

[Cite as *Sansom v. Griffin*, 2003-Ohio-6488.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 83133

ROBERT D. SANSOM	:	ORIGINAL ACTION
	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
JUDGE BURT W. GRIFFIN	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION:

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Denied.
Motion No. 351302.
Order No. 354307

APPEARANCES:

For Relator: ROBERT D. SANSOM, PRO SE
Inmate No. 304-823
Chillicothe Correctional Inst.
P.O. Box 5500

Chillicothe, Ohio 45601

For Respondent:

WILLIAM D. MASON, ESQ.
Cuyahoga County Prosecutor
BY: DIANE SMILANICK, ESQ.
Assistant County Prosecutor
Justice Center - 9th Floor
1200 Ontario Street
Cleveland, Ohio 44113

ANNE L. KILBANE, P.J.

{¶1} Robert D. Sansom filed motions for jail time credit on April 18 and June 13, 2003. He now seeks to have the court compel Judge Burt W. Griffin to grant him 249 days jail time credit in *State v. Sansom*, Cuyahoga Cty. Court of Common Pleas case No. CR-311107.

{¶2} The judge moved as respondent for summary judgment and attached a copy of a journal entry of May 21, 2003, in which he denied Sansom's motion. Although the judge contends that he has issued a journal entry disposing of the June 13th motion, a review of the docket in Case No. CR-311107 reflects that it is still pending.

{¶3} The judge correctly argues, however, that the remedy for challenging a determination of jail time credit is an appeal not mandamus,¹ and, therefore, is not the appropriate method to utilize when one tries to obtain a ruling on the April 18,

¹ Cf. *State ex rel. Johnson v. O'Donnell* (Oct. 4, 1994), Cuyahoga App. No.

2003 motion. Sansom's action in mandamus filed on August 4, 2003 – less than 120 days after the filing of the June 13, 2003, motion for jail time credit – is premature.²

{¶4} On its face, the complaint is also defective because, although action must be on the relation of the state in the name of the person bringing the action, the caption reads “Sansom v. Griffin.”³

{¶5} Accordingly, the judge's motion for summary judgment is granted. Sansom to pay costs. The clerk is directed to serve upon the parties notice of this judgment and of its date of entry upon the journal. Civ.R. 58(B).

Writ denied.

ANNE L. KILBANE,
PRESIDING JUDGE

DIANE KARPINSKI J., CONCURS

ANTHONY O. CALABRESE, JR., J., CONCURS

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² *State ex rel. Morton v. Pokorny* (Mar. 1, 2001), Cuyahoga App. No. 79187. See also Sup.R. 40(A).

³ R.C. 2731.04.