

[Cite as *State ex rel. Abrams v. Gaul*, 2010-Ohio-917.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94587

**STATE OF OHIO, EX REL.
DANTE ABRAMS**

RELATOR

vs.

JUDGE DANIEL GAUL

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus and Procedendo
Motion No. 431405
Order No. 431491

RELEASE DATE: March 10, 2010

FOR RELATOR

Dante Abrams, pro se
Inmate No. 552-364
Richland Correctional Inst.
P.O. Box 8107
Mansfield, Ohio 44901

ATTORNEY FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

MARY J. BOYLE, J.:

On January 27, 2010, relator, Dante Abrams, filed a complaint for writ of mandamus and procedendo against Judge Daniel Gaul to compel him to rule on his motion for correction of sentence, which was filed in *State v. Abrams*, Cuyahoga County Court of Common Pleas Case Nos. CR-505155 and CR-510954 so he may be able to appeal. On February 22, 2010, Judge Gaul, through the Cuyahoga County Prosecutor's office, filed a motion for summary judgment. For the following reason, we grant the motion for summary judgment.

Attached to the motion for summary judgment is a copy of the journal entries which indicate that on December 17, 2009, Judge Gaul issued

corrected sentencing entries in both cases.¹ Accordingly, we find that Abrams' complaint for a writ of mandamus and procedendo is moot. *State ex rel. Grant v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163; *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas* (1996), 74 Ohio St.3d 278, 658 N.E.2d 723.

Accordingly, we grant Judge Gaul's motion for summary judgment. Relator to bear costs. It is further ordered that the clerk shall serve upon all parties notice of this judgment and date of entry pursuant to Civ.R. 58(B).

Writ denied.

MARY J. BOYLE, JUDGE

KENNETH A. ROCCO, P.J., and
MARY EILEEN KILBANE, J., CONCUR

¹ A review of this court's docket indicates that Adams filed his appeal of these matters in Case No. 94637.