

[Cite as *Pointer v. Russo*, 2014-Ohio-3599.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 101550

DENNIS POINTER, #0169-139

RELATOR

vs.

HONORABLE JOSEPH RUSSO, JUDGE, ETC.

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 476772
Order No. 477190

RELEASE DATE: August 19, 2014

FOR RELATOR

Dennis Pointer, pro se
Inmate No. 0169-139
P.O. Box 5600
Cleveland, OH 44101

ATTORNEYS FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor

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

KENNETH A. ROCCO, P.J.:

{¶1} Dennis Pointer has filed a petition for a writ of procedendo. Pointer seeks an order from this court that requires Judge Joseph Russo to render a ruling with regard to his “motions for jury demand, speedy trial request, to proceed pro se; and memorandum contra of Plaintiff, State of Ohio, Motion for Sexual Predator Classification Hearing” that were filed on October 15, 2013, in *State v. Pointer*, Cuyahoga C.P. No. CR-93-294419. Respondent has filed a motion for summary judgment, which we grant, and the petition is denied for the reasons that follow.

{¶2} Pointer’s request for a writ of procedendo is moot. Attached to Judge Russo’s motion for summary judgment are copies of journal entries, journalized on July 15, 2014, which demonstrate that rulings have been rendered with regard to the subject motions. Thus, Pointer is not entitled to a writ of procedendo. *State ex rel. Fontanella v. Kontos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220, ¶ 6 (holding that procedendo does not lie to compel performance of a duty that has already been performed).

{¶3} Pointer also filed a motion for leave to proceed without having complied with all of the procedural requirements for perfecting a claim for writ of procedendo. The motion is denied as moot, but we note that the defects in the petition provide additional grounds for dismissal.

{¶4} Accordingly, we grant Judge Russo’s motion for summary judgment. Costs

assessed against relator. Costs waived. The court directs the clerk of courts to serve all parties with notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶5} Writ denied.

KENNETH A. ROCCO, PRESIDING JUDGE

PATRICIA ANN BLACKMON, J., and
TIM McCORMACK, J., CONCUR