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House General Government Committee
Sponsor Testimony – House Concurrent Resolution 26
November 4, 2025

Chair Ray, Vice Chair LaRe, Ranking Member Brent, and members of the House General Government Committee, thank you for the opportunity to provide sponsor testimony on House Concurrent Resolution 26, a resolution to summon the Honorable Ted Berry, Judge of the Hamilton County Municipal Court, to appear and provide reason as to why he should not be removed from office pursuant to Article IV, Section 17 of the Ohio Constitution.

This is not a matter any of us take lightly. Judicial removal is among the most serious constitutional responsibilities entrusted to the General Assembly. It is reserved for those rare instances where a judge’s conduct severely undermines public confidence in the integrity and impartiality of the judiciary such that corrective action becomes necessary to preserve the rule of law.

Earlier this year, Judge Berry made a series of public social media posts in response to the tragic assassination of Charlie Kirk. These posts included statements such as “Rest in Hatred & Division!” and “So, a white guy killed him! Color it Karma!”

Such remarks made by a sitting judge are profoundly inconsistent with the standards of impartiality, dignity, and respect required under the Ohio Code of Judicial Conduct. Judge Berry publicly celebrated the death of Charlie Kirk on social media, directly violating the code of conduct, including:

- Canon 1, Rule 1.2 Requires judges to uphold public confidence in the judiciary and avoid impropriety;
- Canon 2, Rule 2.3 Prohibits bias or prejudice on the basis of race;
- Canon 2, Rule 2.4 Forbids judges from allowing political or personal interests to influence their judicial duties;
- Canon 2, Rule 2.11: Addresses disqualification due to public statements reflecting bias or prejudice.

Since these posts were made, Judge Berry has had over a month to take the honorable path and resign. His actions have fallen far short of the sacred trust invested in his position, and the legislature must now act to defend the courts.

The judiciary depends on the people's trust that cases will be decided fairly and without prejudice. When a judge expresses open hostility toward individuals or groups based on political affiliation or race, that trust is eroded. For the citizens of Hamilton County who may appear before Judge Berry, confidence in a fair hearing is indispensable. When that confidence is shaken, justice itself is compromised.

House Concurrent Resolution 26 does not presume guilt, nor does it substitute legislative judgment for judicial discretion. Rather, it initiates the constitutional process of due notice and opportunity to be heard afforded to any judge subject to removal. This resolution directs that Judge Berry be summoned before the General Assembly to explain his actions and provide any defense or context he believes appropriate. If, after that hearing, both chambers of the legislature determine by a two-thirds vote that his conduct warrants removal, only then would such an order take effect.

Members of the committee, this resolution is not about politics. It is about the public's right to an impartial judiciary. It is about ensuring that every Ohioan, regardless of belief, background, or party, can walk into a courtroom and trust that justice will be blind. I urge your thoughtful consideration of this resolution as we fulfill our duty under the Ohio Constitution to uphold the integrity of our courts. Thank you, Chair and members of the committee. We would be happy to answer any questions.