

[Cite as *State ex rel. Pettway v. Cuyahoga Cty. Court of Common Pleas*, 2012-Ohio-1971.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 98045

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**STATE OF OHIO, EX REL.,  
TIMOTHY PETTWAY**

RELATOR

vs.

**CUYAHOGA COUNTY COURT  
OF COMMON PLEAS, ET AL.**

RESPONDENTS

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**JUDGMENT:  
WRIT DENIED**

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Writ of Procedendo  
Motion No. 453669  
Order No. 453923

**RELEASE DATE:** April 30, 2012

**FOR RELATOR**

Timothy Pettway, pro se  
Inmate #550-655  
Toledo Correctional Institution  
2001 East Central Avenue  
Toledo, Ohio 43608

**FOR RESPONDENTS**

William D. Mason  
Cuyahoga County Prosecutor

BY: James E. Moss  
Assistant Prosecuting Attorney  
The Justice Center, 9<sup>th</sup> Floor  
1200 Ontario Street  
Cleveland, Ohio 44113

LARRY A. JONES, SR., J.:

{¶1} Timothy Pettway has filed a complaint for a writ of procedendo. Pettway seeks an order from this court, which requires that the Cuyahoga County Court of Common Pleas and Judge Kenneth R. Callahan, the Respondents, to render a ruling with regard to a motion for new trial as filed on March 10, 2009, in *State v. Pettway*, Cuyahoga County Court of Common Pleas Case No. 498474.

{¶2} Attached to the motion for summary judgment, filed by the Respondents, is a copy of an entry journalized on March 14, 2012, which demonstrates that a ruling has been entered with regard to Pettway's motion for new trial. In addition, a ruling has been rendered with regard to his motion to vacate sentencing. Pettway's request for a writ of procedendo is moot. *State ex rel. Fontanella v. Kontos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220; *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas*, 74 Ohio St.3d 278, 1996-Ohio-117, 648 N.E.2d 723.

{¶3} Accordingly, we grant Respondents' motion for summary judgment. Cost to be paid by Respondents. The court directs the Clerk of Court to serve notice of this judgment and its date of entry upon all parties as required by Civ.R. 58(B).

{¶4} Writ denied.

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LARRY A. JONES, SR., JUDGE

JAMES J. SWEENEY, P.J., and  
COLLEEN CONWAY COONEY, J., CONCUR