

[Cite as *State ex rel. Ford v. Gaul*, 2010-Ohio-782.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94501

**STATE OF OHIO, EX REL.
JERRY FORD**

RELATOR

VS.

JUDGE DANIEL GAUL, ET AL.

RESPONDENTS

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 430679
Order No. 431220

RELEASE DATE: March 2, 2010

FOR RELATOR

Jerry Ford, pro se
Inmate # 554-925
Grafton Correctional Institution
2500 South Avon Belden Road
Grafton, Ohio 44044

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} Jerry Ford, the relator, has filed a complaint for a writ of mandamus. Ford seeks an order from this court, which requires Judge Daniel Gaul, and Robert Reid, Cuyahoga County Sheriff, the respondents, to “journalize a Journal Entry that reflects the total amount of jail-time credit owed to Ford in case number CR-06-490058, which is one-hundred and ninety (190) days.” Judge Gaul and Sheriff Robert Reid have filed a joint motion for summary judgment.

{¶ 2} In order for this court to issue a writ of mandamus, Ford must demonstrate that (1) he possesses a clear legal right to a journal entry that

specifies jail-time credit in the amount of one hundred and ninety days, (2) Judge Gaul possesses a clear duty to issue a journal entry that specifies jail-time credit in the amount of one hundred and ninety (190) days, and (3) there exists no other adequate remedy in the ordinary course of the law. *State ex rel. Asti v. Ohio Dept. of Youth Servs.*, 107 Ohio St.3d 262, 2005-Ohio-6432, 838 N.E.2d 658; *State ex rel. Nichols v. Cuyahoga Bd. of Mental Retardation & Dev. Disabilities*, 72 Ohio St.3d 205, 1995-Ohio-215, 648 N.E.2d 823.

{¶ 3} Attached to the joint motion for summary judgment, is a copy of a journal entry, as journalized on June 25, 2009, which clearly demonstrates that Ford has been granted jail-time credit in *State v. Ford*, Cuyahoga County Court of Common Pleas Case No. CR-490058. Judge Gaul has discharged his duty to issue a journal entry that specifies the amount of jail-time credit to be awarded Ford in Case No. CR-490058. In addition, once Judge Gaul has specified the a number of days of jail-time credit, Ford possesses or possessed an adequate remedy at law through a direct appeal to this court. *State ex rel. Ponsky v. Koch*, Cuyahoga App. No. 92437, 2009-Ohio-339; *State ex rel. Flakes v. Russo*, Cuyahoga App. No. 94044, 2009-Ohio-6474.

{¶ 4} Accordingly, we grant the respondents' joint motion for summary judgment. Costs to Ford. 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.

MELODY J. STEWART, JUDGE

SEAN C. GALLAGHER, A.J., and
ANN DYKE, J., CONCUR