



for the

First Quarter 2014

RECORD

NEWS FOR THE OHIO COURTS

WORKING TOGETHER

MARK SCHWEIKERT

OHIO JUDICIAL CONFERENCE EXECUTIVE DIRECTOR

Ohio judges have many opportunities to contribute to the profession and to work on behalf of the profession in the community. Beyond the local options through your local Bar Association or other civic groups, the Judicial Conference, the various Judicial Associations, and the Ohio Supreme Court offer opportunities at the state level for study, the exchange of experience respecting the operation of the judicial system, and the consideration of the problems pertaining to the administration of justice. The Judicial Associations are essential to the mission of the Judicial Conference. Conference staff assists Association officers with administrative tasks and legislative activities and Association leadership sits on the executive committee of the Conference offering guidance and direction. Association events, Conference committees, and Supreme Court commissions and task forces are excellent forums for discussion and exchange both formally and informally.

Last month a quiet but important event took place. For the first time in my recollection, the Judicial Conference officers, the Judicial Association officers, and the Ohio Supreme Court justices met together in a cordial atmosphere to discuss the challenges facing the judiciary of our state and to further enhance the common bonds we share between our organizations. Organized by Chief Justice O'Connor, this initial event was a very successful beginning to what promises to be an important traditional gathering of the leadership of Ohio's judicial branch. As you review the contents of this "For the Record" you will see that working together we are making a difference.

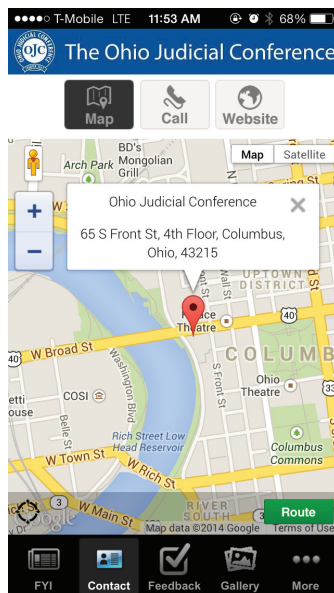
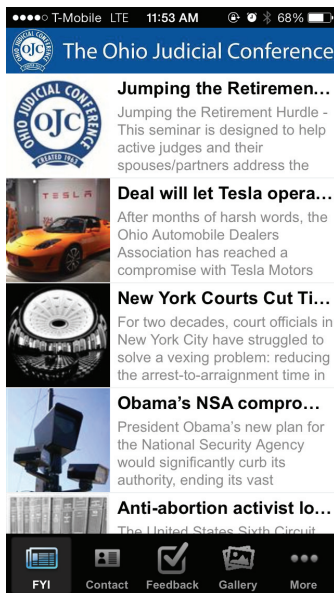
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Ohio Judicial Conference 2014 Annual Meeting

August 28 - 29

Hilton Columbus at Easton

Save the Date!

DISTINGUISHED JUDICIAL FIGURE: JUSTICE WILLIAM M. O'NEILL

INTERVIEWED BY JENNIE I. LONG
PROGRAM SPECIALIST, OHIO JUDICIAL CONFERENCE

When Justice William M. O'Neill began his term on the Supreme Court of Ohio, he brought with him a wealth of experiences from varied career tracks. In addition to serving as a judge in the Eleventh District Court of Appeals for more than ten years, Justice O'Neill has worked as a civil rights lawyer, a small business owner, a newspaper and television journalist, a union organizer, and as a registered nurse in a pediatric emergency department.

During his time as a union organizer he noticed it was the lawyers who were making the biggest differences in the union organizing movement, and he thought he might like to be a lawyer. After being hit by a truck on a picket line and arrested in Cincinnati for a union organizing "disturbance" Justice O'Neill made the decision to go to law school.

Justice O'Neill's basic philosophy regarding the law, when he graduated from Cleveland Marshall College of Law and today, is that the court is the final arbiter of disputes, and being a "street lawyer" in a small town is an exceptionally good calling. His first job out of law school was first as a law clerk and then as a partner in O'Neill & Brown, a two man firm in Geneva, Ohio.



Justice William O'Neill

When asked what he likes most about the law, Justice O'Neill replied "The law, like science, is always in search of the right answer. It is an imperfect art, but when practiced with honor and respect for all involved, I would say we get it right 99% of the time. I have always said that citizens serving on jury duty are every bit as qualified as the lawyers and the Judges in ferreting out the truth. The law brings resolution to disputes that would otherwise simmer and wait to explode in a different forum. I like the finality of the legal process. Bring us your dispute, we will answer it, and you can move on without that burden on your shoulder. Win, lose or draw, it is over."

Justice O'Neill is also a decorated Army veteran. He was awarded the Bronze Star and the Army Commendation Medal for his service during the Vietnam War. He retired in 1996 as a Judge Advocate General (JAG) Lieutenant Colonel from the Ohio National Guard. LTC O'Neill, US Army (Retired), was inducted into the Ohio Veterans Hall of Fame in 2007.

Justice O'Neill is a graduate of Ohio University, Cleveland Marshall College of Law, and Huron School of Nursing. Before being elected to the Eleventh District Court of Appeals in 1996, Justice O'Neill was an assistant attorney general for the state of Ohio from 1984 to 1996, representing the Ohio Civil Rights Commission and the Industrial Commission of Ohio.



New in 2014:

Combined Court Technology Conference

Save the date!
May 15, 2014

Sponsored by:

Ohio Association for Court Administration

Ohio Clerks of Courts Association

Ohio Judicial Conference

THE “SLEEP-DRIVING” DEFENSE

JUDGE THOMAS A. JANUZZI

OBERLIN MUNICIPAL COURT

The doctor has prescribed Ambien® to help you sleep. You take the medication, put on your pajamas, and retire at 12:01 A.M. The next memory you have is being in the local police station at 04:00 A.M. You are told that you drove off the side of the road into a ditch. When you go home there are breakfast dishes in the sink along with a pan that was used to prepare bacon and eggs. You live alone and do not remember making or eating breakfast. You also do not remember changing your clothes, showering and driving. You are charged with Operating a Vehicle while Under the Influence of a Drug of Abuse and Left of Center. Are you criminally liable for your actions?

Ambien®- Generic Name: Zolpidem Tartrate

What is Ambien®? According to the FDA:

- “Ambien® (zolpidem tartrate) is indicated for the short-term treatment of insomnia characterized by difficulties with sleep initiation.
- Zolpidem is a sedative, also called a hypnotic. It affects chemicals in your brain that may become unbalanced and cause sleep problems (insomnia).
- Zolpidem is used to treat insomnia. The immediate-release forms of zolpidem are Ambien®, Intermezzo, Edluar, and Zolpimist, which are used to help you fall asleep. The extended-release form of zolpidem is Ambien CR®, which has a first layer that dissolves quickly to help you fall asleep, and a second layer that dissolves slowly to help you stay asleep.
- Zolpidem, the active moiety of zolpidem tartrate, is a hypnotic agent with a chemical structure unrelated to benzodiazepines, barbiturates, or other drugs with known hypnotic properties. It interacts with a GABA-BZ receptor complex and shares some of the pharmacological properties of the benzodiazepines. In contrast to the benzodiazepines, which non-selectively bind to and activate all BZ receptor subtypes, zolpidem *in vitro* binds the BZ1 receptor preferentially with a high affinity ratio of the $\alpha 1/\alpha 5$ subunits. This selective binding of zolpidem on the BZ1 receptor is not absolute, but it may explain the relative absence of myorelaxant and anticonvulsant effects in animal studies as well as the preservation of deep sleep (stages 3 and 4) in human studies of zolpidem tartrate at hypnotic doses.
- Zolpidem may impair your thinking or reactions. You may still feel sleepy the morning after taking this medicine, especially if you take the extended-release tablet, or if you are a woman. Wait at least 4 hours or until you are fully awake before you do anything that requires you to be awake and alert.
- Some people using this medicine have engaged in activity **such as driving**, eating, or making phone calls and later having no memory of the activity.”

Another description of the drug Ambien® is found in an article titled “The Power of Rest” by Matthew J. Edlund, M.D. published on March 21, 2013. Excerpts from the article include:

Continued on next page...

