

IN THE SUPREME COURT OF OHIO

CLEVELAND METROPOLITAN )  
 BAR ASSOCIATION, )  
 Petitioner )  
 )  
 1301 East Ninth Street – Second Level )  
 Cleveland, OH 44114-1253 )  
 )  
 RICHARD SMITH, )  
 Respondent )  
 )  
 3312 W. 165<sup>th</sup> St. )  
 Cleveland, OH 44111-1908 )

Case No. 07-0768

ORDER OF PERMANENT  
DISBARMENT

Gov. Bar R. V(6)(B)(1)  
August 29, 2007

---

MOTION FOR AN ORDER TO APPEAR AND SHOW CAUSE

---

**Howard Mishkind (0009238), Counsel of Record**  
 Becker & Mishkind Co., L.P.A.  
 1660 W. 2<sup>nd</sup> St.  
 660 Skylight Office Tower  
 Cleveland, OH 44113  
 (216) 241-2600 – Telephone  
 (216) 241-5757 – Facsimile  
[hdmishkind@beckermishkind.com](mailto:hdmishkind@beckermishkind.com)

**Richard Smith**  
 3312 W. 165<sup>th</sup> Street  
 Cleveland, OH 44111-1908

Respondent, Pro Se

**Stephen R. Lazarus (0014693)**  
 Cleveland-Marshall College of Law  
 1801 Euclid Ave.  
 Cleveland, OH 44115  
 (216) 687-2347 – Telephone  
 (216) 687-6881 – Facsimile  
[Stephen.lazarus@law.csuohio.edu](mailto:Stephen.lazarus@law.csuohio.edu)

FILED  
 SEP 17 2009  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

**Donald P. McFadden (0002233)**  
 McFadden & Freeburg, Co., L.P.A.  
 1370 Ontario St., Suite #600  
 Cleveland, OH 44113  
 (216) 662-0850 – Telephone  
 (216) 662-0854 – Facsimile  
[mcfadden@mcfaddenlaw.us](mailto:mcfadden@mcfaddenlaw.us)  
 Counsel for Petitioner,  
 Cleveland Metropolitan Bar Association

RECEIVED  
 SEP 17 2009  
 CLERK OF COURT  
 SUPREME COURT OF OHIO



This court's order provides, in relevant part, Respondent must "immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority." The order further states Respondent is "forbidden to counsel or advise, or prepare legal instruments for others or in any manner perform such services." The order of the suspension divests Respondent of "each, any and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio."

Notwithstanding this court's August 29, 2007 order, Respondent has violated Gov. Bar R. V(8)(E) by failing to inform clients, opposing counsel, or the court of his August 29, 2007 disbarment, and continuing to practice law by appearing in the Cleveland Municipal Court's Housing Division and the Cuyahoga County Court's Juvenile Division.

#### I.

On or about February 22, 2008, the Cuyahoga County Bar Association ("CCBA") received a letter from Judge Eileen A. Gallagher of the Cuyahoga County Court of Common Pleas to report that Respondent filed a Notice of Appearance in *State of Ohio v. Jeremy Perez*, Case No. CR-06-488298, on July 11, 2007, and the appeal was dismissed *sua sponte* on September 18, 2007. (A copy of Judge Gallagher's letter dated February 22, 2008 is attached hereto as Exhibit B.) Although this Court ordered Respondent permanently disbarred in the interim, Respondent never informed the client, opposing counsel, or the court of his August 29, 2007 disbarment.

Judge Gallagher did not become aware that Respondent was disbarred until December, 2007. Gov. Bar R. V(8)(E)(1)(d) provides, in relevant part, “the disqualified attorney shall . . . file a notice of disqualification with the court or agency before which the litigation is pending for inclusion in the respective file or files.”

Judge Gallagher’s letter was motivated by her concern that Respondent never took any action to preserve Mr. Perez’s right to appeal, as required by Gov. Bar R.

V(8)(E)(1)(a), Duties of a Disbarred or Suspended Attorney, which states:

(1) In its order disbaring or suspending an attorney or in any order pertaining to the resignation of an attorney, **the Supreme Court shall include a time limit, not to exceed thirty days, within which the disqualified attorney shall do all of the following:**

(a) **Notify all clients being represented in pending matters and any co-counsel of his or her disbarment, suspension, or resignation and consequent disqualification to act as an attorney after the effective date of the order, and, in the absence of co-counsel, notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in his or her place;**

Gov. Bar R. V(8)(E)(1)(a) (emphasis added).

