

IN RE DISQUALIFICATION OF WARD.

THE STATE OF OHIO v. MITCHELL.

[Cite as *In re Disqualification of Ward*, 152 Ohio St.3d 1258, 2017-Ohio-9431.]

Judges—Affidavits of disqualification—R.C. 2701.03—Failure to serve other parties and their counsel—Affidavit dismissed.

(No. 17-AP-072—Decided July 25, 2017.)

ON AFFIDAVIT OF DISQUALIFICATION in Gallia County Court of Common Pleas
Case Nos. 13CR000206 and 16CR000061.

O’CONNOR, C.J.

{¶ 1} Defendant, Porter J. Mitchell, has filed an affidavit with the clerk of this court under R.C. 2701.03 seeking to disqualify Judge Michael Ward, a retired judge sitting by assignment, from presiding over any further proceedings in the above-referenced cases in the Gallia County Court of Common Pleas.

{¶ 2} R.C. 2701.03(B)(3), however, provides that an affidavit of disqualification “shall include” a “certificate indicating that a copy of the affidavit has been served on the * * * judge * * * against whom the affidavit is filed and on all other parties or their counsel.” Here, Mr. Mitchell submitted a certificate indicating that he served his affidavit on Judge Ward, but he failed to indicate that he served the affidavit on the state of Ohio or its counsel. Accordingly, Mr. Mitchell failed to comply with the requirements of R.C. 2701.03(B), and his affidavit is dismissed. *See In re Disqualification of Ruehlman*, 77 Ohio St.3d 1261, 674 N.E.2d 366 (1996).