- “Steve Tyler of Aerosmith took it to soothe an aching foot. He fell off the stage. One Calgary man claimed it made him take a bottle of vodka out of the fridge, down it and drive directly into other cars – all while he was asleep! My patients have woken with chicken carcasses spewed throughout the kitchen. Vegetarians wake with hamburger clogging their teeth. Now the Australian Olympic relay swim team declared they used it for pre-game “bonding”. What medication produces these remarkable reactions? It’s *ambien* – one of the most popular pills on the planet.
- Australians were quite disappointed with their Olympic teams in 2012. While “mother country” UK’s team brimmed with gold medals, famously athletic Australians produced more of an iron harvest. And the historically strong swim team was a terrible performer. Case in point #1 – the swim relay team. Its six members now admit they took a banned sleeping pill, *stillnox* – what we Americans call *ambien* or *zolpidem*. They did point out that when they had bought the drug it was not banned and it was not banned by the Olympic committee but only by the Australian Olympic committee ... The swimmers were expected to get a medal – probably a gold or silver. They came fourth. But the *Stillnox Incident* occurred in sensible Manchester, ten days before the London games. All six members of the team claimed they wished to “bond” to allay the anxiety of world witnessed performance. They also claimed it was part of Australian team tradition to take drugs like *stillnox* and “have some fun” (Previous team members stated there were no such traditions). So in the evening they took the pill. They then made crank calls – to women swimmers. Some knocked loudly on the females’ doors appearing “only in their jeans.” One lay down “stumbling” on a female swimmer’s bed. Later they came back only wearing undershorts. Their female teammates were not amused. They protested. *As for the “traditions” of Australian sports, rugby and football players are said to have routinely combined stillnox and alcohol to get a bit “up”. Youngsters use the same combination for a “legal high.”*
- So what’s really happening? What is *zolpidem/stillnox/ambien/intermezzo*? Normally, it’s a drug generally used as a sleeping pill.
- What Does It Do?

Modulate one of the main inhibitory neurotransmitters in the brain – GABA (gamma amino butyric acid). *Ambien* does it by hitting a major benzodiazepine receptor, named after drugs like *valium* (*diazepam*) and *restoril* (*temazepam*) that hook onto that receptor. *Ambien* was originally marketed as “safe” because its half life – how long it takes for the liver to take out half of it – was only 2-3 hours – so most of it would supposedly be gone by morning. No morning hangover – in theory. The FDA recently recognized that was not quite true and decreased the maximal dose – for women – by half, to 5 mg.

- Does It Produce Normal Sleep?

No. *Ambien* produces a “twilight” state that some unimpressed researchers label akin to coma. This “state” then aids the initiation of sleep - quite effectively. That’s one reason *ambien* is used for short term sleeping problems. The drug also makes it easier to forget you woke up in the night.

- What Are Public Health Problems with the Drug?

According to Dan Kripke of UCSD and Scripps, regular use leads to as much as a five-fold increase in death rates from accidents, heart disease and tumors. Other studies show lesser but increased death rates from similar drugs. And *ambien* produces a lot of sleepwalking – according to work at the University

of Minnesota, especially in people with restless legs syndrome. **People can do almost anything when they're sleepwalking – and the bizarreness of the sleepwalking created by ambien is now a globally recognized phenomenon.**

“Sleep Driving”

What is “Sleep-Driving?” The term “Sleep-Driving” is not found in Webster’s dictionary. The term “Sleep-Driving” is not found in Black’s Law dictionary. There are references to “Sleep-Driving” in publications and articles but no legal definition can be found.

Treatises, periodicals, pamphlets

There are many articles on sleep walking (somnambulism). Here is an example:

Sleepwalking is a disorder that occurs when people walk or do another activity while they are still asleep.

When people sleepwalk, they may sit up and look as though they are awake when they are actually asleep. They may get up and walk around, or do complex activities such as moving furniture, going to the bathroom, and dressing or undressing. **Some people even drive a car while they are asleep.**

The episode can be very brief (a few seconds or minutes) or it can last for 30 minutes or longer, but most episodes last for less than 10 minutes. If they are not disturbed, sleepwalkers will go back to sleep. However, they may fall asleep in a different or even unusual place.

Symptoms of sleepwalking include:

- Acting confused or disoriented when they wake up
- Having blank look on face
- Opening eyes during sleep
- Not remembering the sleep walking episode when they wake up
- Performing detailed activity of any type during sleep
- Rarely, showing aggressive behavior when they are woken up by someone else
- Sitting up and appearing awake during sleep
- Talking in sleep and saying things that do not make sense
- Walking during sleep

Information in articles or publications is hearsay. Evid. R. 803(18) requires that medical information from a treatise, periodical or pamphlet on the subject of medicine be established by a reliable authority, either by the **testimony of an expert witness** or other expert testimony **or by judicial notice**.

Judicial Notice

Evid. R. 201 addresses judicial notice of adjudicative facts; i.e., the facts of the case:

“(A) Scope of rule

This rule governs only judicial notice of adjudicative facts; i.e., the facts of the case.

(B) Kinds of facts

A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally

known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

(C) When discretionary

A court may take judicial notice, whether requested or not.

(D) When mandatory

A court shall take judicial notice if requested by a party and supplied with the necessary information.”

Should judicial notice be taken of information on Ambien on the FDA website? In August 2011 an Alaska appeals court in *Story v. State*, Ak.App. No.A-10636, 2011 WL 3795535 (Aug. 24, 2011) analyzed the issue:

“...Story requested that the court take judicial notice—based on Federal Food and Drug Administration warnings published on the FDA website—that Ambien, a drug that Story had been prescribed to help her sleep, could cause “sleep driving.”

At the hearing, Story testified that she had no recollection of that evening until she was transported to the jail. She did recall that she had ... taken Ambien just before she went to sleep. But she could not remember anything after taking the Ambien until she “awoke” in the patrol car driving up to the correctional center...

A nurse practitioner, Mary Gardner, testified on Story’s behalf. Gardner said she had recently prescribed Ambien to Story, and had done so in the past. She said Story had never reported any problems while taking Ambien. Gardner testified that in April 2008 a notice “came around for Ambien ... about complex sleep-related behaviors ... without a lot of detail.” But she said that there had been no studies showing that Ambien caused sleep driving. All the evidence suggesting that Ambien caused sleep driving were anecdotal. She mentioned that there had been one study by the manufacturer showing that sleep walking had occurred in one in one thousand cases when using Ambien. However, Gardner could not comment on the study because she had not read it.

... Judge MacDonald ruled that he would not take judicial notice that Ambien could cause sleep driving because the truth or accuracy of this purported fact was not readily ascertainable.

... Story’s attorney asked Judge MacDonald to take judicial notice of a number of Food and Drug Administration warnings and notices posted on the agency’s website, which indicated that the agency had received reports that Ambien can sometimes cause people to “sleep drive”— *i.e.*, cause them to operate a motor vehicle while remaining unaware of their surroundings, and unaware of the fact that they are operating a vehicle.

Judge MacDonald said that he was willing to take judicial notice that the Food and Drug Administration had posted or published these notices, but he declared that he would not take judicial notice of the truth of the underlying reports of sleep driving, nor would he take judicial notice that Ambien was the cause of this reported behavior. The judge’s ruling was correct.

Alaska Evidence Rule 201(b) specifies the rules that govern a judge’s authority to take judicial notice of facts—that is, a judge’s authority to recognize the truth of a fact, even though the proponent of this fact has not introduced any testimony or other evidence to support it.

Under Rule 201(b), a fact does not qualify for judicial notice unless it is “not subject to reasonable dispute” for one of two reasons: either the fact is generally known within the State of Alaska, or the fact is “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.”

We assume, as did Judge MacDonald, that in the absence of any indication that hackers had broken into the Food and Drug Administration’s web site and had posted false information there, it would be proper to take judicial notice of the fact that the FDA had *published* or *disseminated* reports or warnings of Ambien causing sleep driving—because the fact of publication could be verified by resort to a source (the FDA’s official web site) whose accuracy was not reasonably subject to question.

But Story did not ask Judge MacDonald to take judicial notice that such reports had been published. Rather, she asked Judge MacDonald to take judicial notice that the reports were true. As Judge MacDonald recognized, it would have been improper for him to take judicial notice of the truth of these reports. First, the reports were based on anecdotal evidence, not scientific studies. In other words, the FDA was simply warning health care providers (and consumers) that it had received reports that Ambien sometimes caused this behavior. The FDA was not endorsing the truth of these reports.

*7 But even if the FDA *had* endorsed the truth of these reports (for example, if the FDA had conducted or commissioned a study that showed that Ambien sometimes caused sleep driving), it still would have been improper for Judge MacDonald to take judicial notice that the results of the FDA’s study were true.”

