

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. C. R. No. 26

Representatives Mathews, A., Swearingen

A CONCURRENT RESOLUTION

Summoning the Honorable Ted N. Berry, Judge of the
Hamilton County Municipal Court, to appear before the
General Assembly and show cause why he should not be
removed from office under Article IV, Section 17 of
the Ohio Constitution.

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BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF OHIO (THE SENATE CONCURRING):

WHEREAS, Article IV, Section 17 of the Ohio Constitution
provides that the General Assembly, upon the concurrence of two-
thirds of the members elected to each house, may adopt a
concurrent resolution removing a judge from office; and

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WHEREAS, Article IV, Section 17 of the Ohio Constitution
also provides that such a concurrent resolution may be adopted
only upon complaint, the substance of which having been entered
upon the journals of the two houses, and only after the judge
has had notice of the complaint and been provided with an
opportunity to be heard; and

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WHEREAS, The House of Representatives and the Senate of the
136th General Assembly complain as follows under Article IV,
Section 17 of the Ohio Constitution against the Honorable Ted N.
Berry, Judge of the Hamilton County Municipal Court:

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1. In response to the assassination of Charlie Kirk on

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September 10, 2025, Judge Berry posted a series of public
comments on social media, including:

"So, a white guy killed him! Color it KARMA!"

"Rest in Hatred & Division!"

"How's he feel about gun violence & gun control in Hell,
now?"

2. Canon 1 of the Ohio Code of Judicial Conduct states
that, "A judge shall uphold and promote the *independence*,
integrity, and *impartiality* of the judiciary, and shall avoid
impropriety and the appearance of *impropriety*."

3. Rule 1.2 of the Code provides that, "A judge shall act
at all times in a manner that promotes public confidence in the
independence, *integrity*, and *impartiality* of the judiciary, and
shall avoid *impropriety* and the appearance of *impropriety*."

4. Judge Berry's statements contravene Rule 1.2 and
actively erode the very public confidence he is sworn to uphold.

5. Canon 2 of the Code states that, "A judge shall perform
the duties of judicial office *impartially*, competently, and
diligently."

6. Rule 2.3 of the Code prohibits a judge from
"manifest[ing] bias or prejudice ... based upon race."

7. Judge Berry's comments, particularly celebrating the
killer's race by saying "Color it KARMA!," are a flagrant
violation of Rule 2.3.

8. Rule 2.4 of the Code prohibits a judge from allowing
personal or political interests to "influence the judge's
judicial conduct or judgment."

9. Judge Berry's public display of racial bias, combined
with his politically charged statements on gun control, call

into question his adherence to Rule 2.4. He has demonstrated a
clear inability to remain impartial. It is unclear how any
person could be confident in fairness before his court.

10. Rule 2.11 of the Code requires a judge to "disqualify
himself or herself in any proceeding in which the judge's
impartiality might reasonably be questioned, including ...
[that] [t]he judge, while a judge or a judicial candidate, has
made a public statement, other than in a court proceeding,
judicial decision, or opinion, that commits or appears to commit
the judge to reach a particular result or rule in a particular
way in the proceeding or controversy."

11. Judge Berry's comments display a clear "personal bias
or prejudice" that would require his disqualification under Rule
2.11. His conduct casts a dark shadow of doubt over his
impartiality in all future cases that will come before his
court.

From these facts, the House of Representatives and the
Senate find that Judge Berry has violated the Ohio Code of
Judicial Conduct, which warrants Judge Berry's removal from
office under Article IV, Section 17 of the Ohio Constitution;
now therefore be it

RESOLVED, That the House of Representatives and the Senate
therefore summon Judge Berry to appear before the General
Assembly and show cause why he should not be removed from office
under Article IV, Section 17 of the Ohio Constitution. Within
ten days after being served with this resolution, Judge Berry
shall contact the Speaker of the House of Representatives and
the President of the Senate to fix the time and place at which
he is so to appear; and be it further

RESOLVED, That in all proceedings under this resolution,
Judge Berry may have the assistance of counsel; and be it

further 81

RESOLVED, That the Clerk of the House of Representatives 82
and the Clerk of the Senate shall spread this resolution in full 83
upon the pages of the House and Senate Journals; and be it 84
further 85

RESOLVED, That the Sergeant-at-Arms of the House of 86
Representatives shall serve a copy of this resolution personally 87
upon Judge Berry, wherever he may be found. The Sergeant-at-Arms 88
shall certify in writing the fact of this service to the Clerk 89
of the House of Representatives and to the Clerk of the Senate. 90
The Clerk of the House of Representatives and the Clerk of the 91
Senate shall spread the certificate in full upon the pages of 92
the House and Senate Journals; and be it further 93

RESOLVED, That the Clerk of the House of Representatives 94
shall transmit certified copies of this resolution to the 95
Governor, to the Chief Justice of the Supreme Court of Ohio, and 96
to the Presiding Judge of the Hamilton County Municipal Court. 97