

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

State v. Church

2025-Ohio-5808 · No. 25CA000035 · Decided December 29, 2025

SUMMARY

The Fifth District Court of Appeals of Ohio dismissed William D. Church's appeal from the denial of his motion for the trial judge to recuse himself. The court held that the trial court lacked jurisdiction to decide the recusal motion and that an affidavit of disqualification filed with the Ohio Supreme Court is the exclusive means of seeking judicial disqualification under Ohio law.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	Andrew J. King; Kevin W. Popham; David M. Gormley
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District
DECIDED	December 29, 2025
DOCKET	25CA000035
DISPOSITION	dismissed
PROCEDURAL POSTURE	Church appealed the Guernsey County Court of Common Pleas's denial of his motion seeking recusal of the common pleas judge.
STANDARD OF REVIEW	Jurisdictional review; the court independently determined whether the trial court's recusal ruling was appealable and whether either court had jurisdiction.
PRECEDENTIAL VALUE	Published opinion
PARTIES	William D. Church v. State of Ohio

TOPICS

- appellate jurisdiction
- appellate procedure
- criminal procedure

PRACTICE AREAS

- Ohio criminal procedure
- judicial disqualification
- appellate jurisdiction

QUESTIONS PRESENTED

- Whether a common pleas judge's denial of a motion for recusal is an appealable order.

2. Whether the court of appeals had jurisdiction to review the denial of Church's recusal motion.

HOLDINGS

1. A trial court judge's denial of a motion to recuse is not an appealable order.
2. The court of appeals lacked jurisdiction to address Church's assignment of error because the common pleas court lacked jurisdiction to act on the recusal motion.

KEY QUOTATIONS

“A trial court judge's denial of a motion to recuse is not an appealable order.” (¶ 2)

“When an affiant alleges bias or prejudice as Church did here, the filing of an affidavit of disqualification with the Ohio Supreme Court pursuant to R.C. 2701.03 is the exclusive lawful means of seeking recusal of a judge.” (¶ 2)

FACTUAL BACKGROUND

William D. Church was a defendant in a criminal case in the Guernsey County Court of Common Pleas. He filed a pro se motion asking Judge Daniel Padden to recuse himself based on alleged bias or prejudice. After the trial court denied the motion, Church appealed and also filed an affidavit of disqualification with the Ohio Supreme Court.

PROCEDURAL HISTORY

Church moved in the Guernsey County Court of Common Pleas for Judge Daniel Padden to recuse himself. The common pleas court denied the motion on September 15, 2025. Church appealed, but the court of appeals dismissed the appeal because the trial court lacked jurisdiction to decide the recusal motion and the appellate court consequently lacked jurisdiction to review it. Church separately filed an affidavit of disqualification with the Ohio Supreme Court, which dismissed that filing because the underlying case was not pending before Judge Padden.

DISPOSITION

dismissed

CASES CITED

- Beer v. Griffith, 54 Ohio St. 2d 440, 441-442 (1978)

OPINION

State v. Church

2025 Ohio 5808

PER CURIAM.

[Cite as State v. Church, 2025-Ohio-5808.]

COURT OF APPEALS

GUERNSEY COUNTY, OHIO

FIFTH APPELLATE DISTRICT

STATE OF OHIO Case No. 25CA000035 Plaintiff - Appellee Opinion And Judgment Entry -vs-
Appeal from the Court of Common Pleas, Case No. 23CR125

WILLIAM D. CHURCH

Judgment: Dismissed Defendant – Appellant Date of Judgment Entry: December 29, 2025

BEFORE: Andrew J. King; Kevin W. Popham; David M. Gormley, Appellate Judges

APPEARANCES: WILLIAM D. CHURCH, PRO SE, for Defendant-Appellant. King, J. {¶ 1}

Defendant-Appellant William Church appeals the September 15, 2025 judgment of the Guernsey County Common Pleas Judge Daniel Padden which denied Church's pro-se motion for Judge Padden to recuse himself from Church's case. We find the Court of Common Pleas was without jurisdiction to act upon Church's motion, and therefore this court is without jurisdiction to address Church's assignment of error. {¶ 2} A trial court judge's denial of a motion to recuse is not an appealable order. When an affiant alleges bias or prejudice as Church did here, the filing of an affidavit of disqualification with the Ohio Supreme Court pursuant to R.C. 2701.03 is the exclusive lawful means of seeking recusal of a judge. R.C. 2701.03(A) directs: (A) If a judge of the court of common pleas allegedly is interested in a proceeding pending before the court, allegedly is related to or has a bias or prejudice for or against a party to a proceeding pending before the court or a party's counsel, or allegedly otherwise is disqualified to preside in a proceeding pending before the court, any party to the proceeding or the party's counsel may file an affidavit of disqualification with the clerk of the supreme court in accordance with division (B) of this section. {¶ 3} On September 22, 2025, Church did file an affidavit of disqualification with the Ohio Supreme Court. On Affidavit of Disqualification State of Ohio v. William D. Church, 25-AP-144. On September 24, 2025, the Court found Church had failed to establish that the underlying case was pending before Judge Padden and dismissed the affidavit of disqualification. That being true, this court is also without jurisdiction to address Church's appeal. *Beer v. Griffith*, 54 Ohio St.2d 440, 441-442 (1978). Accordingly, we dismiss the appeal. For the reasons stated in our accompanying Opinion, the appeal is dismissed. Costs to Appellant. By: King, P.J. Popham, J. and Gormley, J. concur.