Expert Testimony

Evid. R. 702 provides that a witness may testify as an expert if all of the following apply:

- (A) The witness’ testimony either relates to matters beyond the knowledge or experience possessed by lay persons or dispels a misconception common among lay persons;
- (B) The witness is qualified as an expert by specialized knowledge, skill, experience, training, or education regarding the subject matter of the testimony;
- (C) The witness’ testimony is based on reliable scientific, technical, or other specialized information...

Neither Webster’s nor Black’s has a definition for “Sleep Driving.” No recognized definition or description of “Sleep-Driving” was found. A reasonable conclusion is that the concept of “Sleep Driving” is beyond the knowledge or experience of lay persons and expert testimony is needed to explain the term.

Experts were unsuccessful in explaining the term to the court in *Gibson v. Sanofi-Aventis U.S., LLC*, W.D.KY., Civil Action No. 3:07CV-192-S, 2009 WL 3490454 (Oct. 27, 2009) where the court was un-impressed by the experts’ conclusions regarding “sleep-driving” finding that the conclusions reached by the experts did not rely on a matter of scientific, technical or specialized knowledge but was merely speculation:

“There is no question that Gibson had ingested Ambien® shortly before she drove her car into a utility pole. The precise causation question, however, is whether Gibson was in an Ambien-induced somnambulistic state when she drove her vehicle. The parties agree that there are no clinical studies linking the ingestion of Ambien® to the behavior of “sleep-driving.” Indeed, there is no recognized medical diagnosis of “sleep-driving.” Rather, it is a term used to describe a particular complex motor activity engaged in while in a state of somnambulism. The experts based

their conclusions that Gibson was probably “sleep-driving” on anecdotal reports of a number of other “sleep-driving” experiences. There is nothing “expert” about such a conclusion. This conclusion does not rely on a matter of scientific, technical, or other specialized knowledge which would assist the trier of fact to understand the evidence or determine a fact in issue. Fed.R.Evid. 702. The trier of fact could count the number of reported “sleep-driving” incidents if called upon to do so. However, this calculation does not establish a medical probability that “sleep-driving” occurred in this instance. The experts conclude that Gibson must have been in a somnambulistic state because at the time of the accident she had a mud mask on, curlers in her hair, and was not wearing her glasses. This is not a finding of medical causation, but rather sheer speculation void of any scientific basis. It has not been shown that “sleep-driving” induced by a prescribed dose of Ambien® is any more probable than the emergency room physician’s conclusion that she had fallen asleep at the wheel.”

Involuntary Act Defense

R.C. 2901.21(A) (1) provides that a person is not guilty of an offense unless the person’s liability is based on conduct that includes either a voluntary act, or an omission to perform an act or duty that the person is capable of performing. R.C. 2901.21(D)(2) provides that “Reflexes, convulsions, **body movements during unconsciousness or sleep**, and body movements that are not otherwise a product of the actor’s volition, are involuntary acts.”

Ohio courts have generally concluded that a defendant’s claim that her/his actions were involuntary because she/he was asleep or unconscious is in the nature of an affirmative defense. *State v. Mobley*, 5th Dist. No.2010-CA-0018, 2011-Ohio-309

The burden of going forward with the evidence of an affirmative defense, and the burden of proof, by a preponderance of the evidence, for an affirmative defense, is upon the accused. R.C. 2901.05(A)

Three cases in the 9th District Court of Appeals addressing the involuntary act defense are *State v Moine*, 72 Ohio App.3d 584 (9th Dist. 1991), *Akron v Peoples*, 9th Dist. No.25398, 2011-Ohio-579 and *State v Swiger*, 9th Dist. No. 26556, 2013-Ohio-3519.

Although the *Swiger* case involved the defense of NGRI the opinion recognizes that the involuntary act defense is available to refute the voluntary act of driving:

“{¶ 21} That conclusion also comports with the concept of voluntariness. As previously discussed, the “fundamental requirement” of the defendant having committed a voluntary act or omission “is entirely separate and distinct from the element of ‘culpability’ which must also be established for all non-strict liability crimes.” *Colon*, 1992 WL 64173, at *2. The law recognizes that a period of unconsciousness may relieve a defendant of criminal responsibility for any actions

Continued on next page...

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committed during that period, as the defendant's actions are not volitional. *See Peoples*, 2011–Ohio–579, at ¶ 18.”

“Sleep-Driving”

Whether “Sleep-Driving” is an involuntary act giving rise to the involuntary act defense will depend on the facts and expert testimony. Case examples include a 2013 case from the State of Oregon and a recent case in the Oberlin Municipal Court.

In *State v Newman*, 302 P.3d 435 (Or. 2013), the Oregon Supreme Court held that “Sleep-Driving” evidence must be permitted relevant to the act of driving in an OVI case:

“We conclude that the text, context, and legislative history of ORS 161.095(1) demonstrate a legislative intent to require that a defendant committed a voluntary act with respect to the driving element of DUII. This court's case law is not to the contrary. Although the courts below cited *Miller*, 309 Or. 362, 788 P.2d 974, in excluding defendant's proffered “sleep driving” evidence, *Miller* did not address the volitional act requirement of ORS 161.095(1). In *Miller*, the court examined how other statutes—namely ORS 161.095(2) and ORS 161.105—operate with respect to the offense of DUII in determining whether a defendant may be convicted of DUII without proof of a culpable mental state when under the influence of an intoxicant. The court concluded that the “being-under-the influence-of-an-intoxicant element of DUII, ORS 813.010, requires no proof of a culpable mental state.” *Id.* at 371, 788 P.2d 974. However, the court did not consider how the voluntary act requirement of ORS 161.095(1) applies to the driving element in a DUII prosecution. *Miller* simply did not address the issue of volitional driving presented in this case.

To summarize: We hold that the minimal voluntary act requirement of ORS 161.095(1) applies to the driving element of DUII in this case. Here, the trial court erred in not allowing defendant to adduce evidence that he was not conscious when he drove on the evening in question. The state was entitled to present evidence that defendant's drinking or other volitional act resulted in defendant driving his vehicle that evening. As noted, the state may also show a voluntary act with evidence that defendant had engaged in “sleep driving” prior to this incident and failed to take adequate precautions to remove access to his car keys. *See State v. Newman*, 353 Or. 632, 644–45 n. 4, 302 P.3d 435, 2013 WL 2370589 (2013).

III. DISPOSITION

As previously noted, the trial court concluded that defendant's sleepwalking evidence was irrelevant to any issue in controversy and therefore excluded the evidence. As *647 this court has explained, evidence is relevant “so long as it increases or decreases, even slightly, the probability of the existence of a fact that is of consequence to the determination of the action.” *State v. Barone*, 329 Or. 210, 238, 986 P.2d 5 (1999); *see also* OEC 401. Here, contrary to the trial court's ruling, defendant's proffered evidence was relevant as tending to show that defendant did not voluntarily drive his vehicle as required to establish liability for the offense of DUII. Thus, the trial court erred in excluding the evidence.”

In *State of Ohio v Erin M. Taylor*, Oberlin M.C. No.13TRC01964 (Nov. 29, 2013) Erin Taylor was charged with OVI. The allegation was that her impairment was the result of a drug of abuse. Ms. Taylor was prescribed Ambien for sleep. R.C. 3719.41(B)(49) includes Zolpidem (Ambien) as a schedule IV Depressant.

Ms. Taylor testified that the evening before the driving event she intended to lie down at 2:00 A.M. She remembers lying down. She took an over the counter pill – Unisom – at 1:00 A.M. to help her sleep. The Unisom pill did not work and at approximately 6:00 A.M. she took 2 ½ pills of Ambien (10mg each) and went back to bed. Ms. Taylor was scheduled to attend an event at 10:00 A.M. that morning but made a decision not to attend the event at the time she decided to take the Ambien.

Continued on next page...

The police received a report that Ms. Taylor was driving erratically and that her vehicle came to a rest past the stop bar in an intersection. Ms. Taylor was found by the police in an impaired state in her vehicle.

Sometime after she took the Ambien, but before she was confronted by police, Ms. Taylor drove her vehicle to a drug store where she filled an Ambien prescription. During the investigation three pills were found missing from the prescription bottle that she filled within an hour prior to the confrontation with the police. Ms. Taylor had no memory of driving or going to the drug store and filling a prescription. The first memory that Ms. Taylor had after taking the Ambien at 6:00 A.M. is sitting in the local Police Station several hours later.

