

PRESS RELEASE

December 18, 2024

Special Prosecutor Brad Nicodemus Determines No Probable Cause for Charges Against Columbus Mayor Andrew Ginther

In a letter to Columbus City Attorney Zach Klein today, Special Prosecutor Brad Nicodemus announced the facts and circumstances of Columbus Mayor Andrew Ginther’s phone call to Judge Stephanie Mingo on October 11, 2023, do not support a finding of probable cause for charges of obstruction of official business nor interference with civil rights and therefore no charges will be filed.

A copy of the letter to Columbus City Zach Klein is included with this press release.

December 18, 2024

Honorable Zach Klein
City Attorney, City of Columbus
77 North Front Street
Columbus, OH 43215

Via Email

Re: Mayor Ginther Charge Review

Dear City Attorney Klein:

In response to your request that I investigate a phone call from Columbus Mayor Andrew Ginther to Franklin County Municipal Court Environmental Division Judge Stephanie Mingo regarding litigation involving the City of Columbus pending before Judge Mingo, please accept this letter as my findings resolving whether criminal charges for obstruction of official business and interfering with civil rights are warranted. For the reasons explained herein, I do not find there is sufficient evidence to establish probable cause for either obstruction of official business or interference with civil rights.

The facts are undisputed and generally well-known, having been extensively reported. The City of Columbus commenced litigation in August 2023 against Barons Bus and Greyhound Lines regarding the bus terminal on Wilson Road. The case was assigned to Judge Stephanie Mingo in the Franklin County Municipal Court Environmental Division. As the parties were preparing for hearings on the matter, Judge Mingo contacted counsel and scheduled an emergency status conference for October 12, 2023. During the status conference Judge Mingo disclosed that she had received third-party communication from an elected official, regarding the pending litigation, on October 11, 2023. It was later disclosed that the third-party communication came from Columbus Mayor Andrew Ginther. In December 2023, a private citizen complaint against Mayor Ginther for obstruction of official business and interfering with civil rights stemming from the phone call was presented for review. I was asked to review, and prosecute, if necessary, this private citizen complaint.

To investigate this matter I reviewed the pertinent transcripts, voicemails, and spoke with attorneys for Barons Bus, Greyhound Lines, City of Columbus attorneys involved in the underlying litigation, Judge Mingo and her bailiff, and Mayor Ginther. Mayor Ginther appeared with counsel, acknowledged his *Miranda* rights, and answered all questions without privately conferring with his counsel.

First, for someone to obstruct official business the person's affirmative or overt act must have the purpose to prevent, obstruct, or delay a public official's duties and such act must hamper or impede the public official's duties. Judge Mingo is a public official and administration of cases assigned to her is unquestionably one of her duties. To support the charge of obstruction of official business, Mayor Ginther's call must have the purpose to prevent, obstruct, or delay Judge Mingo and must actually hamper or impede her duties. While Mayor Ginther's

call to Judge Mingo eventually resulted in a delay of the trial, evidence indicates Mayor Ginther did not want to delay the trial but rather wanted the court to proceed to trial quicker. Since there is no evidence the purpose of the call was to prevent, obstruct, or delay Judge Mingo in performing her duties of presiding over the pending litigation, there is insufficient probable cause to file a charge of obstruction of official business.

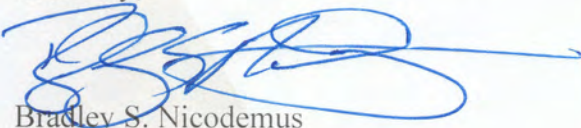
Next, for a person to be charged with interfering with civil rights, the person must be a public servant, acting under color of his office, and knowingly deprive, attempt to deprive, or conspire to deprive a person of his constitutional or statutory rights. In reviewing this charge, it is undisputed that Mayor Ginther is a public servant and made a call to Judge Mingo under color of his office. Additionally, the City of Columbus, Barons Bus, and Greyhound, all have a right to a fair and impartial trial. There has been no suggestion, and there is no evidence, Mayor Ginther's call was in an effort to conspire to deprive the parties of their rights. Therefore, whether or not Mayor Ginther's call knowingly deprived or attempted to deprive the parties of a fair and impartial trial is determinative.

To satisfy the elements of the interference with civil rights, Mayor Ginther would have to be aware his call will probably result in the Greyhound station being shutdown without consideration of the evidence presented. However, Mayor Ginther does not have the authority to make the trial decision regarding the Greyhound station – that rested solely with Judge Mingo. Upon her recusal, the authority to make the trial decision rested solely with Visting Judge Dumm. Accordingly, Mayor Ginther, himself, cannot deprive or attempt to deprive the parties of their civil rights. Therefore, there is insufficient probable cause to file a charge of interfering with civil rights.

Additionally, as you are aware, in criminal cases defendants and witnesses sometimes contact the court outside of court proceedings and disclose potential testimony or other evidence. Those disclosures, when made, are reported by the court to counsel and are not prosecuted. In this matter, Mayor Ginther gave his opinion the Greyhound station was a problem and asked Judge Mingo to shut it down. He disclosed no facts or other potential evidence. Mayor Ginther's statements are less prejudicial than others in which no prosecution is pursued.

With insufficient probable cause for obstruction of official business and interference with civil rights, neither charge will be filed with the court. If you have any questions, please do not hesitate to contact me.

Sincerely,



Bradley S. Nicodemus