

[Cite as *Bridgeman v. State*, 2004-Ohio-6025.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 85284

MR. WILEY BRIDGEMAN	:	ORIGINAL ACTION
	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
THE STATE OF OHIO	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: NOVEMBER 9, 2004

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Granted.
Motion No. 364684
Order No. 365200

APPEARANCES:

For Relator: WILEY BRIDGEMAN, pro se
Inmate No. 143-810
Warren Correctional Inst.
P.O. Box 120
Lebanon, Ohio 45036

For Respondent: WILLIAM D. MASON
Cuyahoga County Prosecutor
BY: MARY H. McGRATH
Assistant County Prosecutor

Justice Center - 9th Floor
1200 Ontario Street
Cleveland, Ohio 44113

JUDGE TIMOTHY E. MCMONAGLE:

{¶ 1} On September 20, 2004, relator, Wiley Bridgeman, commenced this mandamus action against the State of Ohio to compel a ruling on his motion for transcripts at state expense filed in *State v. Bridgeman*, Cuyahoga County Court of Common Pleas Case No. CR-75-020436-A, which was filed November 3, 2003. On October 6, 2004, the respondent, through the Cuyahoga County Prosecutor, filed a motion to dismiss which relator responded to on October 20, 2004. For the following reasons, we deny the respondent's motion to dismiss and grant the writ for mandamus.

{¶ 2} The requisites for mandamus are well established: 1) the relator must have a clear legal right to the requested relief, 2) the respondent must have a clear legal duty to perform the requested relief, and 3) there must be no adequate remedy at law. Moreover, mandamus is an extraordinary remedy which is to be exercised with caution and only when the right is clear. It should not be issued in doubtful cases. *State ex rel. Taylor v. Glasser* (1977), 50 Ohio St.2d 165, 364 N.E.2d 1; *State ex rel. Shafer v. Ohio Turnpike Commission* (1953), 159 Ohio St. 581, 113 N.E.2d 14; *State ex rel. Cannole v. Cleveland Board of Education* (1993), 87 Ohio App.3d 43, 621 N.E.2d 850.

{¶ 3} Despite the obvious procedural irregularities of this petition, a review of the record, including a review of the docket, indicates that the lower court has not ruled on Bridgeman's motion. Because this motion has been pending for almost eleven months, we hold that Bridgeman's request for relief in mandamus is well taken.

{¶ 4} Accordingly, the Cuyahoga County Court of Common Pleas is hereby directed to rule on the pending motion for transcripts at state expense within thirty (30) days from the date of this entry. 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).

Writ granted.

TIMOTHY E. McMONAGLE,
JUDGE

JAMES J. SWEENEY, P.J., CONCURS

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