

[Cite as *State ex rel. Palmer v. Donnelly*, 2010-Ohio-1764.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94805

**STATE OF OHIO, EX REL.,
HERMAN PALMER**

RELATOR

vs.

HON. MICHAEL P. DONNELLY, JUDGE

RESPONDENT

**JUDGMENT:
WRIT DENIED**

WRIT OF MANDAMUS
MOTION NO. 432329
ORDER NO. 432945

RELEASE DATE: April 16, 2010
FOR RELATOR

Herman Palmer, Pro Se
Inmate No. 571-004
Belmont Correctional Institution
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

ANN DYKE, J.:

{¶ 1} Herman Palmer, the relator, has filed a complaint for a writ of mandamus. Palmer seeks an order from this court, which requires Judge Michael P. Donnelly to render rulings with regard to motions for jail-time credit as filed in *State v. Palmer*, Cuyahoga County Court of Common Pleas Case Nos. CR-485829 and CR-523697. Judge Donnelly has filed a motion for summary judgement.

{¶ 2} Attached to the motion for summary judgment are copies of journal entries, which demonstrate that Judge Donnelly has rendered rulings

with regard to Palmer's motions for jail-time credit and that Palmer has been granted jail-time credit in the amount of eighty-two (82) days. Palmer's request for a writ of mandamus is moot. *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. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163. It must also be noted that any error associated with the calculation of jail-time credit must be addressed through an appeal. *State ex rel Britton v. Foley-Jones* (March 5, 1998), Cuyahoga App. No. 73646; *State ex rel. Spates v. Sweeney* (April 17, 1997), Cuyahoga App. No. 71986.

{¶ 3} Accordingly, we grant Judge Donnelly's motion for summary judgment. Costs to Judge Donnelly. It is further ordered that the Clerk of the Eighth District Court of Appeals serve notice of this judgment upon all parties as required by Civ.R.58(B).

Writ denied.

ANN DYKE, JUDGE

SEAN C. GALLAGHER, A.J., and
COLLEEN CONWAY COONEY, J., CONCUR
KEY WORDS