On April 1, 2008, Mr. Perez, through new counsel, filed a Motion for Leave to File Delayed Appeal. That motion was granted on April 16, 2008. Because there was no lasting harm to Mr. Perez, and there was no evidence that Respondent was practicing law, the CCBA exercised its discretion to dismiss the grievance opened in response to Judge Gallagher’s letter. However, Relator continued to receive reports of Respondent appearing before courts and representing clients.

## II.

On May 20, 2008, Relator received a letter from Marita Kavalec, the Director of Court Services for the Juvenile Division of the Cuyahoga County Court of Common Pleas. (A copy of Ms. Kavalec's letter, dated May 20, 2008, is attached hereto as Exhibit C.) Ms. Kavalec's letter reported that on March 12, 2008, "Mr. Smith appeared before one of the Juvenile Court's magistrates and represented a party in a case." The letter also reported that on May 14, 2008, Respondent appeared at the magistrate's courtroom to inform the magistrate that he had not received notice of a status hearing scheduled to take place the next day. Ms. Kavalec stated that Respondent "was vague about his standing with the Ohio Supreme Court and was not forthcoming with the information that he actually has been disbarred." Ms. Kavalec went on to state that Respondent withdrew from the representation on the following day.

In a letter constituting his response to Ms. Kavalec's grievance, Respondent admitted appearing in court and requesting a continuance on May 12, 2008, in a case of his client, Jennifer Manocchio. (A copy of Respondent's letter to Relator, dated June 27, 2008, is attached hereto as Exhibit D.) In this letter, Respondent mentioned that this was the "only client [he] had left," and that he did not inform his client or the court of his disbarment, "to be blunt, out of embarrassment." Respondent goes on to state that "[o]ther than the March 12, 2008 event, I have not appeared in any court since August 29, 2007 and never will." As the subsequent sections will show, this was a false promise. However, based on these representations, and in the interests of judicial economy, Relator dismissed Ms. Kavalec's grievance on August 5, 2008.

### III.

On March 5, 2009, Petitioner received a letter from Magistrate Barbara A. Reitzloff, the Chief Magistrate for the Housing Division of Cleveland Municipal Court, to report that Respondent had appeared in that court on several different occasions, purporting to represent Daniel Oprea, a client Respondent represented prior to his disbarment. (A copy of Magistrate Reitzloff's letter dated March 5, 2009 is attached as Exhibit E.) Mr. Oprea was before the court because CitiFinancial filed Actions in Forcible Entry and Detainer, attempting to evict Mr. Oprea, in case numbers 09-CVG-1183, 1184, and 1185, in February and March 2009.

Magistrate Reitzloff reported that on February 19, 2009, Respondent met with her and Mr. Oprea in the hallway on the 13<sup>th</sup> floor of the Justice Center to discuss *pro se* Motions to Stay filed by Mr. Oprea. Magistrate Reitzloff reported that Respondent represented himself as Mr. Oprea's attorney, and Magistrate Reitzloff discussed Mr. Oprea's case with Respondent. It was not until after this meeting that a colleague informed Magistrate Reitzloff that Respondent was listed as disbarred on the Supreme Court's Attorney Registration.

On March 5, 2009, Respondent appeared with Mr. Oprea in the Housing Division of Cleveland Municipal Court, in pretrial for case number 09-CVG-1183, assigned to Magistrate Myra Torain Embry. Magistrate Reitzloff informed Magistrate Embry that Mr. Oprea may appear with Respondent, and that Respondent was disbarred. When Respondent in fact appeared, Magistrates Reitzloff and Embry spoke with him prior to the pretrial, inquired about his Supreme Court registration card, his registration number, and his contact information. Respondent was unable to produce his registration card, and

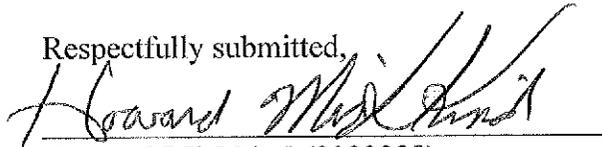
upon supplying his registration number and contact information, Magistrate Reitzloff explained that the Supreme Court of Ohio listed him as disbarred. Respondent denied knowledge of his disbarment, and requested Magistrates Reitzloff and Embry not disclose this fact to his client. Magistrates Reitzloff and Embry indicated they had no choice but to inform his client (however, they did give him a chance to explain the situation to Mr. Oprea off the record), and that he would not be permitted to participate any further in any case before the court. Magistrate Embry proceeded with the pretrial, informed Mr. Oprea and opposing counsel of the issue of Respondent's disbarment, and granted Mr. Oprea's request for a continuance.

