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

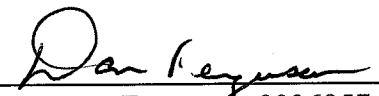
ANSWER OF DEFENDANT HONORABLE ROBERT H. LYONS

FILED
DEC 13 2012
CLERK OF COURT
SUPREME COURT OF OHIO

1. Defendant admits paragraph 1 of Plaintiff's Complaint for Writ of Mandamus.
2. Defendant admits paragraph 2.
3. Defendant admits paragraph 3.
4. Defendant generally admits the allegations of paragraph four but states that the charge was a minor misdemeanor for which John Doe paid a fine. There was no plea.
5. Defendant admits that the record of John Doe's misdemeanor was sealed. There was no court appearance.
6. Defendant admits the allegations of paragraph 6.
7. Defendant admits the allegations of paragraph 7.
8. Defendant admits the allegations of paragraph 8.
9. Defendant generally admits the allegations of paragraph 9 but notes that the charge was a minor misdemeanor and not a misdemeanor. Defendant admits that he used the wrong section of the revised code and states that the correct code section to seal the minor misdemeanor record would have been ORC §2953.32.
10. Defendant admits that he erroneously relied on §2953.52. Defendant neither admits nor denies any other conclusions of law.
11. Defendant admits the allegations of paragraph 11 of Plaintiff's Complaint.
12. Defendant is without knowledge or information sufficient to form a belief as to the truth of paragraph 12 of Plaintiff's Complaint.
13. Defendant admits that the order sealing the record was issued without conducting an evidentiary hearing or making particularized findings.
14. Defendant denies the allegations of paragraph 14 of Plaintiff's Complaint.
15. Defendant denies the allegations of paragraph 15 of Plaintiff's Complaint.

RECEIVED
DEC 13 2012
CLERK OF COURT
SUPREME COURT OF OHIO

Michael T. Gmoser
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 December 12, 2012, a copy of the foregoing was served by Regular U.S. Mail upon the following:

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Honorable Robert H. Lyons