

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio, ex rel. Laron Taylor

Court of Appeals No. L-15-1097

Relator

v.

Judge Linda J. Jennings

DECISION AND JUDGMENT

Respondent

Decided: June 10, 2015

* * * * *

Laron Taylor, pro se.

Julia R. Bates, Lucas County Prosecuting Attorney, and
John A. Borell, Assistant Prosecuting Attorney, for appellee.

* * * * *

OSOWIK, J.

{¶ 1} On April 30, 2014, the Lucas County Grand Jury issued an indictment charging relator, Laron Taylor, with aggravated possession of drugs, aggravated trafficking in drugs, possession of heroin, and trafficking in heroin. On July 9, 2014, relator entered a no contest plea to aggravated trafficking in drugs and trafficking in heroin. In a judgment entry that was journalized on July 14, 2014, the trial court found

relator guilty and sentenced him to serve concurrent prison terms of 3 years for possession of drugs and 11 months for trafficking in heroin. Relator did not file a direct appeal from his conviction and sentence. However, he filed a petition for postconviction relief on January 14, 2015.

{¶ 2} On April 14, 2015, relator, acting pro se, filed an “ORIGINAL ACTION IN PROCEDENDO Via Ohio Const. Art (IV) Sec (3)(b)(1)(e),” in which he asked this court to order respondent, Lucas County Common Pleas Judge Linda J. Jennings, to rule on his petition for postconviction relief and issue accompanying findings of fact and conclusions of law. Relator, who is currently incarcerated, also filed an affidavit of indigence and an affidavit pursuant to R.C. 2969.25, in which he stated that he has not filed any “prior civil actions or appeals therefrom * * * in any court state or federal in the last five (5) years.”

{¶ 3} On April 27, 2015, this court issued an alternative writ in which we ordered respondent to either “do the act requested by relator in the petition or show cause why she is not required to do so by filing an answer to relator’s petition pursuant to Civ.R. (8)(B), or file a motion to dismiss relator’s petition pursuant to Civ.R. 12.” *State ex rel. Taylor v. Jennings*, 6th Dist. Lucas No. L-15-1097 (Apr. 27, 2015).

{¶ 4} On May 26, 2015, respondent filed a motion to dismiss in which she states that, on April 2, 2015, she issued an “Opinion and Judgment Entry dismissing relator’s Petition for Post-Conviction Relief.” A review of the record shows that relator filed a notice of appeal from that judgment on April 29, 2015 (appellate case No. L-15-1116).

{¶ 5} On consideration of the foregoing, we find that relator’s petition for a writ of procedendo has become moot. *State ex rel. Wells v. Corrigan*, 8th Dist. Cuyahoga No. 101754, 2014-Ohio-4941, ¶ 2, citing *State ex rel. Jernighan v. Cuyahoga Cty. Ct. of Common Pleas*, 74 Ohio St.3d 278, 658 N.E.2d 723 (1996).

{¶ 6} Petition dismissed. Costs are assessed to relator.

{¶ 7} To the clerk: Manner of service.

{¶ 8} The clerk of court, whom the court hereby specially authorizes to perfect service in this case, shall immediately serve, upon the respondent by personal service, a copy of this writ, and the clerk shall verify, by affidavit, the time, place, and manner of service and file such verification upon completion of the service.

{¶ 9} The clerk is further directed immediately serve **upon all other parties** a copy of the writ in a manner prescribed by Civ.R. 5(B).

{¶ 10} It is so ordered.

Writ denied.

Mark L. Pietrykowski, J.

JUDGE

Thomas J. Osowik, J.

JUDGE

James D. Jensen, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio’s Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court’s web site at: <http://www.sconet.state.oh.us/rod/newpdf/?source=6>.