

**COURT OF APPEALS OF OHIO**  
**EIGHTH APPELLATE DISTRICT**  
**COUNTY OF CUYAHOGA**

STATE EX REL.  
CARLOS D. CRESPO, :  
  
Relator, :  
  
v. : No. 109692  
  
JUDGE JOHN D. SUTULA, :  
  
Respondent. :

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JOURNAL ENTRY AND OPINION

**JUDGMENT:** WRIT DENIED  
**DATED:** June 29, 2020

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Writ of Procedendo  
Motion No. 538504  
Order No. 539170

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***Appearances:***

Carlos D. Crespo, *pro se*.

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and James E. Moss, Assistant Prosecuting Attorney, *for respondent*.

EILEEN T. GALLAGHER, A.J.:

{¶ 1} On April 15, 2020, the relator, Carlos Crespo, commenced this procedendo action against the respondent, Judge John D. Sutula, to compel the judge to rule on motions to withdraw guilty pleas, which he filed in the underlying

cases, *State v. Crespo*, Cuyahoga C.P. Nos. CR-15-601495-A and CR-15-600269-A, in March 2019. On May 11, 2020, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion are certified copies of March 24, 2020 journal entries that deny the subject motions in both cases. Crespo never filed a response.

{¶ 2} The journal entries establish that this writ action is moot. Crespo has received his requested relief, a ruling on the subject motions, and the respondent has fulfilled his duty to resolve them. The court further notes that Crespo has appealed the rulings. *State v. Crespo*, 8th Dist. Cuyahoga No. 109741. This action is moot.

{¶ 3} Accordingly, this court grants the respondent's motion for summary judgment and denies the application for a writ of procedendo. Respondent to pay costs; costs waived. The court instructs the clerk to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

{¶ 4} Writ denied.

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EILEEN T. GALLAGHER, ADMINISTRATIVE JUDGE

MARY J. BOYLE, J., and  
MARY EILEEN KILBANE, J., CONCUR