

SUPREME COURT OF OHIO

In re Disqualification of Huffman

135 Ohio St. 3d 1296, 2013-Ohio-1615 (Ohio 2013) · No. 13-AP-024 · Decided April 2, 2013

SUMMARY

The Supreme Court of Ohio denied Gregory Leet’s affidavit seeking to disqualify Judge Mary Katherine Huffman from presiding over proceedings on his new trial. The court held that Leet’s vague allegations regarding treatment of witnesses and the judge’s sentencing comments did not establish bias, prejudice, or an appearance of partiality warranting disqualification.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Maureen O'Connor, Chief Justice
JURISDICTION	Ohio
DECIDED	April 2, 2013
DOCKET	13-AP-024
DISPOSITION	other
PROCEDURAL POSTURE	Gregory Leet filed an affidavit of disqualification under R.C. 2701.03 seeking to disqualify Judge Mary Katherine Huffman from presiding over further proceedings in his criminal case, which was pending for a new trial.
STANDARD OF REVIEW	The affiant bears the burden of submitting sufficient evidence and argument to demonstrate that disqualification is warranted. Disqualification requires compelling evidence overcoming the presumptions that a judge follows the law and is not biased; the question is whether a reasonable and well-informed observer would harbor serious doubts about the judge's impartiality or ability to preside fairly.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion
PARTIES	Gregory Leet

TOPICS

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PRACTICE AREAS

judicial disqualification

criminal procedure

sentencing

QUESTIONS PRESENTED

1. Whether Leet established grounds under R.C. 2701.03 to disqualify Judge Huffman based on alleged disparate treatment of witnesses during the first trial.
2. Whether Judge Huffman's critical comments at Leet's original sentencing hearing created an appearance of bias or prejudice requiring her disqualification from presiding over the new trial.

HOLDINGS

1. Vague and unsubstantiated allegations that a judge treated one side's witnesses differently from the other's are insufficient to establish bias or prejudice or warrant judicial disqualification.
2. Harsh, critical, or disapproving comments made by a sentencing judge ordinarily do not establish bias or prejudice requiring disqualification when the comments are based on matters properly considered in sentencing.
3. The appearance of partiality was not established because no reasonable and well-informed observer would harbor serious doubts about Judge Huffman's impartiality or ability to set aside her prior opinions and preside fairly over the new trial.

KEY QUOTATIONS

“Accordingly, a trial judge’s harsh comments to a defendant during sentencing will not ordinarily lead to disqualification.” (¶ 6)

“Based on this record, no reasonable and well-informed observer would harbor serious doubts about Judge Huffman’s impartiality or question her ability to put aside her previous opinions and preside fairly over the new trial.” (¶ 7)

“A judge is presumed to follow the law and not to be biased, and the appearance of bias or prejudice must be compelling to overcome these presumptions.” (¶ 8)

FACTUAL BACKGROUND

During Gregory Leet's first trial, he alleged that Judge Mary Katherine Huffman treated the State's witnesses more favorably than his witnesses. At his initial sentencing hearing, Judge Huffman described his conduct as racially motivated, criticized his lack of remorse, and stated that he took no responsibility for his behavior. The case was pending for a new trial, and Judge Huffman stated that her comments were based on trial testimony and the statutory seriousness and recidivism factors considered at sentencing, while acknowledging Leet's entitlement to a new trial and presumption of innocence.

PROCEDURAL HISTORY

Leet was convicted and sentenced in the Montgomery County Court of Common Pleas. After the case was remanded or otherwise proceeded to a new trial posture, Leet sought Judge Huffman's disqualification based on

her treatment of witnesses and comments at the original sentencing hearing. Judge Huffman responded and submitted a video of the sentencing hearing; the Supreme Court of Ohio denied the affidavit.

DISPOSITION

other

REMAND INSTRUCTIONS

The affidavit of disqualification was denied, and the case could proceed before Judge Huffman.

CASES CITED

- In re Disqualification of Walker, 36 Ohio St. 3d 606, 522 N.E.2d 460 (1988)
- In re Disqualification of Mitrovich, 101 Ohio St. 3d 1214, 2003-Ohio-7358, 803 N.E.2d 816, ¶ 4
- Connecticut v. Rizzo, 303 Conn. 71, 128-129, 31 A.3d 1094 (2011)
- United States v. Pearson, 203 F.3d 1243, 1278 (10th Cir. 2000), cert. denied, 530 U.S. 1268, 120 S. Ct. 2734, 147 L. Ed. 2d 995 (2000)
- United States v. Bakker, 925 F.2d 728, 740 (4th Cir. 1991)
- Liteky v. United States, 510 U.S. 540, 550-551, 114 S. Ct. 1147, 127 L. Ed. 2d 474 (1994)
- In re Disqualification of Winkler, 135 Ohio St. 3d 1271, 2013-Ohio-890, ¶¶ 11-14
- In re Disqualification of Lewis, 117 Ohio St. 3d 1227, 2004-Ohio-7359, 884 N.E.2d 1082, ¶ 8
- In re Disqualification of George, 100 Ohio St. 3d 1241, 2003-Ohio-5489, 798 N.E.2d 23, ¶ 5