

[Cite as *State ex rel. Carrington v. Saffold*, 2018-Ohio-5241.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 107715

**STATE OF OHIO, EX REL.
JEROME CARRINGTON**

RELATOR

vs.

SHIRLEY STRICKLAND SAFFOLD, JUDGE

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 522380
Order No. 523530

RELEASE DATE: December 19, 2018

FOR RELATOR

Jerome Carrington, pro se
Inmate No. A650763
Lake Erie Correctional Institution
P.O. Box 8000
Conneaut, Ohio 44030

ATTORNEYS FOR RESPONDENT

Michael C. O'Malley
Cuyahoga County Prosecutor
By: James E. Moss
Assistant County Prosecutor
The Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

KATHLEEN ANN KEOUGH, J.:

{¶1} On September 26, 2018, the relator, Jerome Carrington, commenced this procedendo action against the respondent, Judge Shirley Strickland Saffold, to compel a ruling pursuant to his February 15, 2018 motion to request a final, appealable order that he filed in the underlying case, *State v. Carrington*, Cuyahoga C.P. No. CR-13-576758-A.¹ On October 25, 2018, the respondent judge, through the Cuyahoga County Prosecutor, moved for summary judgment on the grounds of mootness and procedural defects. Attached to the dispositive motion was a copy of a certified judgment entry, file-stamped October 10, 2018, in which the judge denied the subject motion. Carrington has not filed a brief in opposition. The court

¹In the underlying case, Carrington pleaded guilty to two counts of felonious assault with firearm specifications. The trial court sentenced him to 19 years: three years for the firearm specifications and eight years consecutive for each count of felonious assault. Although the judge made the necessary findings for consecutive sentences during the sentencing hearing, she did not incorporate them into the sentencing entry. Thus, on appeal, this court remanded to the trial court for a nunc pro tunc entry incorporating the necessary findings. *State v. Carrington*, 8th Dist. Cuyahoga No. 100918, 2014-Ohio-4575. The trial court appears to have done this in a June 2, 2016 journal

notes that he has appealed that denial. *State v. Carrington*, 8th Dist. Cuyahoga No. 107887. The October 10, 2018 journal entry establishes that the judge has proceeded to judgment on the outstanding motion and that this writ action is moot.

{¶2} Relator also did not comply with R.C. 2969.25(C), which requires that an inmate file a certified statement from his prison cashier setting forth the balance in his private account for each of the preceding six months. This also is sufficient reason to deny the mandamus, deny indigency status, and assess costs against the relator. *State ex rel. Pamer v. Collier*, 108 Ohio St.3d 492, 2006-Ohio-1507, 844 N.E.2d 842; *State ex rel. Hunter v. Cuyahoga Cty. Court of Common Pleas*, 88 Ohio St.3d 176, 2000-Ohio-285, 724 N.E.2d 420; and *Hazel v. Knab*, 130 Ohio St.3d 22, 2011-Ohio-4608, 955 N.E.2d 378 — the defect may not be cured by subsequent filings.

{¶3} Accordingly, this court grants the respondent judge's motion for summary judgment and denies the application for a writ of procedendo. Relator to pay costs. This court directs the clerk of courts to serve all parties notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶4} Writ denied.

KATHLEEN ANN KEOUGH, JUDGE

MELODY J. STEWART, P.J., and
ANITA LASTER MAYS, J., CONCUR