Ms. Taylor recounted that she has been taking Ambien since October 2011. She started with 5 mg at a time but has increased the dosage over time because her body was getting use to the drug. She testified that she had been taking 25 mg for less than one month prior to the event. Ms. Taylor admitted that she had prior episodes of performing tasks after lying down to go to sleep after taking Ambien that she could not remember that she had awakened, including preparing meals and finding pills missing. Even so, she continued to take the Ambien until this event happened. There was no evidence that she had previously driven a vehicle without remembering driving.

Unlike the *Newman* case Ms. Taylor was not precluded from presenting evidence of the “Sleep-Driving” defense.

Albert E. Staubus, the defense expert, characterized Ms. Taylor’s behavior as “abnormal.” He explained that “It is believed that people who sleep-drive following the ingestion of Ambien probably did not get into their cars while they were asleep, but rather woke up and got into their cars for reasons that seemed important at the time and they just don’t remember waking up and getting into their cars...Ms. Taylor’s lack of memory of events from the time she took the Ambien and went to bed to the time she became aware of being at the police station is consistent with known amnesic effects of Ambien following incidents of sleep-driving associated with this medication.”

He concluded: “Had it not been for Ambien’s side effects, she would have been asleep in bed at around 10:00 a.m. that morning as she had intended. Had it not been for Ambien’s unusual side effect, Ms. Taylor would not have been arrested. In summary, it my opinion (sic) to a reasonable degree of scientific certainty that Ms. Taylor’s leaving her home, driving to CVS to refill her prescriptions, falling asleep at the stop light, and her arrest are consistent with Ms. Taylor experiencing the unusual side effect of her prescription medication Ambien when she took the Ambien after being unable to sleep until 6:00 a.m. on the morning of May 18, 2013.”

Albert E. Staubus, did not give evidence that Ms. Taylor was unconscious or asleep when she was driving the vehicle. Since there was no evidence that Ms. Taylor was unconscious or asleep while driving, the court concluded that the involuntary act defense was not supported by the evidence.

CONCLUSION

A person cannot be criminally responsible unless they commit a voluntary act. Reflexes, convulsions, and body movements during unconsciousness or sleep are not voluntary. A person may or may not be in a state of unconsciousness or sleep while “Sleep-Driving. There is no legal definition of “Sleep-Driving” and no statutory defense of “Sleep-Driving.” Whether it is scientifically and/or medically possible for a person to operate a vehicle while unconscious or asleep is a matter for experts who have specialized knowledge and training. Expert testimony is required to establish that a person was asleep or unconscious while driving to support the involuntary act defense with regard to operation of a vehicle.

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WEEKLY FYI:

NATIONAL NEWS:

- Renting Judges for Secret Rulings
- Supreme Court rules in favor of broad protections for whistleblowers
- Feds to end roadside breath testing without permission
- New Jersey moves to shut down Tesla sales despite protests

STATE NEWS:

- Too Many Requests for Public Records Rejected, Officials Say
- Keeping Courthouse Safe is Important Job
- Ohio Judicial Conference Legislation Status Sheet
- Jumping the Retirement Hurdle (Seminar)

Citizens Guide Brochure Series

The Ohio Judicial Conference has created a series of brochures to help judges inform the public about Ohio's judicial system. The series consists of eight tri-fold brochures with general information regarding aspects of the judicial system as well as one 25-page guide to small claims court.



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OHIO MOCK TRIAL MARCH MADNESS XXXI

JUSTICE JUDITH ANN LANZINGER
SUPREME COURT OF OHIO

The NCAA is not the only game in town. Ohio high schools had their own version of March Madness this past week when in the span of three days, 30 teams from across the state competed in the Ohio Center for Law-Related Education's 31st High School Mock Trial Competition.

Preliminaries had been conducted throughout the state, and winners advanced to the regional competitions. The state semi-finals began on Thursday, March 6 at the Franklin County Courthouse in Columbus with two teams advancing to the finals held Saturday at the Ohio Statehouse. Sylvania Southview High School in Lucas County and Orange High School in Cuyahoga County each won four consecutive trials to advance to the championship.

The mock trials this year focused on the First Amendment freedom of expression and Fourth Amendment protection against unreasonable search and seizure. The case pitted the school district against students who protested the district's signing the high school field's naming rights to a large corporation. The competing teams, coached by their volunteer legal advisors, presented their cases before a panel of two judges and two attorneys in a case written by a committee of volunteer attorneys.

The panel that presided over the championship after lengthy deliberations chose Sylvania Southview as the winner. Team member Yuran Chen was singled out for his outstanding performance as a plaintiff's attorney. This is the first time in 10 years that a Southview team has won the championship.

Beginning in 1983, The Mock Trial Program is Ohio's largest high school academic competition with more than 3,000 students participating each year. The case materials show students what a case is like and how it progresses throughout a trial and allow them to become attorneys and witnesses. We now have attorneys and at least one judge who actually got their first taste of law through by experiencing the mock trial program.

The Madness continues into May, when competition goes national in Madison, Wisconsin. Stay tuned, and we will update you on the outcome.

Good luck, Sylvania Southview! You carry the best wishes of your state. Do us proud!



This article originally appeared on the blog of Supreme Court of Ohio Justice Judith Ann Lanzinger



Draft

Judicial Election Candidates

Primary 2014

FT=Full Term
UT=Unexpired Term

The Numbers: 217 judicial elections
 81 contested judicial elections
 45 judicial elections with no incumbent standing for reelection

Court	Incumbent	Other Candidates	Elected Judge
Supreme Court			
Justice FT starting 1/1/15	Sharon L. Kennedy [R]	Tom Letson [D]	
Justice FT starting 1/2/15	Judith L. French [R]	John P. O'Donnell [D]	
1st District Court of Appeals			
FT starting 2/9/15	Lee H. Hilderbrandt, Jr. (not a candidate)	Russell J. Mock [R] Fanon A. Rucker [D]	
2nd District Court of Appeals			
FT starting 2/9/15	Jeffery E. Froelich [D]	Robert Vaughn [R]	
3rd District Court of Appeals			
FT starting 2/9/15	Vernon L. Preston [R]		
4th District Court of Appeals			
FT starting 2/9/15	Peter B. Abele [R]		
5th District Court of Appeals			
Ft starting 2/9/15	William B. Hoffman [D]		
UT ending 2/8/17	Craig R. Baldwin [R]	Natalie R. Haupt [D] Earle E. Wise, Jr. [D]	
6th District Court of Appeals			
FT starting 2/9/15	Thomas J. Osowik [D]		
FT starting 2/10/15	Arlene Singer [D]		
7th District Court of Appeals			
FT starting 2/9/15	Joseph J. Vukovich (not a candidate)	Anthony Donofrio [D] David Lee Engler [D] Carol Ann Robb [R]	
FT starting 2/10/15	Cheryl L. Waite [D]	Mark A. Hanni [D] Maureen A. Walsh [D]	
8th District Court of Appeals			
FT starting 2/9/15	Sean C. Gallagher [D]		
FT starting 2/10/15	Larry A. Jones [D]		
FT starting 2/11/15	Patricia Ann Blackmon [D]		
FT starting 2/12/15	Kenneth A. Rocco (not a candidate)	Brian J. Corrigan [D] Anita Laster Mays [D]	

Court	Incumbent	Other Candidates	Elected Judge
9th District Court of Appeals			
FT starting 2/9/15	Eve V. Belfance [D]	Julie A. Schafer [R]	
10th District Court of Appeals			
FT starting 2/9/15	John A. Connor (not a candidate)	Pat Beatty [R] Timothy S. Horton [D]	
FT starting 7/1/15	Lisa L. Sadler [R]		
UT ending 12/31/16	Amy O'Grady [R]	Jennifer L. Brunner [D]	
UT ending 2/9/19	Betsy Luper Schuster [R]	Mary Jo Kilroy [D]	
11th District Court of Appeals			
Ft starting 2/9/15	Timothy P. Cannon [D]	Patricia L. Winfield [D] Ron Tamburrino [R]	
FT starting 2/10/15	Cynthia Westcott Rice [D]	Geoffrey W. Weaver [R]	
12th District Court of Appeals			
FT starting 1/1/15	Robert P. Ringland [R]		
FT starting 2/9/15	Robert A. Hendrickson [R]		
Adams County <i>See also 4th District Court of Appeals</i>			
Allen County <i>See also 3rd District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Glenn H. Derryberry [D]	Carlene S. Huston-Kinworthy [R]	
Ashland County <i>See 5th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Damian Vercillo [R]		
Ashtabula County <i>See also 11th District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 1/1/15	Ronald W. Vettel (not a candidate)	Samuel L. Altier [D] Virginia K. Miller [D] Mariann Sezon [D] Harold E. Specht, Jr. [R]	
Common Pleas General & Domestic Relations Division FT starting 1/2/15	Gary L. Yost [R]		
Common Pleas General & Domestic Relations Division FT starting 2/9/15	Alfred W. Mackey (not a candidate)	Tom Brown [D] Thomas E. Harris [D] Ariana E. Tarighati [R]	
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Charles G. Hague (not a candidate)	Albert S. Camplese [D] Edith Hough [D] Christopher Altier [R]	
Athens County <i>See 4th District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 2/9/15	L. Alan Goldsberry (not a candidate)	William R. Biddlestone [D] Todd L. Grace [D] Pat Lang [D]	
Common Pleas General & Domestic Relations Division UT ending 12/31/16	George P. McCarthy [D]	Herman A. Carson [D]	
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Robert W. Stewart [R]		

