

[Cite as *State ex rel. Epps v. Saffold*, 2012-Ohio-4612.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 98684

STATE EX REL. CARLTON EPPS

RELATOR

vs.

JUDGE SHIRLEY STRICKLAND SAFFOLD

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 457344
Order No. 458923

RELEASE DATE: October 3, 2012

FOR RELATOR

Carlton Epps
2000 South Avon Belden Road
Grafton, Ohio 44044

ATTORNEYS FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor
By: James E. Moss
Assistant Prosecuting Attorney
The Justice Center
1200 Ontario Street, 8th Floor
Cleveland, Ohio 44113

JAMES J. SWEENEY, P.J.:

{¶1} On July 17, 2012, the relator, Carlton Epps, commenced this procedendo action against the respondent, Judge Shirley Strickland Saffold, to compel the judge to state the number of days he spent in jail in the underlying case, *State v. Epps*, Cuyahoga C. P. No. CR-546428. On February 14, 2012, and June 20, 2012, he filed motions for jail-time credit with the respondent. On August 1, 2012, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a copy of certified journal entry, file-stamped July 24, 2012, in the underlying case, granting Epps 66 days of credit. This journal entry establishes that Epps 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). Epps never filed a response to the motion for summary judgment.

{¶2} Accordingly, the court grants the respondent's motion for summary judgment and denies the application for a writ of procedendo. Each side to bear their own costs. This court directs the clerk of court to serve all parties notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶3} Writ denied.

JAMES J. SWEENEY, PRESIDING JUDGE

COLLEEN CONWAY COONEY, J., and
SEAN C. GALLAGHER, J., CONCUR