

[Cite as *State ex rel. Cade v. Cuyahoga Cty. Common Pleas Court*, 2010-Ohio-175.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94331

**STATE OF OHIO EX REL.,
ALFRED CADE**

RELATOR

VS.

CUYAHOGA COUNTY COMMON PLEAS COURT

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 429423
Order No. 430130

RELEASE DATE: January 19, 2010.

FOR RELATOR

Alfred Cade, pro se
Inmate No. 554-553
Noble Correctional Institution
15708 McConnelsville Rd.
Caldwell, Ohio 43724

ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor

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

COLLEEN CONWAY COONEY, J.:

{¶ 1} On December 2, 2009, the relator, Alfred Cade, commenced this procedendo action against the respondent, the Cuyahoga County Common Pleas Court, to compel the court to rule on a motion for jail-time credit that he filed on April 17, 2009, in the underlying case, *State v. Cade*, Cuyahoga County Common Pleas Court Case No. CR-511047. On December 17, 2009, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a certified copy of a journal entry, file-stamped December 11, 2009, in the underlying case, granting Cade 245 days of credit. This journal entry establishes

that Cade has received his requested relief and that the action is moot. *State ex rel. Corder v. Wilson* (1991), 68 Ohio App.3d 567, 589 N.E.2d 113. Cade never filed a response to the motion for summary judgment.

{¶ 2} Additionally, the relator failed to support his complaint with an affidavit “specifying the details of the claim” as required by Local Rule 45(B)(1)(a). *State ex rel. Wilson v. Calabrese* (Jan. 18, 1996), Cuyahoga App. No. 70077 and *State ex rel. Smith v. McMonagle* (July 17, 1996), Cuyahoga App. No. 70899.

{¶ 3} Accordingly, the court grants the respondent’s motion for summary judgment and denies the writ. Costs assessed against relator. The court orders the Clerk of the Eighth District Court of Appeals to serve notice of this judgment upon all parties as required by Civ.R. 58(B).

COLLEEN CONWAY COONEY, PRESIDING JUDGE

MARY EILEEN KILBANE, J., and
LARRY A. JONES, J., CONCUR