Court	Incumbent	Other Candidates	Elected Judge
Auglaize County <i>See 3rd District Court of Appeals</i>			
Common Pleas Probate, Juvenile & Domestic Relations Division FT starting 2/9/15	Mark E. Spees [R]		
Belmont County <i>See also 7th District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 1/1/15	John M. Solovan, II (not a candidate)	John A. Vavra	
Common Pleas General & Domestic Relations Division FT starting 2/9/15	Frank Fregiato		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	J. Mark Costine		
Brown County <i>See 12th District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 2/9/15	Scott T. Gusweiler [R]		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Margaret Ann Clark (not a candidate)	Danny R. Bulp [R] Julie D. Steddom [D]	
Butler County <i>See also 12th District Court of Appeals</i>			
Common Pleas General Division FT starting 1/1/15	Jennifer Muench McElfresh [R]		
Common Pleas General Division FT starting 1/3/15	Charles Pater [R]		
Common Pleas General Division FT starting 2/9/15	Michael J. Sage (not a candidate)	Michael A. Oster [R] Ben Manning [R] Ronald B. James [R]	
Common Pleas Juvenile Division FT starting 1/2/15	Ronald Craft [R]		
Common Pleas Probate Division FT starting 2/9/15	Randy T. Rogers [R]		
Common Pleas Domestic Relations Division UT ending 1/3/17	Margot B. Halcomb [R]		
Carroll County <i>See also 7th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	John S. Campbell [D]		
Champaign County <i>See also 2nd District Court of Appeals</i>			
Common Pleas Probate, Juvenile & Domestic Relations Division FT starting 2/9/15	Lori Reisinger [R]		
Common Pleas Probate, Juvenile & Domestic Relations Division FT starting 2/10/15	Brett A. Gilbert [R]		
Clark County <i>See also 2nd District Court of Appeals</i>			
Common Pleas Probate Division FT starting 2/9/15	Richard P. Carey [R]		

Court	Incumbent	Other Candidates	Elected Judge
Clermont County <i>See also 12th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	James A. Shriver [R]		
Clinton County <i>See also 12th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	G. Allen Gano (not a candidate)	Chad L. Carey [R]	
Columbiana County <i>See also 7th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Thomas M. Baronzzi [R]		
Coshocton County <i>See 5th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Van Blanchard, II [R]		
Crawford County <i>See 3rd District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 2/9/15	Russell B. Wiseman (not a candidate)	Sean E. Leuthold [R] Robert Clark Neff, Jr. [D]	
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Steven D. Eckstein [D]		
Cuyahoga County <i>See also 8th District Court of Appeals</i>			
Common Pleas General Division FT starting 1/1/15	Michael J. Russo [D]		
Common Pleas General Division FT starting 1/2/15	Nancy A. Fuerst [D]		
Common Pleas General Division FT starting 1/3/15	Pamela A. Barker [R]	Sherri Miday [R]	
Common Pleas General Division FT starting 1/4/15	Nancy R. McDonnell [D]		
Common Pleas General Division FT starting 1/5/15	Brendan J. Sheehan [D]		
Common Pleas General Division FT starting 1/6/15	Robert C. McClelland [R]		
Common Pleas General Division FT starting 1/7/15	Nancy M. Russo [D]		
Common Pleas General Division FT starting 1/10/15	Richard J. McMonagle (not a candidate)	Shannon M. Gallagher [D] Mary E. Hall [D] Matthew A. McMonagle [R]	
Common Pleas General Division FT starting 2/9/15	Deena R. Calabrese [D]		
Common Pleas General Division UT ending 1/11/17	Joan Synenberg [R]		
Common Pleas Domestic Relations Division FT starting 1/8/15	Rosemary Grdina Gold [D]		
Common Pleas Domestic Relations Division FT starting 1/9/15	Leslie Ann Celebrezze [D]		
Common Pleas Domestic Relations Division UT ending 1/12/17	Janet R. Colaluca [R]	Francine Goldberg [D] John McIntyre [D] John Mayer [R]	
Common Pleas Probate Division FT starting 1/1/15	Anthony J. Russo [D]	Michael R. Sliwinski [R]	

Court	Incumbent	Other Candidates	Elected Judge
Common Pleas Probate Division FT starting 2/9/15	Laura J. Gallagher [D]		
Darke County See 2 nd District Court of Appeals			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Jason R. Aslinger[R]		
Defiance County See 3 rd District Court of Appeals			
Common Pleas General & Domestic Relations FT starting 2/9/15	Joseph N. Schmenk [R]		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Jeffrey A. Strausbaugh		
Delaware County See also 5 th District Court of Appeals			
Common Pleas General & Domestic Relations FT starting 2/9/15	W. Duncan Whitney (not a candidate)	David Gormley [R] Emmanuel Olawale [D]	
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Kenneth J. Spicer (not a candidate)	David Hejmanowski [R]	
Erie County See also 6 th District Court of Appeals			
Common Pleas General, Domestic Relations & Probate FT starting 2/9/15	Beverly K. McGookey [D]		
Fairfield County See also 5 th District Court of Appeals			
Common Pleas General Division FT starting 2/9/15	Chris A. Martin (not a candidate)	David Andrew Trimmer [R]	
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Terre L. Vandervoort [R]		
Fayette County See 12 th District Court of Appeals			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	David B. Bender [R]	Steven H. Eckstein [R]	
Franklin County See also 10 th District Court of Appeals			
Common Pleas General Division FT starting 1/1/15	Daniel T. Hogan (not a candidate)	Valoria Hoover [R] William H. Woods [D]	
Common Pleas General Division FT starting 2/9/15	David W. Fais (not a candidate)	Jenifer A. French [R] Thomas F. Hayes [D]	
Common Pleas General Division FT starting 7/2/15	Richard S. Sheward (not a candidate)	Fred Nelson [R] David Young [D]	
Common Pleas General Division FT starting 7/3/15	Tim Horton (not a candidate)	Chris Brown [D] John M. Gonzales [R]	
Common Pleas General Division UT ending 1/6/17	Colleen T. O'Donnell [R]	Monica Hawkins [D]	
Common Pleas Domestic Relations & Juvenile Division FT starting 1/2/15	Dana S. Puisse [R]	Mark A. McGinnis [D]	
Common Pleas Probate Division FT starting 2/9/15	Robert G. Montgomery [R]	Shawn Dingus [D]	

Court	Incumbent	Other Candidates	Elected Judge
Fulton County <i>See also 6th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Michael J. Bumb [R]		
Gallia County <i>See 4th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Thomas S. Moulton, Jr.		
Geauga County <i>See also 11th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Timothy P. Grendell [R]		
Greene County <i>See also 2nd District Court of Appeals</i>			
Common Pleas General Division FT starting 1/2/15	Steven A. Wolaver [R]		
Common Pleas Domestic Relations Division FT starting 1/1/15	Steven L. Hurley [R]	Mark J. Donatelli [R]	
Common Pleas Probate Division FT starting 2/9/15	Thomas M. O'Diam [R]		
Guernsey County <i>See 5th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Robert S. Moorehead (not a candidate)	David B. Bennett [R] Kent D. Biegler [D] Andy Warhola [D]	
Hamilton County <i>See also 1st District Court of Appeals</i>			
Common Pleas General Division FT starting 1/1/15	Melba D. Marsh [R]		
Common Pleas General Division FT starting 1/2/15	Norbert A. Nadel (not a candidate)	Patrick Dinkelacker [R] John M. Mereness [D]	
Common Pleas General Division FT starting 1/3/15	Kim Wilson Burke [R]		
Common Pleas General Division FT starting 1/4/15	Carl J. Stich, Jr. [R]	Pat Foley [D]	
Common Pleas General Division FT starting 2/9/15	Robert C. Winkler [R]		
Common Pleas General Division FT starting 2/10/15	Jerome J. Metz, Jr. [D]	Charles Miller [R]	
Common Pleas General Division FT starting 2/11/15	Beth A. Myers [R]		
Common Pleas General Division FT starting 2/12/15	Ethna M. Cooper [R]		
Common Pleas General Division FT starting 2/13/15	Charles J. Kubicki, Jr. [R]		
Common Pleas Domestic Relations Division FT starting 7/1/15	Elizabeth Mattingly [R]	Ray Pater [D]	
Common Pleas Juvenile Division FT starting 2/14/15	Vacant	Susannah M. Meyer [D] John M. Williams [R]	
Common Pleas Probate Division FT starting 2/9/15	James Cissel (not a candidate)	Charlie Luken [D] Ralph Winkler [R]	

