

[Cite as *State ex rel. Nelson v. Astrab*, 2011-Ohio-5838.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 97338

STATE OF OHIO, EX REL.,
J. C. NELSON

RELATOR

vs.

MICHAEL ASTRAB, JUDGE

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 448615
Order No. 448942

RELEASE DATE: November 8, 2011

ATTORNEY FOR RELATOR

J. C. Nelson, pro se
Inmate #A-491-417
Grafton Correctional Institution
1800 S. Avon-Belden Road
Grafton, Ohio 44044

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
EILEEN A. GALLAGHER, J.:

{¶ 1} J.C. Nelson has filed a complaint for a writ of mandamus. Nelson seeks an order from this court that requires Judge Michael Astrab to render a ruling with regard to a motion for jail-time credit as filed in *State v. Nelson*, Cuyahoga County Court of Common Pleas Case No. CR-466734.¹ Judge Astrab has filed a motion for summary judgment, which is granted for the following reason.

¹Pursuant to Civ.R. 25(D)(1), Judge Michael Astrab is substituted for the judge that was originally assigned to the underlying case.

{¶ 2} Attached to Judge Astrab's motion for summary judgment is a copy of a judgment entry, as journalized on October 14, 2011, which granted Nelson's motion for jail-time credit in the amount of 77 days. Nelson'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. In addition, any error associated with the calculation of jail-time credit must be addressed through an appeal. *State ex rel. Britton v. Foley-Jones* (Mar. 5, 1998), Cuyahoga App. No. 73646; *State ex rel. Spates v. Sweeney* (Apr. 17, 1997), Cuyahoga App. No. 71986.

{¶ 3} Accordingly, we grant Judge Astrab's motion for summary judgment. Costs awarded to Nelson; costs waived. 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.

EILEEN A. GALLAGHER, JUDGE

MARY J. BOYLE, P.J., and
FRANK D. CELEBREZZE, JR., J., CONCUR