

COURT OF APPEALS
LICKING COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO	:	JUDGES:
	:	Hon. W. Scott Gwin, P.J.
	:	Hon. William B. Hoffman, J.
Plaintiff-Respondent	:	Hon. Sheila G. Farmer, J.
	:	
-vs-	:	
	:	Case No. 2010-CA-0078
TIMOTHY L. SNYDER	:	
	:	
Defendant-Relator	:	<u>OPINION</u>

CHARACTER OF PROCEEDING: Writ of Mandamus

JUDGMENT: Complaint Dismissed

DATE OF JUDGMENT ENTRY: December 8, 2010

APPEARANCES:

For Plaintiff-Respondent

For Defendant-Relator

DANIEL H. HUSTON
Assistant Prosecutor
20 S. Second Street, 4th Fl.
Newark, OH 43055

TIMOTHY L. SNYDER PRO SE
M.C.I.
Box 57
Marion, OH 43301

Gwin, P.J.

{¶1} Relator, Timothy Snyder, has filed a complaint requesting this Court issue a writ of mandamus compelling the Licking County Court of Common Pleas to rule on a motion regarding restitution filed by Relator in his criminal cases which are assigned as Licking County Case Numbers 06-CR-00494, 06-CR-00553, and 07-CR-00363.

{¶2} Relator filed the motion in the trial court cases on March 22, 2010. The instant complaint was filed on July 22, 2010. The trial court issued a ruling on the motion in the criminal cases on August 20, 2010.

{¶3} Initially, we note Relator has not properly captioned the complaint in this case. He has styled it as “State of Ohio v. Timothy L. Snyder.” He has not named the trial court judge, or anyone, as a respondent. The Prosecuting Attorney has filed a Motion to Dismiss suggesting the complaint should be dismissed as moot because the trial court has now ruled on the motion.

{¶4} The Supreme Court has held, “Neither procedendo nor mandamus will compel the performance of a duty that has already been performed. *State ex rel. Grove v. Nadel* (1998), 84 Ohio St.3d 252, 253, 703 N.E.2d 304, 305.” *State ex rel. Kreps v. Christiansen* (2000), 88 Ohio St.3d 313, 318, 725 N.E.2d 663, 668.

{¶5} Because the requested relief has already been obtained, we find the complaint for writ of mandamus is moot and grant the motion to dismiss.

{¶6} MOTION TO DISMISS GRANTED.

{¶7} CAUSE DISMISSED.

{18} COSTS TO RELATOR.

{19} IT IS SO ORDERED.

By Gwin, P.J.,

Hoffman, J., and

Farmer, J., concur

HON. W. SCOTT GWIN

HON. WILLIAM B. HOFFMAN

HON. SHEILA G. FARMER

WSG:clw 1025

