

[Cite as *State ex rel. Tyus v. Gaul*, 2012-Ohio-2319.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 98069

**STATE OF OHIO EX REL.,
DEREK TYUS**

RELATOR

vs.

DANIEL GAUL, JUDGE

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 453704
Order No. 454688

RELEASE DATE: May 18, 2012

FOR RELATOR

Derek Tyus, Pro Se
Inmate No. 510-752
Lake Erie Correctional Institution
501 Thompson Road
Conneaut, OH 44030

ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor

BY: James E. Moss
Assistant County Prosecutor
The Justice Center, 9th Floor
1200 Ontario Street
Cleveland, OH 44113

MELODY J. STEWART, P.J.:

{¶1} On March 8, 2012, the relator, Derek Tyus, commenced this mandamus action against the respondent, Judge Daniel Gaul, to compel him to rule on a motion for jail-time credit, filed on November 22, 2010, in the underlying case, *State v. Tyus*, Cuyahoga C.P. No. CR-476987 (July 10, 2006). On March 28, 2012, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a copy of a March 13, 2012 journal entry granting Tyus a total of 159 days credit in the underlying case. Tyus never filed a response. This establishes that Tyus has received his requested relief and that the action is, therefore, moot. *State ex rel. Corder v. Wilson*, 68 Ohio App.3d 567, 589 N.E.2d 113 (10th Dist.1991).

{¶2} Accordingly, this court grants the respondent's motion for summary judgment and denies the application for a writ of mandamus. Respondent to pay costs. This court directs the clerk of the Eighth District Court of Appeals to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

{¶3} Writ denied.

MELODY J. STEWART, PRESIDING JUDGE

COLLEEN CONWAY COONEY, J., and
EILEEN A. GALLAGHER, J., CONCUR