

[Cite as *Hill v. Cottrill*, 2012-Ohio-4581.]

COURT OF APPEALS
MUSKINGUM COUNTY, OHIO
FIFTH APPELLATE DISTRICT

MATTHEW HILL.	:	JUDGES:
	:	Hon. Patricia A. Delaney, P.J.
Relator	:	Hon. Sheila G. Farmer, J.
	:	Hon. Julie A. Edwards, J.
-vs-	:	
	:	Case No. CT12-0036
KELLY COTTRILL, JUDGE, ET AL	:	
	:	
Respondents	:	<u>OPINION</u>

CHARACTER OF PROCEEDING: Writ of Mandamus

JUDGMENT: Dismissed

DATE OF JUDGMENT: September 27, 2012

APPEARANCES:

For Relator For Respondents

MATTHEW HILL	NONE
N.C.I. #478-775	
15708 McConnelsville Road	
Caldwell, Ohio 43724	

Farmer, J.

{¶1} Relator, Matthew Hill, has filed a complaint for writ of mandamus requesting this Court to issue a writ requiring Respondent to rule on a motion for appointment of counsel and motion for transcript at state expense filed in the trial court.

{¶2} Subsequent to the filing of the instant of Complaint, the trial court issued an order appointing an attorney to represent Relator in his criminal appeal.

{¶3} The Supreme Court has held, “Neither procedendo nor mandamus will compel the performance of a duty that has already been performed. *State ex rel. Grove v. Nadel* (1998), 84 Ohio St.3d 252, 253, 703 N.E.2d 304, 305.” *State ex rel. Kreps v. Christiansen* (2000), 88 Ohio St.3d 313, 318, 725 N.E.2d 663, 668.

{¶4} Because the requested relief has already been obtained, we find the complaint for writ of mandamus is moot.

{¶5} We also note Relator had an adequate remedy at law by way of filing a motion for appointment of counsel and motion for transcript in this Court.

{¶6} For these reasons, the requested writ will not issue and the cause is dismissed.

By Farmer, J.
Delaney, P.J. and
Edwards, J. concur.

s / Sheila G. Farmer_____

s / Patricia A. Delaney_____

s / Julie A. Edwards_____

JUDGES

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IN THE COURT OF APPEALS FOR MUSKINGUM COUNTY, OHIO
FIFTH APPELLATE DISTRICT

MATTHEW HILL

Relator

-vs-

KELLY COTTRILL, JUDGE, ET AL

Respondents

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JUDGMENT ENTRY

CASE NO. CT12-0036

For the reasons stated in our accompanying Memorandum-Opinion, the requested writ will not issue and the cause is dismissed.

s / Sheila G. Farmer

s / Patricia A. Delaney

s / Julie A. Edwards

JUDGES