Court	Incumbent	Other Candidates	Elected Judge
Hancock County <i>See also 3rd District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 1/1/15	Joseph H. Niemeyer		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Allan H. Davis (not a candidate)	Kristen K. Johnson	
Hardin County <i>See 3rd District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division UT ending 12/31/16	Scott N. Barrett		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Steven D. Christopher		
Harrison County <i>See also 7th District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 4/17/15	T. Shawn Hervey [R]	C. Adrian Pincola [D]	
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Matthew Puskarich [R]		
Henry County <i>See 3rd District Court of Appeals</i>			
Highland County <i>See also 4th District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 2/9/15	Rocky A. Coss [D]		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Kevin L. Greer [R]		
Hocking County <i>See also 4th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Richard M. Wallar (not a candidate)	Jonah M. Saving	
Holmes County <i>See also 5th District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 2/9/15	Robert D. Rinfret [D]		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Thomas C. Lee [R]		
Huron County <i>See also 6th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Timothy L. Cardwell [R]		
Jackson County <i>See also 4th District Court of Appeals</i>			
Common Pleas General Division UT ending 12/31/16	Christopher Regan [R]		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Stephen D. Michael [R]		

Court	Incumbent	Other Candidates	Elected Judge
Jefferson County <i>See 7th District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 1/1/15	David E. Henderson (not a candidate)	Craig Allen [D] Michelle Garcia Miller [D] Lydia D. Spragin [D]	
Common Pleas General & Domestic Relations Division FT starting 2/9/15	Joseph J. Bruzzese, Jr. [D]		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Samuel W. Kerr (not a candidate)	Joseph M. Corabi [D]	
Knox County <i>See 5th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	James M. Ronk (not a candidate)	Jennifer L. Springer [R] Jeffrey Williams [D]	
Lake County <i>See also 11th District Court of Appeals</i>			
Common Pleas General Division FT starting 1/5/15	Joseph Gibson (not a candidate)	Mitchell D'Amico [D] Ron Graham [D] Dennis N. LoConti [D] John P. O'Donnell [R]	
Common Pleas Domestic Relations Division FT starting 1/2/15	Colleen Falkowski [D]		
Common Pleas Juvenile Division FT starting 1/4/15	Karen D. Lawson [R]		
Common Pleas Probate Division FT starting 2/9/15	Mark J. Bartolotta [R]	Lisa Klammer [D]	
Lawrence County <i>See also 4th District Court of Appeals</i>			
Common Pleas Domestic Relations Division FT starting 2/9/15	D. Scott Bowling		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	David Payne		
Licking County <i>See also 5th District Court of Appeals</i>			
Common Pleas General Division FT starting 2/9/15	Thomas M. Marcelain [R]		
Common Pleas Domestic Relations Division FT starting 1/1/15	Richard P. Wright [R]		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Robert H. Hoover [R]		
Common Pleas Domestic Relations Division UT ending 12/31/16	Duke Frost [R]	Philip L. Proctor [D]	
Logan County <i>See 3rd District Court of Appeals</i>			
Common Pleas Probate, Juvenile & Domestic Relations Division FT starting 2/10/15	Michael L. Brady (not a candidate)	Bridget D. Hawkins Kim Kellogg-Martin Daniel J. LaRoche Eric C. Stewart	
Lorain County <i>See also 9th District Court of Appeals</i>			
Common Pleas Probate Division FT starting 2/9/15	James Walther [D]		

Court	Incumbent	Other Candidates	Elected Judge
Lucas County <i>See also 6th District Court of Appeals</i>			
Common Pleas General Division FT starting 2/9/15	Frederick McDonald (not a candidate)	Mark Davis [R] Ian English [D] Laura Restivo [D] Richard L. Roberts [D]	
Common Pleas General Division UT ending 1/1/17	Michael R. Goulding		
Common Pleas Domestic Relations Division FT starting 1/1/15	Norman G. Zimmelman (not a candidate)	Joe Clarke [R] John Coble [D] Jay Feldstein [D] Lisa McGowan [R]	
Common Pleas Juvenile Division FT starting 1/2/15	Denise Navarre Cubbon		
Common Pleas Probate Division FT 2/9/15	Jack R. Puffenberger		
Madison County <i>See 12th District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division UT ending 12/31/16	Eamon P. Costello		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Glenn S. Hamilton (not a candidate)	Christopher J. Brown Richard A. Dunkle	
Mahoning County <i>See also 7th District Court of Appeals</i>			
Common Pleas General Division FT starting 1/2/15	Maureen A. Sweeney [R]		
Common Pleas General Division FT starting 2/9/15	R. Scott Krichbaum [R]		
Common Pleas General Division FT starting 7/1/15	John M. Durkin [D]		
Common Pleas Domestic Relations Division FT starting 1/1/15	Beth A. Smith [D]		
Common Pleas Probate Division FT starting 2/9/15	Mark A. Belinky [D]	Christopher Sammarone [D] Susan Maruca [D]	
Marion County <i>See also 3rd District Court of Appeals</i>			
Common Pleas Probate, Juvenile and Domestic Relations Division FT starting 2/9/15	Robert Fragale		
Medina County <i>See also 9th District Court of Appeals</i>			
Common Pleas General Division FT starting 1/1/15	James L. Kimbler (not a candidate)	Mike Callow [R] Joyce V. Kimbler [D] Gary F. Werner [R]	
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Kevin W. Dunn [R]	David C. Sheldon [D]	
Meigs County <i>See also 4th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	L. Scott Powell		
Mercer County <i>See 3rd District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Mary Zitter		

Court	Incumbent	Other Candidates	Elected Judge
Miami County <i>See 2nd District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 2/9/15	Robert J. Lindeman (not a candidate)	Jeannine N. Pratt [R] Stacy M. Wall [R]	
Common Pleas Probate & Juvenile Division FT starting 2/9/15	W. McGregor Dixon, Jr. [R]		
Monroe County <i>See also 7th District Court of Appeals</i>			
Common Pleas Probate Division FT starting 2/9/15	Clifford N. Sickler [R]	James W. Peters [D]	
Montgomery County <i>See also 2nd District Court of Appeals</i>			
Common Pleas General Division FT starting 1/1/15	Barbara P. Gorman [D]		
Common Pleas General Division FT starting 1/2/15	Steven K. Dankof [D]		
Common Pleas General Division FT starting 1/3/15	Frances E. McGee [D]	Richard Skelton [R]	
Common Pleas General Division FT starting 7/1/15	Dennis J. Adkins [R]	Susan D. Solle [D]	
Common Pleas General Division FT starting 7/2/15	Mary Katherine Huffman [R]		
Common Pleas Probate Division FT starting 2/9/15	Alice McCollum [R]		
Morgan County <i>See also 5th District Court of Appeals</i>			
Common Pleas General, Domestic Relations, Probate & Juvenile Division FT starting 2/9/15	Dan Favreau [R]		
Morrow County <i>See also 5th District Court of Appeals</i>			
Muskingum County <i>See also 5th District Court of Appeals</i>			
Common Pleas General Division FT starting 1/1/15	Mark C. Fleegle [R]		
Common Pleas Domestic Relations Division FT starting 1/2/15	Jeffrey Hooper [R]		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Joseph A. Gormley (not a candidate)	Steven E. Buck [R] Maria N. Kalis [R] Eric D. Martin [R] Susan Montgomery McDonald [R]	
Noble County <i>See 7th District Court of Appeals</i>			
Common Pleas General, Domestic Relations, Probate & Juvenile Division FT starting 4/18/15	John W. Nau		
Ottawa County <i>See 6th District Court of Appeals</i>			
Common Pleas Domestic Relations Division FT starting 2/9/15	Bruce A. Winters (not a candidate)	Lorrain Croy [D]	
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Kathleen L. Giesler [D]		

