proper respondent.