

The Supreme Court of Ohio

FILED

AUG 15 2022

CLERK OF COURT
SUPREME COURT OF OHIO

In re Disqualification of Hon. Robert Goering

Supreme Court Case No. 22-AP-093

JUDGMENT ENTRY AND DECISION

ON AFFIDAVIT OF DISQUALIFICATION in *State of Ohio v. Vandell Slade*, Hamilton County Court of Common Pleas, General Division, Case No. B1903162.

Defendant Vandell Slade has filed an affidavit pursuant to R.C. 2701.03 and Article IV, Section 5(C) of the Ohio Constitution seeking to disqualify Judge Robert A. Goering from the above-referenced case.

Mr. Slade alleges that Judge Goering is biased against him and favors the prosecution. In support, Mr. Slade claims that in May 2021, he advised the judge of a problem with his attorney but the judge said that Mr. Slade was “stalling” by filing repeated motions to remove counsel. The judge’s ruling, Mr. Slade argues, is preventing him from raising affirmative defenses.

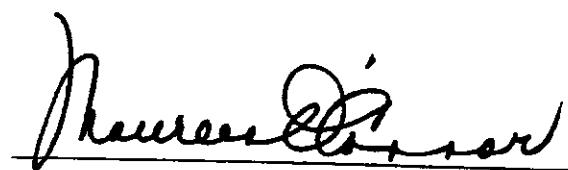
For the reasons explained below, no basis has been established to order disqualification of Judge Goering.

As an initial matter, “[a]n affidavit of disqualification must be filed as soon as possible after the incident giving rise to the claim of bias and prejudice occurred,” and failure to do so may result in waiver of the objection, especially when “the facts underlying the objection have been known to the party for some time.” *In re Disqualification of O’Grady*, 77 Ohio St.3d 1240, 1241, 674 N.E.2d 353 (1996). The affiant has the burden to demonstrate that the affidavit is timely filed. *In re Disqualification of Capper*, 134 Ohio St.3d 1271, 2012-Ohio-6287, 984 N.E.2d 1082, ¶ 11. Mr. Slade has failed to explain why he waited until August 2022 to seek Judge Goering’s

Mr. Slade. Further, an affidavit of disqualification "is not a vehicle to contest matters of substantive or procedural law." *In re Disqualification of Solovan*, 100 Ohio St.3d 1214, 2003-Ohio-5484, 798 N.E.2d 3, ¶ 4. Therefore, it is outside the scope of this matter to determine whether Judge Goering has prevented Mr. Slade from raising affirmative defenses. Mr. Slade may have other remedies for such legal arguments, but that issue cannot be litigated in an affidavit of disqualification.

The affidavit of disqualification is denied. The case may proceed before Judge Goering.

Dated this 15th day of August, 2022.



MAUREEN O'CONNOR
Chief Justice

Copies to: Sandra H. Grosko, Clerk of the Supreme Court
Hon. Robert A. Goering
Hamilton County Clerk of Courts
Vandell Slade
Joseph Deters

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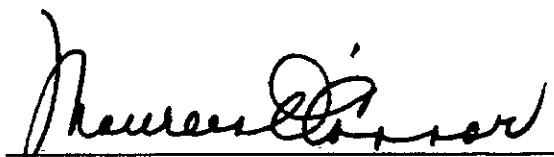
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ENTRY

ON AFFIDAVIT OF DISQUALIFICATION in
State of Ohio v. Vandell Slade, Hamilton
County Court of Common Pleas, General
Division, Case No. B1903162

Pursuant to R.C. 2701.03(C)(1)(b), notice is hereby given to the clerk of the Hamilton County Court of Common Pleas, General Division, that on August 11, 2022, the Clerk of the Supreme Court accepted for filing an affidavit seeking to disqualify Judge Robert A. Goering from the following matter: *State of Ohio v. Vandell Slade*, Hamilton County Court of Common Pleas, General Division, Case No. B1903162.

R.C. 2701.03(C)(1)(c) requires that upon receipt of this notice, the clerk shall enter the fact of the filing of the affidavit on the docket of the proceeding pending in the Hamilton County Court of Common Pleas, General Division.



Maureen O'Connor
Chief Justice

**Additional material
from this filing is
available in the
Clerk's Office.**