In a letter dated May 15, 2009, Respondent admits that he appeared before the Housing Division of Cleveland Municipal Court on Mr. Oprea's behalf. (A copy of Respondent's letter dated May 18, 2009 is attached as Exhibit F.) Respondent claims that Mr. Oprea was a "friend and previous client," that he intended to refer him to an attorney after the initial pretrial, and that he never collected a fee from Mr. Oprea. Respondent states that he "cannot explain why I did this," that it was an "isolated incident," and the "only thing [he] can say in [his] defense is that [he has] been depressed due to health and financial problems." Despite Respondent's contention that this was an "isolated incident," sections I and II of this Motion clearly demonstrate that it was not. Relator has twice believed Respondent's representations that his appearances before courts in the State of Ohio would cease, but Respondent has shown time and again his contempt for his disbarment order.

## CONCLUSION

Based upon the foregoing, Petitioner hereby moves this Honorable Court to issue an order requiring Respondent to appear and show cause why he should not be held in contempt for failing to comply with this court's order of disbarment, dated August 29, 2007. It is further requested that Respondent be ordered to pay all costs and fees associated with this motion and the proceedings thereof.

Respectfully submitted,



**Howard Mishkind (0009238)**  
Becker & Mishkind Co., L.P.A.  
1660 W. 2<sup>nd</sup> St.  
660 Skylight Office Tower  
Cleveland, OH 44113  
(216) 241-2600 – Telephone  
(216) 241-5757 – Facsimile  
[hdmishkind@beckermishkind.com](mailto:hdmishkind@beckermishkind.com)

**Stephen R. Lazarus (0014693)**  
Cleveland-Marshall College of Law  
1801 Euclid Ave.  
Cleveland, OH 44115  
(216) 687-2347 – Telephone  
(216) 687-6881 – Facsimile  
[Stephen.lazarus@law.csuohio.edu](mailto:Stephen.lazarus@law.csuohio.edu)

**Donald P. McFadden (0002233)**  
McFadden & Freeburg, Co., L.P.A.  
1370 Ontario St., Suite #600  
Cleveland, OH 44113  
(216) 662-0850 – Telephone  
(216) 662-0854 – Facsimile  
[mcfadden@mcfaddenlaw.us](mailto:mcfadden@mcfaddenlaw.us)

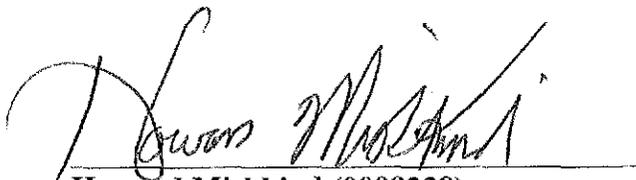
**Counsel for Petitioner,  
Cleveland Metropolitan Bar Association**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion for an Order to Appear and Show Cause was sent via ordinary U.S. Mail on this 16<sup>th</sup> day of September, 2009, to:

**Richard Smith**  
3312 W. 165<sup>th</sup> St.  
Cleveland, OH 44111-1908

**Respondent, Pro Se**

A handwritten signature in black ink, appearing to read "Howard Mishkind", written over a horizontal line.

**Howard Mishkind (0009238)**  
Becker & Mishkind Co., L.P.A.  
1660 W. 2<sup>nd</sup> St.  
660 Skylight Office Tower  
Cleveland, OH 44113

# The Supreme Court of Ohio

1500 JERICO

AUG 29 2007

CLERK OF COURT

Case No. 2007-0768 SUPREME COURT OF OHIO

Cuyahoga County Bar Association,  
Relator,  
v.  
Richard Ford Smith, Jr.,  
Respondent.

ON CERTIFIED REPORT BY THE  
BOARD OF COMMISSIONERS ON  
GRIEVANCES AND DISCIPLINE OF  
THE SUPREME COURT

## ORDER

The Board of Commissioners on Grievances and Discipline filed its Final Report in this court on April 26, 2007, recommending that pursuant to Rule V(6)(B)(1) of the Supreme Court Rules for the Government of the Bar of Ohio the respondent, Richard Ford Smith, be permanently disbarred from the practice of law. Respondent filed no objections to said Final Report, and this cause was considered by the court. On consideration thereof,

It is ordered and adjudged by this court that pursuant to Gov.Bar R. V(6)(B)(1), respondent, Richard Ford Smith, Attorney Registration Number 0018125, last known business address in Cleveland, Ohio, be permanently disbarred from the practice of law consistent with the opinion rendered herein.

