

[Cite as *State ex rel. Williams v. Sutula*, 2004-Ohio-4343.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 85003

STATE OF OHIO, EX REL.	:	ORIGINAL ACTION
WILLIS WILLIAMS	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
JUDGE JOHN D. SUTULA	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION:

CHARACTER OF PROCEEDINGS: AUGUST 17, 2004

JUDGMENT: Writ Denied.  
Order No. 362736  
Motion No. 362659

APPEARANCES:

For Relator: WILLIS WILLIAMS, pro se  
Inmate No. 155-394  
Richland Correctional Inst.  
P.O. Box 8107  
Mansfield, Ohio 44901

For Respondent: WILLIAM D. MASON  
Cuyahoga County Prosecutor  
BY: DIANE SMILANICK  
Assistant County Prosecutor  
Justice Center - 9<sup>th</sup> Floor  
1200 Ontario Street  
Cleveland, Ohio 44113

Judge Colleen Conway Cooney.

{¶1} On July 23, 2004, relator, Willis Williams, commenced this mandamus action against Judge John D. Sutula to compel the issuance of findings of fact and conclusions of law pertaining to Williams' petition for postconviction relief which the judge denied on December 22, 2003. The respondent, through the Cuyahoga County Prosecutor's office, moved for summary judgment. For the following reasons, we grant the motion for summary judgment and deny the writ of mandamus.

{¶2} Attached to the respondent's motion for summary judgment is a copy of the court's findings of fact and conclusions of law. Thus, Williams' request for a writ of mandamus is moot. *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163; *State ex rel. Jerningham v. Cuyahoga County Court of Common Pleas*, 74 Ohio St.3d 278, 1996-Ohio-117, 658 N.E.2d 723.

{¶3} We also find that Williams failed to comply with R.C. 2969.25, which mandates that he attach an affidavit to his complaint that describes each civil action or appeal of a civil action filed in the previous five years. The failure to provide such affidavit constitutes sufficient grounds for dismissal of the relator's complaint for a writ of mandamus. *State ex rel. Zanders v. Ohio Parole Board*, 82 Ohio St.3d 421,

1998-Ohio-218, 696 N.E.2d 594; *State ex rel. Alford v. Winters*, 80 Ohio St.3d 285, 1997-Ohio-117, 685 N.E.2d 1242.

{¶4} Accordingly, we grant the respondent's motion for summary judgment. Relator to bear costs. It is further ordered that the clerk shall serve upon all parties notice of this judgment and date of entry pursuant to Civ.R. 58(B).

Writ denied.

COLLEEN CONWAY COONEY  
JUDGE

MICHAEL J. CORRIGAN, A.J., CONCURS

KENNETH A. ROCCO, J., CONCURS