

[Cite as *State ex rel. Whiteman v. Comstock*, 2009-Ohio-6111.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 93753

**STATE OF OHIO EX REL.,
EDWARD WHITEMAN**

RELATOR

vs.

**MARK A. COMSTOCK, JUDGE,
BEREA MUNICIPAL COURT**

RESPONDENT

**JUDGMENT:
COMPLAINT DISMISSED**

WRIT OF MANDAMUS
MOTION NO. 427840
ORDER NO. 428075

RELEASE DATE: November 17, 2009

FOR RELATOR

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PATRICIA A. BLACKMON, J.:

{¶ 1} Edward Whiteman, the relator, has filed a complaint for a writ of mandamus, through which he seeks an order from this court that requires Judge Mark A. Comstock, the respondent, to “dismiss the fines and recall the warrant for failure to appear” that are pending within the underlying case of *Berea v. Whiteman*, Berea Municipal Court Case No. 08-TRD-01472. Judge Comstock has filed a motion to dismiss, which demonstrates that Whiteman’s request for a writ of mandamus is moot.

{¶ 2} Attached to Judge Whiteman’s motion to dismiss is a certified copy of the docket as maintained in Berea Municipal Court Case No. 08-TRD-01472. The docket clearly demonstrates that: (1) the warrant for Whiteman’s arrest was “withdrawn” on September 22, 2009; and (2) all outstanding fines and costs were waived on September 22, 2009. Whiteman’s request for a writ of mandamus is moot.¹

{¶ 3} Accordingly, we grant Judge Comstock’s motion to dismiss. Costs waived. It is further ordered that the Clerk of the Eighth District Court of Appeals, pursuant to Civ.R. 58(B), serve notice of this judgment upon all parties.

Complaint dismissed.

PATRICIA A. BLACKMON, JUDGE

CHRISTINE T. MCMONAGLE, P.J., and
MELODY J. STEWART, J., CONCUR

¹*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.