

[Cite as *State ex rel. Bronczyk v. Gaul*, 2016-Ohio-5335.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 104223

**STATE OF OHIO, EX REL.
JOSEPH J. BRONCZYK**

RELATOR

vs.

HON. DANIEL GAUL, JUDGE

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 495047
Order No. 497816

RELEASE DATE: August 5, 2016

FOR RELATOR

Joseph J. Bronczyk, pro se
Inmate No. A594815
Richland Correctional Institution
P.O. Box 8107
Mansfield, Ohio 44901

ATTORNEYS FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor
By: James E. Moss
Assistant County Prosecutor
The Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

SEAN C. GALLAGHER, J.:

{¶1} Relator, Joseph J. Bronczyk, commenced this procedendo action against the respondent, Judge Daniel Gaul of the Cuyahoga County Common Pleas Court, to compel him to issue a ruling on a motion he filed on November 2, 2015, in *State v. Bronczyk*, Cuyahoga C.P. No. CR-10-540345-A. Through the motion, Bronczyk was requesting leave to file a delayed motion for a new trial pursuant to Crim.R. 33.

{¶2} Respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a copy of a journal entry, file stamped March 21, 2016, signed by the respondent that denied the motion. This entry establishes that the respondent proceeded to judgment and that the relator has received his requested relief, a judgment. The relator never filed a response to respondent's motion for summary judgment. This writ action is moot. *State ex rel. Fontanella v. Kantos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220, ¶ 6.

{¶3} Respondent's motion for summary judgment is granted, and the application for a writ of procedendo is denied. Respondent to pay costs; costs waived. This court directs the clerk of courts to serve all parties notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B)._

{¶4} Writ denied.

SEAN C. GALLAGHER, JUDGE

EILEEN A. GALLAGHER, P.J., and
ANITA LASTER MAYS, J., CONCUR