

[Cite as *State ex rel. Dukes v. Strickland-Saffold*, 2009-Ohio-4197.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 93536

**STATE OF OHIO, EX REL.,
KEVIN DUKES**

RELATOR

vs.

SHIRLEY STRICKLAND-SAFFOLD

RESPONDENT

**JUDGMENT:
WRIT DENIED**

WRIT OF MANDAMUS
MOTION NO. 424262
ORDER NO. 424681

RELEASE DATE: August 17, 2009

FOR RELATOR

Kevin Dukes, pro se
Inmate No. 560-361
Belmont Correctional Inst.
P.O. Box 540
St. Clairsville, Ohio 43950

ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor

BY: James E. Moss
Assistant County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

PATRICIA A. BLACKMON, P.J.:

{¶ 1} Kevin Dukes has filed a complaint for a writ of mandamus. Dukes seeks an order from this court, requiring Judge Shirley Strickland Saffold to render rulings with regard to motions for jail-time credit as filed in *State v. Dukes*, Cuyahoga County Court of Common Pleas Case Nos. CR-512389 and CR-513323. Judge Saffold has filed a motion for summary judgment, which we grant for the following reasons.

{¶ 2} Initially, we find that Dukes has failed to comply with Loc.App.R. 45(B)(1)(a), which mandates that his complaint for a writ of mandamus must be

supported by an affidavit that specifies the details of his claim.¹ In addition, Dukes's request for a writ of mandamus is moot. Attached to the motion for summary judgment is a copy of a judgment entry, as journalized on July 15, 2009, which demonstrates that Dukes has been granted jail-time credit in the amount of 134 days. Thus, Dukes is not entitled to a writ of mandamus.² Accordingly, we grant Judge Saffold's motion for summary judgment. Costs waived. It is further ordered that the Clerk of the Eighth District Court of Appeals, as required by Civ. R. 58(B), serve notice of this judgment upon all parties.

Complaint denied.

PATRICIA A. BLACKMON, PRESIDING JUDGE

MARY J. BOYLE, J., and
FRANK D. CELEBREZZE, JR., J., CONCUR

¹ *State ex rel. Smith v. McMonagle* (July 17, 1996), Cuyahoga App. No. 79899; *State ex rel. Wilson v. Calabrese* (Jan. 18, 1996), Cuyahoga App. No. 70077.

² *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas*, 74 Ohio St.3d 278, 1996-Ohio-117, 658 N.E.2d 723; *State ex rel. Snider v. Stapleton* (1992), 65 Ohio St.3d 40, 600 N.E.2d 240; *State ex rel. Richard v. Wells* (1992), 64 Ohio St.3d 76, 591 N.E.2d 1240; *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163.