

[Cite as *State ex rel. Vaughn v. Greene*, 2006-Ohio-1937.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 86989

STATE, EX REL.: VICTOR L.	:	
VAUGHN, JR.	:	ORIGINAL ACTION
	:	
Relator	:	JOURNAL ENTRY
	:	AND
vs.	:	OPINION
	:	
JUDGE LILLIAN J. GREENE	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: APRIL 18, 2006

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Denied.
Motion No. 381885
Order No. 382700

APPEARANCES:

For Relator: VICTOR L. VAUGHN, JR., pro se
Inmate No. 407-520
Marion Correctional Institution
P.O. Box 57
Marion, Ohio 43301-0057

For Respondent: WILLIAM D. MASON
Cuyahoga County Prosecutor
BY: DIANE SMILANICK
Assistant County Prosecutor
Justice Center - 9th Floor
1200 Ontario Street
Cleveland, Ohio 44113

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JUDGE KENNETH A. ROCCO:

{¶ 1} On September 7, 2005, the relator, Victor Vaughn, commenced this mandamus action against the respondent, Judge Lillian Greene, to compel her to rule on a "Motion to Clarify Judgment Entry of Sentencing," which he filed on March 24, 2005, in the underlying case, *State of Ohio v. Victor Vaughn*, Cuyahoga County Common Pleas Court Case No. CR-400667.

{¶ 2} On June 26, 2001, the respondent judge sentenced Vaughn to five years in prison as to each of three counts of robbery to run concurrently and granted him ninety days of jail time credit. He asserts that while in prison he has worked in the Ohio Prison Industry Work Program and that entitles him to an additional credit of one day per month toward his prison sentence. However, he maintains that the Ohio Department of Rehabilitation and Correction has refused to give him that credit because his sentence is mandatory; the Department advised him to contact the trial court to seek any change in the sentence. Therefore, he filed the subject motion to clarify whether his sentence is mandatory. When the judge did not rule on the subject motion, Vaughn brought this mandamus action.

{¶ 3} On March 8, 2006, the judge, through the Cuyahoga County Prosecutor, moved for summary judgment on the grounds of mootness. Attached to the judge's dispositive motion was a certified copy of a February 22, 2006 journal entry in which the judge granted Vaughn's motion to clarify and ruled that his sentence is not a sentence of

mandatory time. This journal entry establishes that the judge has fulfilled her duty to rule on the subject motion and that Vaughn has received his requested relief. Therefore, this mandamus action is moot.

{¶4} Accordingly, this court grants the respondent's motion for summary judgment and denies the application for a writ of mandamus.

Costs assessed against the respondent. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

KENNETH A. ROCCO
JUDGE

FRANK D. CELEBREZZE, JR., P.J., CONCURS

DIANE KARPINSKI, J., CONCURS