

IN THE SUPREME COURT OF OHIO

[State of Ohio ex rel.]  
RODNEY D. ZEUNE,

Relator,

v.

THE HONORABLE JOHN  
BENDER, FRANKLIN COUNTY  
COURT OF COMMON PLEAS,

Respondent.

Case No. 2012-0555

Original Action in Mandamus

**ANSWER OF RESPONDENT THE HONORABLE JOHN BENDER**

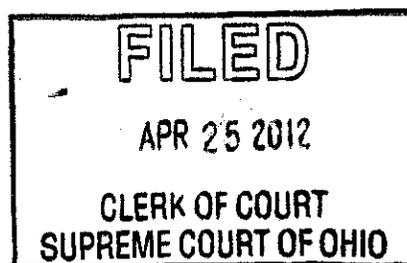
For his response to the complaint filed herein, Respondent, the Honorable John Bender, states the following:

**FIRST DEFENSE:**

1. The filing does not contain a complaint in compliance with Civ.R. 10(B) or S.Ct. R. X.

**SECOND DEFENSE:**

2. Respondent has no legal duty in relation to Relator's January 18, 2012 affidavit of disqualification. An affidavit of disqualification deprives the judge against whom it was filed of judicial authority only when it is filed with the clerk of the Supreme Court of Ohio pursuant to R.C. § 2701.03(A). Relator did not file his affidavit of disqualification with the clerk of the Supreme Court of Ohio. Relator's affidavit thus creates no legal duty in Respondent.



**THIRD DEFENSE:**

3. Relator's complaint does not comply with R.C. § 2969.25(A) because it does not contain an affidavit listing all civil actions filed in the previous five years in state or federal court.

**FOURTH DEFENSE:**

4. Relator's complaint does not comply with R.C. § 2969.25(C) because his affidavit of indigency does not contain a statement setting forth the balance in his inmate account for each of the preceding six months or a statement that sets forth all cash and other things of value owned by the inmate.

**FIFTH DEFENSE:**

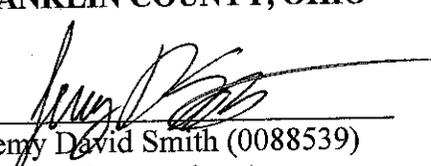
5. Relator has failed to state a claim upon which relief can be granted.

**SIXTH DEFENSE:**

6. Any allegations not specifically admitted herein are denied.

Respectfully Submitted,

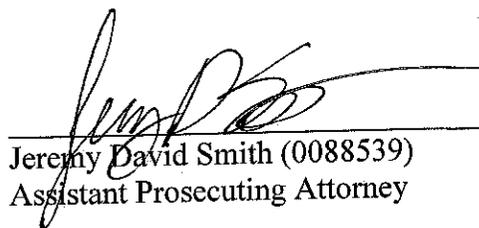
**RON O'BRIEN  
PROSECUTING ATTORNEY  
FRANKLIN COUNTY, OHIO**

  
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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing was sent via U.S. Regular mail this 25<sup>th</sup> day of April, to:

Rodney D. Zeune, 625-137  
Ross Correctional Institution  
P.O. Box 7010  
Chillicothe, OH 45601

  
\_\_\_\_\_  
Jeremy David Smith (0088539)  
Assistant Prosecuting Attorney