Court	Incumbent	Other Candidates	Elected Judge
Paulding County <i>See also 3rd District Court of Appeals</i>			
Perry County <i>See also 5th District Court of Appeals</i>			
Common Pleas Domestic Relations Division Luann Cooperrider FT starting 2/9/15			
Pickaway County <i>See 4th District Court of Appeals</i>			
Common Pleas Domestic Relations Division Jan Michael Long [D] FT starting 2/9/15			
Pike County <i>See also 4th District Court of Appeals</i>			
Common Pleas Domestic Relations Division Robert N. Rosenberger [R] FT starting 2/9/15			
Portage County <i>See 11th District Court of Appeals</i>			
Common Pleas General Division FT starting 1/1/15	John A. Enlow (not a candidate)	Eugene L. Muldowney [D] Becky Doherty [R]	
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Thomas J. Carnes (not a candidate)	Bob Berger [D] David Brode [R] Thomas J. Freeman [D] Jonathan P. Jennings [R]	
Preble County <i>See also 12th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Wilfrid G. Dues (not a candidate)	Jenifer K. Overmyer [R]	
Putnam County <i>See also 3rd District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Michael A. Borer	Gary L. Lammers	
Richland County <i>See 5th District Court of Appeals</i>			
Common Pleas General Division FT starting 2/9/15	James DeWeese [D]		
Common Pleas Probate Division FT starting 2/9/15	Philip Alan B. Mayer [D]		
Ross County <i>See also 4th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Richard G. Ward (not a candidate)	Jeff Benson	
Sandusky County <i>See also 6th District Court of Appeals</i>			
Common Pleas Domestic Relations Division John P. Dewey [R] FT starting 1/1/15			
Common Pleas Domestic Relations Division FT starting 2/9/15	Barbara Ansted [R]	John Kolesar [D]	
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Bradley J. Smith [R]	Brad Culbert [R]	
Scioto County <i>See also 4th District Court of Appeals</i>			
Common Pleas General Division FT starting 1/1/15	William T. Marshall	Michael L. Jones	

Court	Incumbent	Other Candidates	Elected Judge
Common Pleas General Division FT starting 2/10/15	Howard H. Harcha, III		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	James W. Kirsch (not a candidate)	Russell D. Kegley Alan Lemons	
Seneca County <i>See 3rd District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Jay A. Meyer		
Shelby County <i>See also 3rd District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	William R. Zimmerman [R]		
Stark County <i>See also 5th District Court of Appeals</i>			
Common Pleas General Division FT starting 1/1/15	Kristen G. Farmer [R]		
Common Pleas General Division FT starting 1/4/15	Frank G. Forchione [D]		
Common Pleas General Division FT starting 2/9/15	Taryn L. Heath [D]		
Common Pleas General Division UT ending 1/1/17	Curt Werren [R]	Chryssa N. Hartnett [D]	
Common Pleas Probate Division FT starting 2/9/15	Dixilene N. Park [R]		
Summit County <i>See also 9th District Court of Appeals</i>			
Common Pleas General Division FT starting 1/2/15	Tamara A. O'Brien	Ron Cable	
Common Pleas General Division FT starting 1/3/15	Lynn S. Callahan	Tavia Baxter Galonski	
Common Pleas General Division FT starting 1/5/15	Alison McCarty	Lisa Dean	
Common Pleas General Division FT starting 1/6/15	Mary Margaret Rowlands	Beth Whitmore	
Common Pleas General Division FT starting 2/9/15	Christine Croce	John Clark	
Common Pleas General Division FT starting 5/1/15	Tom Parker	Rob McCarty	
Common Pleas General Division UT ending 1/4/17	Jane M. Davis	Jon Oldham	
Common Pleas Domestic Relations Division FT starting 1/4/15	John P. Quinn	Katarina Cook	
Common Pleas Juvenile Division FT starting 1/1/15	Linda Tucci Teodosio	Jill Flagg Lanzinger	
Common Pleas Probate Division FT starting 2/9/15	Elinore Marsh Stormer	Kandi S. O'Connor	
Trumbull County <i>See also 11th District Court of Appeals</i>			
Common Pleas General Division FT starting 1/1/15	Peter J. Kontos [D]		
Common Pleas Probate Division FT starting 2/9/15	Thomas A. Swift (not a candidate)	William M. Flavares [D] James A. Fredericka [D] Patricia Leopardi Knepp [D]	

Court	Incumbent	Other Candidates	Elected Judge
Tuscarawas County <i>See also 5th District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 1/2/15	Edward E. O'Farrell [D]		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Linda A. Kate [D]	Robert B. Preston, III [R]	
Union County <i>See 3rd District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 2/9/15	Don W. Fraser [R]		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Charlotte Coleman Eufinger [D]		
Van Wert County <i>See also 3rd District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Kevin H. Taylor		
Vinton County <i>See also 4th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	N. Robert Grillo [R]		
Warren County <i>See also 12 District Court of Appeals</i>			
Common Pleas General Division FT starting 2/9/15	James Flannery (not a candidate)	Craig Newburger [D] Robert Peeler [R] Andrew L. Sievers [R] Roger D. Staton [L] Ben Yoder [R]	
Common Pleas Probate & Juvenile Division FT starting 2/9/15	James W. Kirby [R]		
Washington County <i>See also 4th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Timothy A. Williams		
Wayne County <i>See 9th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Latecia Wiles [R]		
Williams County <i>See also 6th District Court of Appeals</i>			
Common Pleas Probate & Juvenile Division FT starting 2/9/15	Steven R. Bird [R]		
Wood County <i>See also 6th District Court of Appeals</i>			
Common Pleas General & Domestic Relations Division FT starting 1/1/15	Alan Mayberry [R]		
Common Pleas Probate & Juvenile Division FT starting 2/9/15	David E. Woessner [R]		
Wyandot County <i>See 3rd District Court of Appeals</i>			

SUPREME COURT OF OHIO JUDICIAL COLLEGE

COURSE SCHEDULE

(for Judges, Magistrates, Acting Judges, Court Personnel, Judicial Candidates)

April 2014

2	Wed	Guardian ad Litem Pre Service Course (3 of 9)	Guardians ad Litem	Embassy Suites Blue Ash - Cincinnati
4	Fri	Judicial and Professional Conduct Course	Judges & Magistrates	TBD
10	Thu	Ohio Jury Management Association	Judges & Court Personnel	Thomas J. Moyer Ohio Judicial Center - Columbus
10 - 11	Thu - Fri	Capital Cases	Judges	Embassy Suites - Columbus
15	Tue	Guardian ad Litem Continuing Education Course (1 - 4:30 p.m.)	Guardians ad Litem	Quest Conference Center - Columbus
16	Wed	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Quest Conference Center - Columbus
28 - 2	Mon - Fri	New Judges Orientation Part II	New Judges	Marriott NW, Dublin - Columbus
30 - 2	Wed - Fri	Ohio Association of Magistrates (OAM) Spring Conference	Magistrates*	Quail Hollow Resort - Painesville

May 2014

6	Tue	Guardian ad Litem Continuing Education Course (1 - 4:30 p.m.)	Guardians ad Litem	Holiday Inn Strongsville - Cleveland
7	Wed	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Holiday Inn Strongsville - Cleveland
9	Fri	Sex Offender Management Course	Probation Officers	Quest Conference Center - Columbus
12 - 16	Mon - Fri	Probation Officer Academy Firearms Course	Probation Officers	OPOTA - London
13	Tue	Guardian ad Litem Pre Service Course (4 of 9)	Guardians ad Litem	Quest Conference Center - Columbus
16	Fri	Municipal/Common Pleas Course (1 of 2)	Magistrates	Crowne Plaza North - Columbus
29	Thu	Guardian ad Litem Continuing Education Course (1 - 4:30 p.m.)	Guardians ad Litem	Embassy Suites Blue Ash - Cincinnati
30	Fri	Civil Procedure By The Numbers	Judges & Magistrates	Embassy Suites Airport - Columbus
30	Fri	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Embassy Suites Blue Ash - Cincinnati

June 2014

6	Fri	Technology Course	Judges & Magistrates	Columbus
10	Tue	Guardian ad Litem Continuing Education Course (1 - 4:30 p.m.)	Guardians ad Litem	Quest Conference Center - Columbus
11	Wed	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Quest Conference Center - Columbus

