

[Cite as *State ex rel. Epps v. Saffold*, 2012-Ohio-4612.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

---

JOURNAL ENTRY AND OPINION  
No. 98684

---

**STATE EX REL. CARLTON EPPS**

RELATOR

vs.

**JUDGE SHIRLEY STRICKLAND SAFFOLD**

RESPONDENT

---

**JUDGMENT:  
WRIT DENIED**

---

Writ of Procedendo  
Motion No. 457344  
Order No. 458923

**RELEASE DATE:** October 3, 2012

**FOR RELATOR**

Carlton Epps  
2000 South Avon Belden Road  
Grafton, Ohio 44044

**ATTORNEYS FOR RESPONDENT**

Timothy J. McGinty  
Cuyahoga County Prosecutor  
By: James E. Moss  
Assistant Prosecuting Attorney  
The Justice Center  
1200 Ontario Street, 8<sup>th</sup> Floor  
Cleveland, Ohio 44113

JAMES J. SWEENEY, P.J.:

{¶1} On July 17, 2012, the relator, Carlton Epps, commenced this procedendo action against the respondent, Judge Shirley Strickland Saffold, to compel the judge to state the number of days he spent in jail in the underlying case, *State v. Epps*, Cuyahoga C. P. No. CR-546428. On February 14, 2012, and June 20, 2012, he filed motions for jail-time credit with the respondent. On August 1, 2012, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a copy of certified journal entry, file-stamped July 24, 2012, in the underlying case, granting Epps 66 days of credit. This journal entry establishes that Epps has received his requested relief and that the action is, therefore, moot. *State ex rel. Corder v. Wilson*, 68 Ohio App.3d 567, 589 N.E.2d 113 (10th Dist. 1991). Epps never filed a response to the motion for summary judgment.

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

{¶3} Writ denied.

---

JAMES J. SWEENEY, PRESIDING JUDGE

COLLEEN CONWAY COONEY, J., and  
SEAN C. GALLAGHER, J., CONCUR