

[Cite as *Stte ex rel. Davis v. Sutula*, 2010-Ohio-4367.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 95340

**STATE OF OHIO, EX REL.
CURTIS JAMES DAVIS**

RELATOR

vs.

JOHN SUTULA, JUDGE

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 435962
Order No. 436376

RELEASE DATE: September 13, 2010

FOR RELATOR

Curtis James Davis, pro se
Inmate No. 563-062
Lake Erie Correctional Institution
501 Thompson Rd.
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

FRANK D. CELEBREZZE, JR., J.:

{¶ 1} Curtis James Davis, the relator, has filed a complaint for a writ of mandamus. Davis seeks an order from this court, which requires Judge John Sutula to render a ruling with regard to motions for jail-time credit as filed in *State v. Davis*, Cuyahoga County Court of Common Pleas Case Nos. CR-501627 and CR-517879. Judge Sutula has filed a motion for summary judgement.

{¶ 2} Attached to the motion for summary judgment are copies of journal entries, which demonstrate that Judge Sutula has rendered rulings with regard to Davis' motions for jail-time credit and that Davis has been granted jail-time credit in the amount of two hundred and thirty-one (231) days. Davis's request for a writ of mandamus is moot. *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas*, 74 Ohio St.3d 278, 1996-Ohio-117, 658 N.E.2d 723; *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163. It must also be noted that any error associated with the calculation of jail-time credit must be addressed through an appeal. *State ex rel Britton v. Foley-Jones* (Mar. 5, 1998), Cuyahoga App. No. 73646; *State ex rel. Spates v. Sweeney* (Apr. 17, 1997), Cuyahoga App. No. 71986.

{¶ 3} Accordingly, we grant Judge Sutula's motion for summary judgment. Costs to Judge Sutula. It is further ordered that the Clerk of the Eighth District Court of Appeals serve notice of this judgment upon all parties as required by Civ.R. 58(B).

Writ denied.

FRANK D. CELEBREZZE, JR., JUDGE

PATRICIA A. BLACKMON, P.J., and
ANN DYKE, J., CONCUR