

[Cite as *State ex rel. Beckwith v. Russo*, 2017-Ohio-8665.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 106318

**STATE OF OHIO, EX REL.
RONALD BECKWITH**

RELATOR

vs.

**COMMON PLEAS COURT
JUDGE NANCY MARGARET RUSSO**

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 511316
Order No. 511726

RELEASE DATE: November 17, 2017

FOR RELATOR

Ronald Beckwith, pro se
Inmate No. A663562
Richland Correctional Institution
P.O. Box 8107
Mansfield, Ohio 44901

ATTORNEYS FOR RESPONDENT

Michael C. O'Malley
Cuyahoga County Prosecutor
By: James E. Moss
Assistant County Prosecutor
The Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

FRANK D. CELEBREZZE, JR., J.:

{¶1} Ronald Beckwith has filed a complaint for a writ of mandamus through which he seeks an order that requires Judge Nancy Margaret Russo to render a judgment and issue findings of fact and conclusions of law with regard to a petition for postconviction relief, filed in *State v. Beckwith*, Cuyahoga C.P. No. CR-14-585247. Judge Russo has filed a motion for summary judgment that is granted.

{¶2} Attached to Judge Russo's motion for summary judgment is a copy of a judgment entry, journalized on October 10, 2017, which demonstrates that Judge Russo has rendered a ruling with regard to Beckwith's petition for postconviction relief. Thus, Beckwith's request for a writ of mandamus is moot. "[R]elief is unwarranted because mandamus * * * will not compel the performance of a duty that has already been performed." *State ex rel. Hopson v. Cuyahoga Cty. Court of Common Pleas*, 135 Ohio St.3d 456, 2013-Ohio-1911, 989 N.E.2d 49, ¶ 4. In addition, mandamus may not be employed to control judicial discretion and compel Judge Russo to grant Beckwith's petition for postconviction relief. *Thompson v. State*, 8th Dist. Cuyahoga No. 99265, 2013-Ohio-1907.

{¶3} Accordingly, we grant Judge Russo's motion for summary judgment. Costs waived. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of its entry upon the journal as required by Civ.R. 58(B).

{¶4} Writ denied.

FRANK D. CELEBREZZE, JR., JUDGE

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