

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

CRAIG CUMBERLAND,	:	APPEAL NO. C-090020
Plaintiff-Appellant,	:	TRIAL NO. DR 01 03030
vs.	:	<i>JUDGMENT ENTRY.</i>
PATRICIA MIRANDE,	:	
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Plaintiff-appellant Craig Cumberland appeals the trial court's judgment holding him in contempt of court and finding defendant-appellee Patricia Mirande not in contempt of court. We affirm.

Cumberland raises seven assignments of error. The crux of all his assigned error is that the trial court's judgment must be reversed because the court was prejudiced against him.

We are without authority to void a judgment based upon the alleged prejudice of the assigned trial judge.² To properly raise this issue, Cumberland was required to file an affidavit of bias and prejudice with the Chief Justice of the Ohio Supreme Court.³ Only the Chief Justice or his designee may hear claims involving the

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

² Section 5(C), Article IV, Ohio Constitution; R.C. 2701.03.

³ *Beer v. Griffith* (1978), 54 Ohio St.2d 440, 442, 377 N.E.2d 775; see, also, *In re Ross*, 154 Ohio App.3d 1, 2003-Ohio-4419, 796 N.E.2d 6.

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disqualification of a trial judge.⁴ We therefore overrule Cumberland's seven assignments of error.

The trial court's judgment is affirmed.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., SUNDERMANN and CUNNINGHAM, JJ.

To the Clerk:

Enter upon the Journal of the Court on October 28, 2009

per order of the Court _____.

Presiding Judge

⁴ Id.