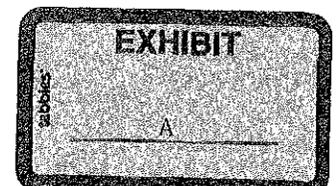
It is further ordered that respondent immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

It is further ordered that respondent is hereby forbidden to counsel or advise or prepare legal instruments for others or in any manner perform such services.

It is further ordered that respondent is hereby divested of each, any and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

It is further ordered that respondent surrender respondent's certificate of admission to practice to the clerk of the court on or before 30 days from the date of this order, and that respondent's name be stricken from the roll of attorneys maintained by this court.

It is further ordered that respondent be taxed the costs of these proceedings in the amount of Fifty-Seven Dollars and Eighty-Two Cents (\$57.82), which costs shall be payable to this court by certified check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest at the rate of 10% per annum shall accrue as



of 90 days from the date of this order, on the balance of unpaid Board costs, respondent will be found in contempt of the Supreme Court, and the matter will be referred to the office of the Attorney General for collection.

It is further ordered, sua sponte, by the court, that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against the respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against the respondent pursuant to Gov.Bar R. VIII(7)(F), the respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

It is further ordered that on or before 30 days from the date of this order, respondent shall:

1. Notify all clients being represented in pending matters and any co-counsel of respondent's disbarment and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place;
2. Regardless of any fees or expenses due respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;
4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of respondent's disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;
5. Send all such notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;
6. File with the Clerk and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where respondent may receive communications; and

7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

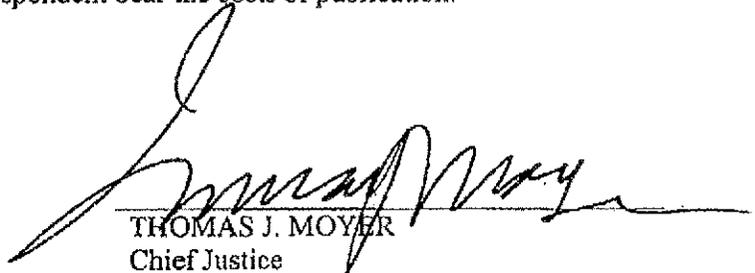
It is further ordered that on or before 30 days from the date of this order, respondent surrender his attorney registration card for the 2005/2007 attorney registration biennium.

It is further ordered that until such time as respondent fully complies with this order, respondent shall keep the Clerk, the Cuyahoga County Bar Association, and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

It is further ordered, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

It is further ordered, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Office of Attorney Services.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.



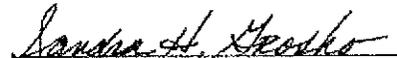
THOMAS J. MOYER  
Chief Justice

# The Supreme Court of Ohio

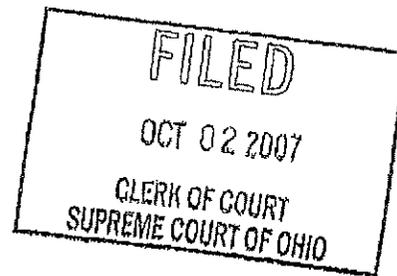
## CERTIFICATION

I, Sandra H. Grosko, certify that I was served on the 2<sup>nd</sup> day of October, 2007, with a copy of an Order filed August 29, 2007, in the case of *Cuyahoga County Bar Association v. Richard Ford Smith, Jr.*, (Case No. 07-768).

I received a true and attested copy of the document set forth above, addressed to the Respondent at his last known address, issued by the Office of the Clerk of the Supreme Court of Ohio in conformity with Rule V(11)(B) of the Supreme Court Rules for the Government of the Bar of Ohio.

  
Sandra H. Grosko, Interim Clerk

Dated this 2<sup>nd</sup> day of October, 2007.





