

[Cite as *State ex rel. Golden v. Corrigan*, 2010-Ohio-270.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 94248**

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**STATE OF OHIO EX REL.,  
JAMES GOLDEN**

RELATOR

VS.

**PETER CORRIGAN, JUDGE**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Mandamus  
Motion No. 428941  
Order No. 430154

**RELEASE DATE:** January 22, 2010

**FOR RELATOR**

James Golden, pro se  
Inmate No. 550-325  
Lake Erie Correctional Institution  
P.O. Box 8000  
Conneaut, Ohio 44030-8000

**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

MELODY J. STEWART, J.:

{¶ 1} Relator, James Golden, requests that this court compel respondent judge “to rule and grant his Motion for Jail time filed on June 16, 2009 for a total credit of Eighty Seven (87 days).” Complaint, par. 1 (capitalization in original). Golden is the defendant in *State v. Golden*, Cuyahoga County Court of Common Pleas Case No. CR-502530.

{¶ 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 November 19, 2009, in which respondent denied relator’s motion for

jail-time credit stating: "C.A.T.S. ["Community Assessment & Treatment Services Inc."] facility is not a CBCF ["Community Based Correctional Facility"] therefore defendant is not entitled to jail-time credit." Relator has not opposed the motion.

Respondent argues that this action in mandamus is, therefore, moot. We agree.

{¶ 3} To the extent that Golden seeks a disposition of his motion for jail-time credit, he has received the relief he requested and this action is moot. To the extent that Golden requests the specific relief that this court compel respondent to grant his motion, relief in mandamus is inappropriate. See, e.g., *State ex rel. White v. Suster* (Dec. 13, 2001), Cuyahoga App. No. 79986.

{¶ 4} We also note that Golden has failed to support his complaint in mandamus with an affidavit specifying the details of the claim as required by Loc.App.R. 45(B)(1)(a). This defect alone would provide a ground for dismissal. See, e.g., *State ex rel. Barksdale v. Sutula*, Cuyahoga App. No. 93861, 2009-Ohio-4885, at ¶7.

{¶ 5} Accordingly, respondent's motion for summary judgment is granted. Respondent 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.

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MELODY J. STEWART, JUDGE

MARY EILEEN KILBANE, P.J., and  
JAMES J. SWEENEY, J., CONCUR