June 2014

12	Thu	Judicial Candidates Seminar (1:30 - 3:30 p.m.)	Judicial Candidates	Thomas J. Moyer Ohio Judicial Center - Columbus
13	Fri	Municipal/Common Pleas Course (2 of 2)	Judges & Magistrates	Holiday Inn Strongsville - Cleveland
17 - 19	Tue - Thu	Ohio Association of Probate/Domestic Relations/Juvenile Judges Summer Conference	Judges*	Hilton Easton - Columbus
18 - 20	Wed - Fri	Ohio Common Pleas Judges Association (OCPJA) Summer Conference	Judges*	Dayton Marriott
24	Tue	Guardian ad Litem Pre Service Course (5 of 9)	Guardians ad Litem	Hilton Garden Perrysburg - Toledo
26 - 27	Thu - Fri	Juvenile Court Clerks Conference	Juvenile Court Clerks	Embassy Suites Airport - Columbus

July 2014

9	Wed	Guardian ad Litem Continuing Education Course (1 - 4:30 p.m.)	Guardians ad Litem	Ohio University Inn - Athens
9 - 11	Wed - Fri	Court Management Program (CMP) 2017 Level II: Essential Components	CMP 2017 Class	Embassy Suites Dublin - Columbus
10	Thu	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Ohio University Inn - Athens
14 - 16	Mon - Wed	Association of Municipal & County Judges of Ohio (AMCJO) Summer Conference	Judges*	Sawmill Creek - Huron
16	Wed	Leadership Series (1 of 2)	Court Personnel	Quest Conference Center - Columbus
17	Thu	Leadership Series (2 of 2)	Court Personnel	Quest Conference Center - Columbus
29	Tue	Guardian ad Litem Continuing Education Course (1 - 4:30 p.m.)	Guardians ad Litem	Holiday Inn Boardman - Youngstown
30	Wed	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Holiday Inn Boardman - Youngstown

August 2014

6	Wed	Guardian ad Litem Pre Service Course (6 of 9)	Guardians ad Litem	Quest Conference Center - Columbus
14	Thu	Judicial Candidates Seminar (1:30 - 3:30 p.m.)	Judicial Candidates	Thomas J. Moyer Ohio Judicial Center - Columbus
15	Fri	2014 Probate Course	Judges & Magistrates	Columbus
15	Fri	Delinquency Course (1 - 3:45 p.m.)	Judges & Magistrates	Video Teleconference
20	Wed	Guardian ad Litem Continuing Education Course (1 - 4:30 p.m.)	Guardians ad Litem	Quest Conference Center - Columbus
21	Thu	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Quest Conference Center - Columbus
22	Fri	Computer Lab	Judges & Magistrates	Thomas J. Moyer Ohio Judicial Center - Columbus

August 2014

27	Wed	Ohio Courts of Appeals Judges Association (OCAJA) Fall Conference	Judges*	Hilton Easton - Columbus
28 - 29	Thu - Fri	Ohio Judicial Conference Annual Meeting	Judges*	Hilton Easton - Columbus
29	Fri	Court Reporter Course	Court Personnel	Columbus

September 2014

9	Tue	Guardian ad Litem Pre Service Course (7 of 9)	Guardians ad Litem	Holiday Inn Strongsville - Cleveland
10 - 12	Wed - Fri	Court Management Program (CMP) 2014 Scarlet Class: Purposes	CMP Class of 2014 A	Thomas J. Moyer Ohio Judicial Center - Columbus
12	Fri	Abuse, Neglect & Dependency (1 - 3:45 p.m.)	Judges & Magistrates	Video Teleconference
12	Fri	Criminal Procedure By the Numbers: Part II	Judges & Magistrates	Embassy Suites Airport - Columbus
17	Wed	Guardian ad Litem Continuing Education Course (1 - 4:30 p.m.)	Guardians ad Litem	Holiday Inn Fairborn - Dayton
17 - 19	Wed - Fri	Court Management Program (CMP) 2016 Class: Caseflow	CMP 2016 Class	Embassy Suites Airport - Columbus
18	Thu	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Holiday Inn Fairborn - Dayton
19	Fri	Acting Judge Course (2 of 4)	Acting Judges	Holiday Inn Fairborn - Dayton
23	Tue	Leadership Series (1 of 2)	Court Personnel	Quest Conference Center - Columbus
24	Wed	Leadership Series (2 of 2)	Court Personnel	Quest Conference Center - Columbus

October 2014

1 - 3	Wed - Fri	Ohio Association of Magistrates (OAM) Fall Conference	Magistrates*	Crowne Plaza North - Columbus
7	Tue	Guardian ad Litem Continuing Education Course (1 - 4:30 p.m.)	Guardians ad Litem	Holiday Inn French Quarter - Toledo
8	Wed	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Holiday Inn French Quarter - Toledo
8	Wed	Verbal Defensive Tactics (2 of 2)	Probation Officers	Crowne Plaza North - Columbus
8 - 10	Wed - Fri	Court Management Program (CMP) 2014 Gray Class: HR	CMP Class of 2014 B	Thomas J. Moyer Ohio Judicial Center - Columbus
9	Thu	Basic Defensive Tactics (2 of 2)	Probation Officers	Ohio State Highway Patrol Academy - Columbus
9	Thu	U.S. Constitutional Law	Judges & Magistrates	Cleveland
10	Fri	Advanced Defensive Tactics (2 of 2)	Probation Officers	Ohio State Highway Patrol Academy - Columbus
10	Fri	Judicial Conduct Seminar	Judges	Cleveland
17	Fri	Acting Judge Course (3 of 4)	Acting Judges	Holiday Inn Strongsville - Cleveland

October 2014

17	Fri	Juvenile Traffic (1 - 3:45 p.m.)	Judges & Magistrates	Video Teleconference
22	Wed	Guardian ad Litem Pre Service Course (8 of 9)	Guardians ad Litem	Holiday Inn Boardman - Youngstown
24	Fri	Municipal/Common Pleas Course (1 - 3:45 p.m.)	Judges & Magistrates	Video Teleconference
28	Tue	Guardian ad Litem Continuing Education Course (1 - 4:30 p.m.)	Guardians ad Litem	Holiday Inn Strongsville - Cleveland
29	Wed	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Holiday Inn Strongsville - Cleveland

November 2014

7	Fri	Paternity, Custody & Child Support (1 - 3:45 p.m.)	Judges & Magistrates	Video Teleconference
13	Thu	Acting Judge Course (4 of 4)	Acting Judges	Columbus
14	Fri	Evidence	Judges & Magistrates	Embassy Suites Dublin - Columbus
18	Tue	Guardian ad Litem Continuing Education Course (1 - 4:30 p.m.)	Guardians ad Litem	Embassy Suites Blue Ash - Cincinnati
18 - 19	Tue - Wed	Court Executive Team Seminar Part II	Judges & Court Personnel	Embassy Suites Airport - Columbus
19	Wed	2014 Probate Course (1 - 3:45 p.m.)	Judges & Magistrates	Video Teleconference
19	Wed	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Embassy Suites Blue Ash - Cincinnati

December 2014

2	Tue	Guardian ad Litem Pre Service Course (9 of 9)	Guardians ad Litem	Quest Conference Center - Columbus
2	Tue	Ohio Association of Domestic Relation Judges (OADRJ) Winter Seminar	Judges*	Embassy Suites Dublin - Columbus
3 - 5	Wed - Fri	Ohio Common Pleas Judges Association (OCPJA) Winter Meeting	Judges*	Embassy Suites Dublin - Columbus
4 - 5	Thu - Fri	Ohio Association of Juvenile Court Judges (OAJCJ) Winter Meeting	Judges*	Columbus
5	Fri	Magistrate Ethics (1 - 3:45 p.m.)	Magistrates	Video Teleconference
8 - 12	Mon - Fri	New Judges Orientation Part I	New Judges	Embassy Suites Dublin - Columbus
16	Tue	Guardian ad Litem Continuing Education Course (1 - 4:30 p.m.)	Guardians ad Litem	Quest Conference Center - Columbus
17	Wed	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Quest Conference Center - Columbus

PLEASE NOTE:

To view the Judicial College homepage for course calendars and additional information, please visit www.supremecourt.ohio.gov/Boards/judCollege/default.aspx.

To register for a Judicial College course or to view a course announcement, please visit our online registration site at www.judicialedcademy.ohio.gov

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