

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE EX REL. LORENZO
HERNANDEZ,

:

Relator,

:

v.

:

Case No. 114848

JUDGE JOY KENNEDY,

:

Respondent.

:

JOURNAL ENTRY AND OPINION

JUDGMENT: WRIT DENIED

DATE: April 15, 2025

Writ of Procedendo
Motion No. 582910
Order No. 583530

Appearances:

Lorenzo Hernandez, *pro se*.

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

ANITA LASTER MAYS, J.:

{¶ 1} Lorenzo Hernandez, the relator, has filed a complaint for a writ of procedendo. Hernandez seeks an order from this court that compels Judge Joy Kennedy, the respondent, to render a ruling with regard to a motion to withdraw

plea of guilty, filed October 9, 2024, in *State v. Hernandez*, Cuyahoga C.P. No. CR-23-678380-A.¹ Judge Kennedy 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 18, 2025, which demonstrates that Judge Kennedy has denied Hernandez’s motion to withdraw plea of guilty. 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*, 2021-Ohio-2070; *Thompson v. Donnelly*, 2018-Ohio-4073; *State ex rel. S.Y.C. v. Floyd*, 2020-Ohio-5189 (8th Dist.). See also *State ex rel. Williams v. Croce*, 2018-Ohio-2703; *State ex rel. Fontanella v. Kontos*, 2008-Ohio-1431.

{¶ 3} Accordingly, we grant Judge Kennedy’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 entry upon the journal as required by Civ.R. 58(B).

{¶ 4} Writ denied.

ANITA LASTER MAYS, JUDGE

MICHAEL JOHN RYAN, P.J., and
DEENA R. CALABRESE, J., CONCUR

¹Pursuant to Civ.R. 25(D)(1), Judge Joy Kennedy is substituted for Judge Shirley Strickland-Saffold who was originally assigned to *State v. Hernandez*, Cuyahoga C.P. No. CR-23-678380-A, and has since retired from the Cuyahoga County Court of Common Pleas.