

[Cite as *State ex rel. Vandrei v. Cuyahoga Cty. Court of Common Pleas*, 2004-Ohio-6092.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 85012

STATE OF OHIO, EX REL.	:	ORIGINAL ACTION
DANIEL VANDREI	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
CUYAHOGA COUNTY CT. OF	:	
COMMON PLEAS	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: NOVEMBER 17, 2004

CHARACTER OF PROCEEDINGS: WRIT OF PROCEDENDO

JUDGMENT: Writ Denied.
Motion No. 363337
Order No. 365650

APPEARANCES:

For Relator: DANIEL VANDREI, pro se
Inmate No. 454-219
Marion Correctional Inst.
P.O. Box 57
Marion, Ohio 43301-0057

For Respondent: WILLIAM D. MASON
Cuyahoga County Prosecutor
BY: DIANE SMILANICK

Assistant County Prosecutor
Justice Center - 9th Floor
1200 Ontario Street
Cleveland, Ohio 44113

JUDGE TIMOTHY E. McMONAGLE:

{¶ 1} Relator, Daniel Vandrei, requests that this court compel respondent, the court of common pleas, to rule on the motion for jail-time credit filed in *State v. Vandrei*, Cuyahoga County Court of Common Pleas Case No. CR-434080 on January 22, 2004.

{¶ 2} Respondent has filed a motion for summary judgment attached to which is a copy of a journal entry issued by respondent and received for filing by the clerk on August 9, 2004 in which respondent granted relator 281 days jail-time credit. Relator has not opposed the motion. Respondent argues that the court of common pleas has discharged its duty to dispose of the motion for jail-time credit. We agree.

{¶ 3} The complaint also manifests various defects.

{¶ 4} “[Relator] has failed to comply with the mandatory requirements of R.C. 2969.25(A). An inmate, when filing a civil action against a government entity or employee, must also file an affidavit which contains a description of each civil action or appeal of a civil action that has been docketed in the previous five years in either state or federal court. *State ex rel. Akbar-El v. Cuyahoga Cty. Court of Common Pleas*, 94 Ohio St.3d 210, 2002-Ohio-475, 761 N.E.2d 624; *State ex rel. Sherrills v. Franklin Cty. Clerk of Courts*, 92 Ohio St.3d 402, 2001-Ohio-211, 750 N.E.2d 94. It must also be noted that [relator] has failed to comply with Loc.App.R. 45(B)(1)(a) which provides that a complaint for an extraordinary writ must be supported by an affidavit which specifies the details of the claim. *State ex rel. McCool v. Adult Parole Authority* (Mar. 5, 1998), Cuyahoga App. No. 73487.”

{¶ 5} *People ex. rel. King v. Boyko*, Cuyahoga App. No. 84927, 2004-Ohio-5743, at ¶2.

Likewise, in this action, Vandrei has failed to comply with both R.C. 2969.25 and Loc.App.R. 45(B)(1)(a).

{¶ 6} Accordingly, respondent's motion for summary judgment is granted. Relator to pay costs. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

Writ denied.

TIMOTHY E. McMONAGLE
JUDGE

FRANK D. CELEBREZZE, JR. P.J., CONCURS

KENNETH A. ROCCO, J., CONCURS