THE COURT OF COMMON PLEAS

COUNTY OF CUYAHOGA

JUSTICE CENTER

1200 ONTARIO STREET

CLEVELAND, OHIO 44113

EILEEN GALLAGHER

Judge

443-8686

February 22, 2008

Cuyahoga County Bar Association  
Certified Grievance Committee  
900 Leader Building  
526 Superior Avenue  
Cleveland, OH 44114

To the Certified Grievance Committee:

RE: Case No. CR-06-488298  
Defendant Jeremy V. Perez

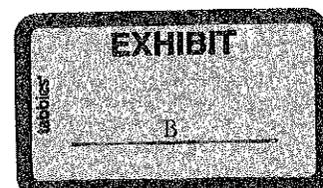
As a Judge of the Cuyahoga County Court of Common Pleas, I presided over the case known as *State of Ohio v. Jeremy Perez*, Case No. CR-06-488298. (A copy of the docket is enclosed herewith.)

Prior to sentencing, trial counsel filed a Motion to Withdraw as Counsel based upon his being terminated by the client.

Attorney Richard Smith (Bar #0018125) filed a Notice of Appearance on July 11, 2007, (see enclosure) and appeared with the Defendant at the sentencing hearing and, thereafter, filed a Notice of Appeal on behalf of the Defendant.

On September 18, 2007, the Court of Appeals dismissed the appeal, *sua sponte*.

In December, 2007, I was informed by the Court Reporter who had participated in the trial that although Richard Smith had ordered a transcript of these proceedings, he neither paid for it nor picked it up from her office.



Certified Grievance Committee  
Page Two  
February 22, 2008

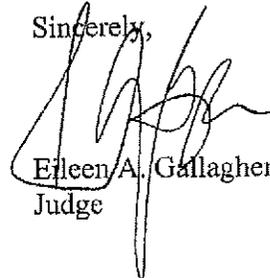
As a result, I recently appointed the Cuyahoga County Public Defender to represent this Defendant and file a delayed appeal.

I do not know why Mr. Smith failed to file the appeal on this case. He never filed a Motion of Withdrawal with this Court and the record does not reflect that he filed such a motion in the Court of Appeals

I would respectfully request that the Committee investigate this matter.

Should you need any further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'EAG', is written over the typed name and title.

Eileen A. Gallagher  
Judge

EAG/wec  
Enclosure



**CUYAHOGA COUNTY COURT OF COMMON PLEAS**

DATE: 2/22/2008  
TIME: 10:46 AM  
CASE: CR-06-488298-A

**APPEARANCE DOCKET**

Case No.	Case Type	Date	Time	Description	Amount	
SR	CRTM	11/13/2006	11/13/2006	SUMMONS - CRIMINAL(9266468); SENT BY CERTIFIED MAIL. TO: PEREZ/JEREMY/V 1505 OLIVEWOOD LAKEWOOD, OH 441070000	5.50	
SC	CANL	11/15/2006	11/15/2006	ARRAIGNMENT SCHEDULED FOR 11/27/2006 AT 08:30 AM IS CANCELLED. JUDGE: ARRAIGNMENT ROOM (ARRAIGN) REASON: UNKNOWN.		
SC	CRSH	11/15/2006	11/15/2006	ARRAIGNMENT PREVIOUSLY SCHEDULED FOR 11/27/2006 AT 08:30 AM IS RESCHEDULED FOR 11/22/2006 AT 08:30 AM..		
JE	JE	11/22/2006	11/22/2006	DEFENDANT PRESENT WITH COUNSEL. DEFENDANT RETAINED JEFFREY F SLAVIN AS COUNSEL. READING OF INDICTMENT WAIVED. TWENTY-FOUR HOUR SERVICE WAIVED. DEFENDANT PLEAD NOT GUILTY TO INDICTMENT. BOND SET AT 10,000.00 DOLLARS. BOND TYPE: CASH/SURETY/PROP.. BOND CONDITIONS: NO CONTACT WITH VICTIM. JUDGE EILEEN A GALLAGHER (325) ASSIGNED (RANDOM). OTHER COMMENTS: PILOT PROJECT.	2.00	
BN	BCSB		11/22/2006	\$10000 SURETY BOND POSTED ON 11/22/2006 BY HAYES/ALEXANDER / SENECA INS CO. BOND NO. 504461	2.00	
JE	JE	11/27/2006	11/30/2006	FIRST PRETRIAL SET FOR 12/08/2006 AT 09:00 AM.  11/27/2006 CPCAL 11/29/2006 09:17:40	2.00	
MO	REN	D 1	12/08/2006	12/08/2006	DEFENDANT'S REQUEST FOR NOTICE OF EVIDENCE, FILED.	
JE	JE		12/08/2006	12/11/2006	PRETRIAL HELD 12/08/2006. PRETRIAL CONTINUED TO 01/05/2007 AT 09:00 AM AT THE REQUEST OF DEFENDANT. REASON FOR CONTINUANCE: TO COMPLETE DISCOVERY  12/08/2006 CPITT 12/08/2006 12:14:38	2.00
MO	MDD	D 1	12/11/2006	12/11/2006	REQUEST FOR DISCOVERY, FILED.	
SR	GDCO	D 1	12/12/2006	12/12/2006	CERTIFIED MAIL RECEIPT NO. 9266468 RETURNED BY U.S. MAIL DEPARTMENT 11/17/2006 PEREZ/JEREMY/V MAIL RECEIVED AT ADDRESS 11/15/2006 SIGNED BY OTHER.	
JE	JE		1/05/2007	1/17/2007	PRETRIAL HELD 01/05/2007. PRETRIAL CONTINUED TO 01/22/2007 AT 09:00 AM AT THE REQUEST OF DEFENDANT. REASON FOR CONTINUANCE: TO COMPLETE DISCOVERY. TRIAL SET FOR 03/14/2007 AT 09:00 AM.  01/05/2007 CPSAM 01/16/2007 11:47:48	2.00
MO	BOP	P	1/19/2007	1/19/2007	STATE'S BILL OF PARTICULARS, FILED.	
MO	MDS	P	1/19/2007	1/19/2007	DEMAND FOR DISCOVERY BY THE STATE OF OHIO, FILED.	
MO	RDT	P	1/19/2007	1/19/2007	STATE'S RESPONSE TO REQUEST FOR DISCOVERY UNDER RULE 16, FILED.	
MO	DRD	D 1	2/13/2007	2/13/2007	DEFENDANT'S RESPONSE TO REQUEST FOR DISCOVERY UNDER	

