

May 25, 2022

Hon. Chief Justice Maureen O'Connor
65 S. Front Street
Columbus, Ohio 43215

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Your Honor,

I am writing in response to the affidavit and motion to disqualify filed by Special Prosecutor Kathleen Garber regarding Franklin County Municipal Court case number 2021 CRB 7956, *State of Ohio v. Kanode*.

I have reviewed Special Prosecutor Garber's motion and affidavit, and upon reflection, I am confident that I am not biased, interested, or prejudiced regarding the *Kanode* case, and I will continue to be appropriately neutral, impartial, and fair consistent with my obligations under the Ohio Code of Judicial Conduct. As to the Special Prosecutor Garber's narration of the pre-trial proceedings, I respectfully disagree with her characterizations of those events and interactions. I will not go over each of the Prosecutors statements but there a few I feel the need to respond to. My family member being a retired Columbus Police Officer has never - nor will ever - influence the way I handle any cases before me. I never made any comments regarding support for the FOP. I advised the parties that I had a family member who is retired Columbus Police Officer and that I would be attending a charity event for the FOP to be transparent and allow either party to raise any concerns before the trial started. The State asked me to recuse at that time and I assured them I felt I had no bias and was comfortable staying on the case. The State did not file any further request to remove me at that time. The State indicates that I allowed her witnesses to remain behind the courtroom in our jury room and chambers area. What she fails to understand is that this is standard practice as there are limited areas for witnesses to wait during trail. Last, to the extent Special Prosecutor Garber raises issues with my rulings thus far in the *Kanode* trial, I made those legal rulings based on the law, not any bias or prejudice, and I stand by them.

I await the Court's ruling and will take no further action on the *Kanode* case until further order.

/s/ Judge James P. O'Grady

Judge James P. O'Grady
375 South High Street, 14th Floor
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