

IN RE DISQUALIFICATION OF HAUPT.

THE STATE OF OHIO v. KING.

**[Cite as *In re Disqualification of Haupt*, 169 Ohio St.3d 1225,
2022-Ohio-4128.]**

Judges—Affidavits of disqualification—R.C. 2701.03—It is outside scope of disqualification proceeding to determine whether judge properly allowed livestreaming of affiant’s trial through social media, and even if judge erred, such an error is not necessarily evidence of judicial bias—Disqualification denied.

(No. 22-AP-112—Decided September 21, 2022.)

ON AFFIDAVIT OF DISQUALIFICATION in Stark County Court of Common Pleas,
General Division, Case No. 2019CR1460.

O’CONNOR, C.J.

{¶ 1} Defendant Deny King has filed an affidavit pursuant to R.C. 2701.03 and Article IV, Section 5(C) of the Ohio Constitution seeking to disqualify Judge Natalie R. Haupt from the above-referenced case, now pending on Mr. King’s motion for leave to file a delayed motion for new trial.

{¶ 2} Mr. King alleges that Judge Haupt violated Sup.R. 12 (“Conditions for broadcasting and photographing court proceedings”) by allowing a person to livestream Mr. King’s trial via Twitter. Mr. King alleges that no one informed him that his trial would be livestreamed on Twitter, and he claims that the livestreaming compromised the fairness of the proceeding.

{¶ 3} An affidavit of disqualification, however, “is not the mechanism for determining whether a judge has complied with the law or, as here, whether a judge has failed to follow the Rules of Superintendence.” *In re Disqualification of Fuerst*,

134 Ohio St.3d 1267, 2012-Ohio-6344, 984 N.E.2d 1079, ¶ 17. The issue here is narrow and focused on the possible bias or prejudice of a judge. *In re Disqualification of Solovan*, 100 Ohio St.3d 1214, 2003-Ohio-5484, 798 N.E.2d 3, ¶ 4. It is outside the scope of this proceeding to determine whether Judge Haupt properly allowed an individual to livestream Mr. King's trial through social media. And even if the judge erred, such an error is not necessarily evidence of judicial bias. *See In re Disqualification of Murphy*, 36 Ohio St.3d 605, 606, 522 N.E.2d 459 (1988) ("A trial judge's opinions of law, even if erroneous, are not by themselves evidence of bias or prejudice and thus are not grounds for disqualification").

{¶ 4} The affidavit of disqualification is denied. The case may proceed before Judge Haupt.