**CUYAHOGA COUNTY COURT OF COMMON PLEAS**

DATE: 2/22/2008  
TIME: 10:46 AM  
CASE: CR-06-488298-A

**APPEARANCE DOCKET**

RULE 16, FILED.

SB	CFEE		3/05/2007	3/05/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/05/2007	3/05/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/05/2007	3/05/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/05/2007	3/05/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/05/2007	3/05/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/05/2007	3/05/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/05/2007	3/05/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/05/2007	3/05/2007	SUBPOENA CLERK'S FEE	2.00
MO	MSD	P	3/06/2007	3/06/2007	SUPPLEMENTAL DISCOVERY, FILED.	
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE		3/06/2007	3/06/2007	SUBPOENA CLERK'S FEE	2.00
SB	SFEE		3/07/2007	3/07/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 312814, IN THE AMOUNT OF \$6.00.	6.00
SB	SFEE		3/07/2007	3/07/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 312815, IN THE AMOUNT OF \$6.00.	6.00
SB	CFEE		3/08/2007	3/08/2007	SUBPOENA CLERK'S FEE	2.00
SB	SFEE		3/09/2007	3/09/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 312811, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE		3/09/2007	3/09/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 312809, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE		3/09/2007	3/09/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 312802, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE		3/09/2007	3/09/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 312803, IN THE AMOUNT OF \$11.50.	11.50



**CUYAHOGA COUNTY COURT OF COMMON PLEAS**

DATE: 2/22/2008  
TIME: 10:46 AM  
CASE: CR-06-488298-A

**APPEARANCE DOCKET**

Case No.	Fee Type	Date	Amount	Description	Value
SB	CFEE	4/23/2007	4/23/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/23/2007	4/23/2007	SUBPOENA CLERK'S FEE	2.00
SB	SFEE	4/24/2007	4/24/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327661, IN THE AMOUNT OF \$6.00.	6.00
SB	SFEE	4/24/2007	4/24/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327662, IN THE AMOUNT OF \$6.00.	6.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	4/24/2007	4/24/2007	SUBPOENA CLERK'S FEE	2.00
MO	MSD P	4/25/2007	4/25/2007	SUPPLEMENTAL DISCOVERY, FILED.	
SB	SFEE	4/27/2007	4/27/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327602, IN THE AMOUNT OF \$13.50.	13.50
SB	SFEE	4/27/2007	4/27/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327606, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	4/27/2007	4/27/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327607, IN THE AMOUNT OF \$15.50.	15.50
SB	WITP	4/30/2007	4/30/2007	WITNESS VOUCHER PRINTED FOR SUBPOENA 330087	7.00
SB	WITP	4/30/2007	4/30/2007	WITNESS VOUCHER PRINTED FOR SUBPOENA 327667	13.00
SB	WITP	4/30/2007	4/30/2007	WITNESS VOUCHER PRINTED FOR SUBPOENA 327668	13.00
SB	WITP	4/30/2007	4/30/2007	WITNESS VOUCHER PRINTED FOR SUBPOENA 327663	13.00
SB	WITP	4/30/2007	4/30/2007	WITNESS VOUCHER PRINTED FOR SUBPOENA 327664	13.00
SB	WITP	4/30/2007	4/30/2007	WITNESS VOUCHER PRINTED FOR SUBPOENA 327665	13.00
SB	SFEE	4/30/2007	4/30/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 330087, IN THE AMOUNT OF \$6.00.	6.00
JE	IE	4/30/2007	5/08/2007	TRIAL SET FOR 05/29/2007 AT 09:00 AM.	2.00

