

[Cite as *State ex rel. Horton v. Donnelly*, 2010-Ohio-1217.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 94529**

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**STATE OF OHIO, EX REL.  
ANDREW HORTON**

RELATOR

vs.

**JUDGE MICHAEL DONNELLY**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Procedendo  
Motion No. 430963  
Order No. 431885

**RELEASE DATE:** March 19, 2010

**FOR RELATOR**

Andrew Horton, pro se  
Inmate No. A544-082  
Grafton Correctional Inst.  
2500 South Avon-Belden Rd.  
Grafton, Ohio 44044

**ATTORNEYS FOR RESPONDENT**

William D. Mason  
Cuyahoga County Prosecutor

By: James E. Moss  
Assistant Prosecuting Attorney  
8th Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

LARRY A. JONES, J.:

{¶ 1} On January 19, 2010, the relator, Andrew Horton, commenced this procedendo action against the respondent, Judge Michael Donnelly, to compel the judge to rule on motions for jail-time credit which he filed the underlying cases, *State v. Horton*, Cuyahoga County Common Pleas Court Case Nos. CR-504469 and CR-507531 on August 13, 2009. He maintains that he is entitled to another 65 days of jail-time credit.

{¶ 2} On February 8, 2010, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion were copies of

certified journal entries, file-stamped January 22, 2010, in the underlying cases, granting Horton a total of 68 days of credit. Horton never filed a response to the motion for summary judgment. These journal entries establish that Horton has received his requested relief, rulings on the subject motions, and that the action is, therefore, moot. *State ex rel. Corder v. Wilson* (1991), 68 Ohio App.3d 567, 589 N.E.2d 113.

{¶ 3} Accordingly, the court grants the respondent's motion for summary judgment and denies the writ. Costs assessed against respondent. This court orders the Clerk of the Eighth District Court of Appeals to serve notice of this

{¶ 4} judgment upon all parties as required by Civ.R. 58(B).

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LARRY A. JONES, JUDGE

PATRICIA A. BLACKMON, P.J., and  
MARY J. BOYLE, J., CONCUR