

[Cite as *State ex rel. DeLuca v. McCormick*, 2003-Ohio-6327.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT
COUNTY OF CUYAHOGA
NO. 82707

STATE OF OHIO, EX REL	:	ORIGINAL ACTION
	:	
JOSEPH DELUCA	:	
	:	
RELATOR	:	
	:	
vs.	:	JOURNAL ENTRY
	:	
JUDGE TIMOTHY McCORMICK	:	AND
	:	
RESPONDENT	:	OPINION

DATE OF JOURNALIZATION: NOVEMBER 24, 2003

CHARACTER OF PROCEEDING: WRIT OF MANDAMUS

JUDGMENT: WRIT DENIED.

APPEARANCES:

For Relator: JOSEPH DELUCA, PRO SE
Inmate No. 424-500
Belmont Correctional Inst.
P.O. Box 540
St. Clairsville, OH 43950

For Respondent: DIANE SMILANICK
Assistant County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, OH 44113

KENNETH A. ROCCO, A.J.,

{¶1} Relator requests that this court compel respondent judge to dispose of the motion for jail time credit filed by relator in *State v. DeLuca*, Cuyahoga County Court of Common Pleas Case Nos. CR-423447 and 423748 on August 1, 2002.

{¶2} Respondent has filed a motion for summary judgment attached to which is a copy of a journal entry issued by respondent and received for filing by the clerk on April 9, 2003 in Case No. CR-423447 in which respondent denied relator's request for jail time credit. (A review of the docket in Case No. CR-423478 reflects that respondent filed a similar entry in that case but respondent's counsel did not attach a copy of the entry in Case No. CR-423478 to the motion for summary judgment.) Relator has not opposed the motion. Respondent argues that respondent has discharged his duty. We agree.

{¶3} Accordingly, respondent's motion for summary judgment is granted. Relator 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).

Writ denied.

MICHAEL J. CORRIGAN, J. and

ANNE L. KILBANE, J. CONCUR

KENNETH A. ROCCO
ADMINISTRATIVE JUDGE