**CUYAHOGA COUNTY COURT OF COMMON PLEAS**

DATE: 2/22/2008  
TIME: 10:46 AM  
CASE: CR-06-488298-A

**APPEARANCE DOCKET**

CPDMB 05/02/2007 07:01:18

SB	CFEE	4/30/2007	4/30/2007	SUBPOENA CLERK'S FEE	2.00
SB	SFEE	5/01/2007	5/01/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327603, IN THE AMOUNT OF \$12.50.	12.50
SB	SFEE	5/01/2007	5/01/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327610, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/01/2007	5/01/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327601, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/01/2007	5/01/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327600, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/01/2007	5/01/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327599, IN THE AMOUNT OF \$12.50.	12.50
SB	SFEE	5/02/2007	5/02/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327611, IN THE AMOUNT OF \$12.50.	12.50
SB	SFEE	5/02/2007	5/02/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327605, IN THE AMOUNT OF \$12.50.	12.50
SB	SFEE	5/02/2007	5/02/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327604, IN THE AMOUNT OF \$12.50.	12.50
SB	SFEE	5/02/2007	5/02/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327663, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/02/2007	5/02/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327664, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/02/2007	5/02/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327665, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/02/2007	5/02/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327666, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/02/2007	5/02/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327667, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/02/2007	5/02/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 327655, IN THE AMOUNT OF \$12.50.	12.50
SB	CFEE	5/15/2007	5/15/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/15/2007	5/15/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/15/2007	5/15/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/15/2007	5/15/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/15/2007	5/15/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/16/2007	5/16/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/16/2007	5/16/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/16/2007	5/16/2007	SUBPOENA CLERK'S FEE	2.00
SB	SFEE	5/17/2007	5/17/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 335632, IN THE AMOUNT OF \$13.50.	13.50
SB	SFEE	5/21/2007	5/21/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 337003, IN THE AMOUNT OF \$6.00.	6.00
SB	SFEE	5/21/2007	5/21/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 336995, IN THE AMOUNT OF \$6.00.	6.00

**CUYAHOGA COUNTY COURT OF COMMON PLEAS**

DATE: 2/22/2008  
TIME: 10:46 AM  
CASE: CR-06-488298-A

**APPEARANCE DOCKET**

SB	SFEE	5/21/2007	5/21/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 335635, IN THE AMOUNT OF \$12.50.	12.50
SB	SFEE	5/21/2007	5/21/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 335634, IN THE AMOUNT OF \$12.50.	12.50
SB	SFEE	5/21/2007	5/21/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 335633, IN THE AMOUNT OF \$12.50.	12.50
SB	SFEE	5/21/2007	5/21/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 335631, IN THE AMOUNT OF \$15.50.	15.50
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	CFEE	5/21/2007	5/21/2007	SUBPOENA CLERK'S FEE	2.00
SB	SFEE	5/22/2007	5/22/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 335899, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/22/2007	5/22/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 335901, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/23/2007	5/23/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 336999, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/23/2007	5/23/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 337000, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/23/2007	5/23/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 337001, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/23/2007	5/23/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 336998, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/23/2007	5/23/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 336997, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/23/2007	5/23/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 336996, IN THE AMOUNT OF \$11.50.	11.50
SB	SFEE	5/23/2007	5/23/2007	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 335895, IN THE AMOUNT OF \$12.50.	12.50

