

IN THE COURT OF APPEALS OF OHIO  
SIXTH APPELLATE DISTRICT  
ERIE COUNTY

State ex rel. Shon Alexander

Court of Appeals No. E-08-042

Petitioner [Relator]

v.

State of Ohio Judge Binette  
Court of Common Pleas

**DECISION AND JUDGMENT ENTRY**

Respondent

Decided: June 24, 2008

\* \* \* \* \*

Shon Alexander, pro se.

Kevin J. Baxter, Erie County Prosecuting Attorney, and  
Mary Ann Barylski, Assistant Prosecuting Attorney, for respondent.

\* \* \* \* \*

SINGER, J.

{¶ 1} Relator, Shon Alexander, has filed a petition for a writ of mandamus against respondent, Judge Binette of the Erie County Court of Common Pleas. In the petition, relator requests that the court issue a writ of mandamus, pursuant to R.C.

Chapter 2731, ordering respondent to rule on his pending "motion for certification of record pursuant to R.C. 2967.19.1 / nunc pro tunc."

{¶ 2} Respondent has filed a response and a motion to dismiss relator's petition. Specifically, respondent seeks a dismissal of relator's petition based on the fact that on June 3, 2008, respondent issued a ruling denying respondent's "motion for certification of record pursuant to R.C. 2967.19.1 / nunc pro tunc."

{¶ 3} Respondent has no clear legal duty to perform an act which it has already performed. Accordingly, respondent's motion to dismiss is found well-taken and relator's petition for a writ of mandamus is hereby dismissed. Costs assessed to relator.

PETITION DISMISSED.

{¶ 4} To the clerk: Serve upon all parties notice of the judgment and its date of entry upon the journal.

Mark L. Pietrykowski, P.J.

\_\_\_\_\_  
JUDGE

Arlene Singer, J.

\_\_\_\_\_  
JUDGE

Thomas J. Osowik, J.  
CONCUR.

\_\_\_\_\_  
JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:  
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.