

An Ohio judge ordered a man to get a covid vaccine as a condition of his probation

By Kay Jones and Amanda Watts, CNN

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A nurse in Athens, Ohio, loads a syringe with a Covid-19 vaccine on March 9, 2021.

(CNN) — An Ohio man says he will not get vaccinated despite a judge ordering him to get a Covid-19 vaccine shot as a condition of his probation.

Judge Christopher Wagner ordered defendant Brandon Rutherford to get vaccinated within 60 days of his court appearance August 4 or face jail time, Rutherford's attorney, Carl Lewis, told CNN on Sunday.

Wagner said in a written statement to CNN that his role in the court is to "rehabilitate the defendant and protect the community."

"I'm not taking the vaccine," Rutherford told CNN.

Rutherford said he was "kind of shocked" when the judge told him he had to get vaccinated as a condition of his probation. He said he wore a mask to court because he's unvaccinated. While masks are not required at the Hamilton County Courthouse, non-vaccinated individuals are encouraged to mask up inside, the court's website shows.

"This defendant was in possession of fentanyl, which is deadlier than the vaccine and COVID 19," Wagner said. "The defendant expressed no objection during the proceedings and stated no medical concerns, and his attorney did not object."

It isn't uncommon for judges to make decisions to protect a defendant's health, Wagner added, which can include ordering various health treatments.

Lewis said that they are going to wait until the 60 days are up to see what the judge does before requesting a hearing or filing any opposition to the order. This is the first time he's heard of a person being ordered to get the vaccine as a condition of their probation, he added.

Rutherford was sentenced to two years' probation for possession of fentanyl, court records show.



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