

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, EX REL.  
JOHN DOE AND JANE DOE  
c/o Michael R. Voorhees  
Counsel for Relators  
11159 Kenwood Road  
Cincinnati, Ohio 45242

Relators

v.

JUDGE THOMAS J. CAPPER  
Clark County Common Pleas Court  
Domestic Relations Division  
Juvenile Section  
101 North Limestone Street  
Springfield, Ohio 45502

Respondent

CASE NO. 2012-0133

ORIGINAL ACTION IN PROHIBITION

EXPEDITED: This action involves the  
adoption of a minor - S.Ct.Prac.R. 10.10

FILED  
MAR 13 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

STATEMENT OF FACTS AND NOTICE OF FILING OF PRESENTATION OF  
EVIDENCE/EXHIBITS BY RELATORS, JOHN AND JANE DOE

Michael R. Voorhees (0039293)  
Voorhees & Levy LLC  
11159 Kenwood Road  
Cincinnati, Ohio 45242  
Telephone: (513) 489-2555  
Facsimile: (513) 489-2556  
[mike@ohioadoptionlawyer.com](mailto:mike@ohioadoptionlawyer.com)

Counsel for Relators, John and Jane Doe

Andrew P. Pickering (0068770)  
Assistant Prosecuting Attorney  
Clark County Prosecutor  
50 E. Columbia Street, 4<sup>th</sup> Floor  
P.O. Box 1608  
Springfield, Ohio 45501  
Telephone: (937) 521-1770  
Facsimile: (937) 328-2657  
[apickering@clarkcountyohio.gov](mailto:apickering@clarkcountyohio.gov)

Counsel for Respondent, Judge Capper

RECEIVED  
MAR 13 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

Now come the Relators, John and Jane Doe, by and through counsel, and pursuant to S.Ct.Prac.R. 10.7 hereby submit the following statement of facts:

1. Original jurisdiction is proper in this Court pursuant to Ohio Const. Art. IV § 2(B)(1)(d).
2. Relators John Doe and Jane Doe are not residents of the State of Ohio and are the adoptive parents of the child (the "Child"), who is the subject of Case Number 2010-JUV-0536 of the Clark County Common Pleas Court, Domestic Relations Division, Juvenile Section.
3. The Child and the Relators were subject to adoption proceedings in the State of Ohio, which were finalized on May 26, 2010. No putative father registered with the Ohio Putative Father Registry and his consent to the adoption of the Child was not required, as a matter of law, pursuant to R. C. 3107.07(B)(1). The adoption was finalized on May 26, 2010 (redacted copy of the final decree is attached as Exhibit A).
4. Respondent Judge Thomas J. Capper is and at all relevant times has been the Judge of the Clark County Common Pleas Court, Domestic Relations Division, Juvenile Section in Clark County, Ohio.
5. The Child, whose birth-name and current name are confidential under R.C. 3107.17, was born on November 13, 2009 in Dayton, Ohio. The unmarried birth-mother of the Child placed the Child for adoption when the Child was three days old. At the time of the Child's birth, the birth-mother was the sole legal parent of the Child and was the one and only person who had the legal authority to place the Child for adoption.
6. On October 6, 2010, a Complaint to Establish Paternity was filed in the Clark County Juvenile Court under Case Number 2010-JUV-0536 by Todd (Tad) S. Roccaro (redacted copy is attached as Exhibit B).

7. Todd (Tad) S. Roccaro later filed a Consent to Jurisdiction (redacted copy is attached as Exhibit C).

8. Respondent made orders in this matter by the Court's Entry dated November 9, 2011 (redacted copy is attached as Exhibit D).

Respectfully submitted,

*Michael R. Voorhees*

---

Michael R. Voorhees (0039293)  
Voorhees & Levy LLC  
11159 Kenwood Road  
Cincinnati, Ohio 45242  
(513) 489-2555 phone  
(513) 489-2556 fax  
[mike@ohioadoptionlawyer.com](mailto:mike@ohioadoptionlawyer.com)

Counsel for Relators, John and Jane Doe

---

**RELATORS' EXHIBIT LIST WITH EXHIBITS ATTACHED**

---

Now come the Relators, John and Jane Doe, by and through counsel, and pursuant to the Court's briefing schedule filed February 24, 2012, hereby submit the attached evidence in the form of exhibits and referenced records and the Affidavit of Counsel verifying these to be true and accurate copies. The Affidavit and the Exhibits referenced below are attached and are hereby incorporated herein by reference.

Respectfully submitted,



---

Michael R. Voorhees (0039293)  
Voorhees & Levy LLC  
11159 Kenwood Road  
Cincinnati, Ohio 45242  
(513) 489-2555 phone  
(513) 489-2556 fax  
[mike@ohioadoptionlawyer.com](mailto:mike@ohioadoptionlawyer.com)

Counsel for Relators, John and Jane Doe

**List of Exhibits**

- A. Redacted copy of the final adoption decree dated May 26, 2010.
- B. Redacted copy of Complaint to Establish Paternity filed in the Clark County Juvenile Court under Case Number 2010-JUV-0536 by Todd (Tad) S. Roccaro on October 6, 2010.
- C. Redacted copy of Consent to Jurisdiction filed by Tad S. Roccaro in June 2011.
- D. Redacted copy of Respondent's Entry dated November 9, 2011.