

[Cite as *Cornecelli v. McFaul*, 2002-Ohio-4285.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT
COUNTY OF CUYAHOGA
No. 81467

CARLA CORNECELLI, : ORIGINAL ACTION
Relator : JOURNAL ENTRY
vs. : AND
GERALD T. MCFAUL, SHERIFF : OPINION
Respondent :
:
DATE OF JOURNALIZATION : AUGUST 22, 2002
CHARACTER OF PROCEEDING : WRIT OF HABEAS CORPUS
JUDGMENT : DISMISSED

APPEARANCES:

For Relator:

FREDERIC E. KRAMER
McNeal, Schick, Archibald
& Biro Co., L.P.A.
Van Sweringen Arcade
123 Prospect Avenue-#250
Cleveland, Ohio 44115

For Respondent:

WILLIAM D. MASON
Cuyahoga County Prosecutor
CHRISTOPHER J. RUSS
Assistant County Prosecutor
Justice Center - Courts Tower
1200 Ontario Street-8th Floor
Cleveland, Ohio 44113

ANNE L. KILBANE, J.:

{¶1} Sua sponte, we dismiss the above-captioned habeas corpus action as moot. The response of the Sheriff states that he released Carla Cornecelli on June 26, 2002, pursuant to this court's order. Moreover, a review of the docket of the underlying case, reveals that the case was settled and dismissed with prejudice at defendant's costs *Ricardo Montalvo v. Giovanna Oravec* (June 28, 2002), Cuyahoga County Common Pleas Case No. CV01431117. That appears to render the underlying contempt matter moot as well.

{¶2} This habeas corpus action is dismissed. Respondent to pay costs.

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).

COLLEEN CONWAY COONEY, J. AND

DIANE KARPINSKI, J. CONCUR

ANNE L. KILBANE
PRESIDING JUDGE