

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE, *ex rel.* THE CINCINNATI  
ENQUIRER, a Division of Gannett  
Satellite Information Network, Inc.  
312 Elm Street  
Cincinnati, OH 45202

Petitioner,

v.

HONORABLE ROBERT H. LYONS  
Butler County  
Area I Court  
118 High St.  
Oxford, OH 45056

Respondent,

Case No. 12-1924

ANSWER TO FIRST AMENDED  
COMPLAINT

1. Respondent admits the allegations of paragraph 1 of the Amended Complaint for Writ of Mandamus.
2. Respondent admits the allegations of paragraph 2 of the Amended Complaint for Writ of Mandamus.
3. Respondent admits that he presided over a criminal minor misdemeanor prosecution against an undisclosed criminal defendant in the Butler County Area I Court in Oxford, Ohio. Respondent denies that the matter was initiated by the Butler County Prosecuting Attorney.
4. Respondent admits the allegations of paragraph 4 of the Amended Complaint for Writ of Mandamus.
5. Respondent admits the allegations of paragraph 5 of the Amended Complaint for Writ of Mandamus.
6. Respondent admits the allegations of paragraph 6 of the Amended Complaint for Writ of Mandamus.
7. Respondent admits the allegations of paragraph 7 of the Amended Complaint for Writ of Mandamus.
8. Respondent admits the allegations of paragraph 8 of the Amended Complaint for Writ of Mandamus.

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9. Respondent admits the allegations of paragraph 9 of the Amended Complaint for Writ of Mandamus.

10. Respondent admits that he did not rely upon Rule 45(E)(2) of the Ohio Rules of Superintendence and thus did not comply with the requirements of that rule. Respondent denies that his failure to comply with Rule 45(E)(2) was "because" he erroneously relied on O.R.C. 2953.52. Because Rule 45(E)(2) of the Ohio Rules of Superintendence is not an exclusive mechanism to seal records, Respondent did not intend to seal the records pursuant to that rule in the first place. Therefore it can not be said that Respondent's failure to comply with Superintendence Rule 45 was "because" he erroneously relied on the wrong code section.

11. Respondent admits the allegations of paragraph 11 of the Amended Complaint for Writ of Mandamus.

12. Respondent admits the allegations of paragraph 12 of the Amended Complaint for Writ of Mandamus.

13. Respondent admits that he allowed the defendant John Doe to withdraw his plea but denies that such withdrawal was in violation of Ohio Rule Crim. Pro. 32.1.

14. Respondent admits the allegations of paragraph 14 of the Amended Complaint for Writ of Mandamus.

15. Respondent admits the allegations of paragraph 15 of the Amended Complaint for Writ of Mandamus.

16. Respondent denies the allegations of paragraph 16 of the Amended Complaint for Writ of Mandamus.

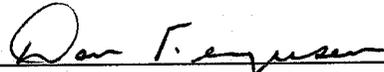
17. Respondent admits that he issued an order sealing the record in the case. Respondent denies that he failed to strictly comply with R.C. § 2953.52.

18. Respondent admits the allegations of paragraph 18 of the Amended Complaint for Writ of Mandamus.

19. Respondent denies the allegations of paragraph 19 of the Amended Complaint for Writ of Mandamus.

20. Respondent denies that he issued an order sealing the record without conducting a hearing or making particularized findings on the record. Respondent asserts that he did, in fact, make findings on the record in accordance with O.R.C. 2953.52.

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Prosecuting Attorney of Butler County, Ohio



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*Attorney for Respondent,  
Honorable Robert H. Lyons*

#### CERTIFICATE OF SERVICE

This is to certify that on February 4, 2013, a copy of the foregoing was served by Regular U.S. Mail upon the following:

John C. Greiner, Attorney at Law, Graydon, Head & Ritchey LLP, 1900 Fifth Third Center,  
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