

[Cite as *State ex rel. Stevenson v. Evans*, 2004-Ohio-925.]

STATE OF OHIO, MAHONING COUNTY
IN THE COURT OF APPEALS
SEVENTH DISTRICT

STATE OF OHIO, EX REL.)	
DARREN STEVENSON,)	
)	CASE NO. 04-MA-4
RELATOR,)	
)	OPINION
VS.)	AND
)	JOURNAL ENTRY
JUDGE JAMES EVANS,)	
)	
RESPONDENT.)	

CHARACTER OF PROCEEDINGS: Petition for Writ of Mandamus

JUDGMENT: Petition dismissed.

APPEARANCES:

For Relator: Darren Stevenson, Pro Se
#369-933
Belmont Correctional Institution
P.O. Box 540
St. Clairsville, Ohio 43950-0540

For Respondent: Attorney Paul J. Gains
Mahoning County Prosecutor
Attorney Jason M. Katz
Asst. County Prosecutor
21 W. Boardman St., 6th Floor
Youngstown, Ohio 44503

JUDGES:

Hon. Gene Donofrio
Hon. Joseph J. Vukovich
Hon. Mary DeGenaro

Dated: February 24, 2004

PER CURIAM.

{¶1} On January 10, 2004, pro-se relator filed a petition for writ of mandamus seeking an order to compel respondent to rule on a motion for jail time credit which he had filed in his underlying criminal case, Mahoning County Common Pleas case No. 98 CR 1118. Relator asserts he is entitled to 142 days of credit for time confined in the Mahoning County Justice Center.

{¶2} On January 29, 2004, respondent filed a motion to dismiss the petition. Attached to the motion is a time-stamped copy of a January 21, 2004 judgment from Respondent granting the relator's motion for additional credit for time served.

{¶3} A writ of mandamus will not issue to compel an act that has already been performed. *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas* (1996), 74 Ohio St.3d 278, 658 N.E.2d 602.

{¶4} The order of respondent issued on January 21, 2004 renders this petition moot. Motion to dismiss is sustained. Petition dismissed. Costs taxed against petitioner.

{¶5} Final order. Clerk to serve notice as provided by the Civil Rules.

Donofrio, Vukovich and DeGenaro, JJ., concur.