

[Cite as *State ex rel. Williams v. Sutula*, 2012-Ohio-5704.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 98827

STATE OF OHIO EX REL.
WILLIS F. WILLIAMS

RELATOR

vs.

HONORABLE JOHN D. SUTULA

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Procedendo
Motion No. 459576
Order No. 460140

RELEASE DATE: November 30, 2012
FOR RELATOR

Willis F. Williams, pro se
Inmate No. 155-394
Richland Correctional Institution
P.O. Box 8107
Mansfield, Ohio 44901

ATTORNEYS FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor
BY: James E. Moss
Assistant County Prosecutor
9th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

MARY J. BOYLE, J.:

{¶1} Willis F. Williams has filed a complaint for a writ of procedendo. Williams seeks an order from this court that requires Judge John D. Sutula to render rulings with regard to a “motion for leave to file delayed motion for new trial pursuant to Ohio Criminal Rule 33(B)” and a “motion for leave to file supplemental authority and to supplement the record instanter”

as filed in *State v. Williams*, Cuyahoga C.P. No. CR-048025. Judge Sutula has filed a motion for summary judgment, which is granted.

{¶2} Williams’s request for a writ of procedendo is moot. Attached to the motion for summary judgment is a copy of a judgment entry, as journalized on October 17, 2012, which demonstrates that Williams’s “motion for leave to file delayed motion for new trial pursuant to Ohio Criminal Rule 33(B)” and a “motion for leave to file supplemental authority and to supplement the record instanter” were denied. *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. Snider v. Stapleton*, 65 Ohio St.3d 40, 600 N.E.2d 240 (1992); *State ex rel. Richard v. Wells*, 64 Ohio St.3d 76, 591 N.E.2d 1240 (1992); *State ex rel. Gantt v. Coleman*, 6 Ohio St.3d 5, 450 N.E.2d 1163 (1983).

{¶3} Accordingly, we grant the motion for summary judgment. Judge Sutula to pay costs. Costs ordered waived. The court directs the clerk of the court to serve all parties with notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶4} Writ denied.

MARY J. BOYLE, JUDGE

PATRICIA ANN BLACKMON, A.J., and
COLLEEN CONWAY COONEY, J., CONCUR