

[Cite as *State ex rel. Stipanovich v. McMonagle*, 2010-Ohio-529.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 94450**

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**STATE OF OHIO, EX REL.  
CHRISTOPHER STIPANOVICH**

RELATOR

vs.

**JUDGE RICHARD MCMONAGLE**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Mandamus  
Motion No. 429928  
Order No. 429873

**RELEASE DATE:** February 12, 2010

**FOR RELATOR**

Christopher Stipanovich, pro se  
Inmate No. 561-730  
Belmont Correctional Inst.  
P.O. Box 540  
St. Clairsville, Ohio 43950

**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

JAMES J. SWEENEY, J.:

{¶ 1} On December 30, 2009, the relator, Christopher Stipanovich, commenced this mandamus action against the respondent, Judge Richard McMonagle, to compel the judge to grant him an additional five days of jail-time credit in the underlying case, *State of Ohio v. Christopher Stipanovich*, Cuyahoga County Common Pleas Court Case No. CR-513670. Stipanovich alleged that the judge had not given him full credit and that on December 11, 2009, he moved for additional credit. On January 6, 2010, the respondent judge, through the Cuyahoga County Prosecutor, moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a certified copy of a

December 17, 2009 journal entry which granted Stipanovich a total of twelve days of jail-time credit. Stipanovich never filed a response. Accordingly, this mandamus action is now moot. The judge has resolved the outstanding motion for jail-time credit, and Stipanovich has received his requested relief of additional credit.

{¶ 2} The court grants the judge's summary judgment motion and denies the application for a writ of mandamus. Costs assessed against the relator. 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).

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JAMES J. SWEENEY, JUDGE

MELODY J. STEWART, P.J., and  
ANN DYKE, J., CONCUR