**CUYAHOGA COUNTY COURT OF COMMON PLEAS**

DATE: 2/22/2008  
TIME: 10:46 AM  
CASE: CR-06-488298-A

**APPEARANCE DOCKET**

SB	WITP		5/30/2007	5/30/2007	WITNESS VOUCHER PRINTED FOR SUBPOENA 336996	26.00
SB	WITP		5/30/2007	5/30/2007	WITNESS VOUCHER PRINTED FOR SUBPOENA 336999	26.00
SB	WITP		5/30/2007	5/30/2007	WITNESS VOUCHER PRINTED FOR SUBPOENA 335899	26.00
SB	WITP		5/30/2007	5/30/2007	WITNESS VOUCHER PRINTED FOR SUBPOENA 335901	26.00
SB	WITP		5/30/2007	5/30/2007	WITNESS VOUCHER PRINTED FOR SUBPOENA 336997	26.00
SB	WITP		5/30/2007	5/30/2007	WITNESS VOUCHER PRINTED FOR SUBPOENA 336998	26.00
JE	JE	D	5/30/2007	5/30/2007	DEFENDANT'S VOLUNTARY WAIVER OF JURY TRIAL AND ORDER, RECEIVED FOR FILING 05/30/2007.	2.00
JE	JE		5/30/2007	5/31/2007	DEFENDANT IN COURT WITH COUNSEL. PROSECUTOR(S) KRISTIN M. KARKUTT PRESENT. COURT REPORTER MARY JO BADEN PRESENT. CASE CALLED FOR TRIAL. DEFENDANT EXECUTED A WRITTEN JURY TRIAL WAIVER AND ON THE RECORD ORALLY WAIVED DEFENDANT'S RIGHT TO A TRIAL BY JURY. COURT FINDS THAT THE DEFENDANT KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY WAIVED RIGHTS TO A TRIAL BY JURY. TESTIMONY COMMENCED.	2.00
					05/30/2007 CPSAM 05/30/2007 15:40:04	
JE	JE		5/31/2007	6/06/2007	DEFENDANT IN COURT WITH COUNSEL. PROSECUTOR(S) PRESENT. COURT REPORTER MARY JO BADEN PRESENT. IN TRIAL. STATE RESTS. MOTION FOR ACQUITTAL PURSUANT TO CRIMINAL RULE 29 IS OVERRULED. DEFENSE PRESENTS EVIDENCE.	2.00
					05/31/2007 CPCAL 06/01/2007 12:32:05	
SB	WITP		6/01/2007	6/01/2007	WITNESS VOUCHER PRINTED FOR SUBPOENA 337001	46.00
JE	JE		6/01/2007	6/06/2007	DEFENDANT IN COURT WITH COUNSEL JEFFREY F SLAVIN. PROSECUTING ATTORNEY KRISTIN M. KARKUTT PRESENT. COURT REPORTER PRESENT. THE COURT FINDS THE DEFENDANT GUILTY OF FELONIOUS ASSAULT 2903.11 - F2 WITH FIREARM SPECIFICATION - 1 YEAR (2941.141), FIREARM SPECIFICATION - 3 YEARS (2941.145) AS CHARGED IN COUNT(S) 1, 2 OF THE INDICTMENT. THE DEFENDANT IS REFERRED TO THE COUNTY PROBATION DEPARTMENT FOR A PRE-SENTENCE INVESTIGATION AND REPORT. SENTENCING SET FOR 06/28/2007 AT 11:00 AM.	2.00
					06/01/2007 CPHEB 06/04/2007 07:28:57	
JE	JE		6/01/2007	6/06/2007	DEFENDANT IN COURT WITH COUNSEL. PROSECUTOR(S) PRESENT. COURT REPORTER MARY JO BADEN PRESENT. IN TRIAL. DEFENSE RESTS. COURT RETIRES TO DELIBERATE.	2.00
					06/01/2007	

**CUYAHOGA COUNTY COURT OF COMMON PLEAS**

DATE: 2/22/2008  
TIME: 10:46 AM  
CASE: CR-06-488298-A

**APPEARANCE DOCKET**

CPCAL 06/01/2007 12:34:02

SH	S077	D 1	6/15/2007	6/15/2007	SUMMIT COUNTY SHERIFF DEPT SERVICE FEE \$60.28	60.28
MO	MWC	D 1	6/22/2007	6/22/2007	MOTION TO WITHDRAW AS DEFENDANT'S COUNSEL, FILED.	
JE	JE		6/28/2007	7/11/2007	SENTENCING PREVIOUSLY SET FOR 06/28/2007 AT 11:00AM IS RESET FOR 07/12/2007 . REASON FOR CONTINUANCE: DEFENDANT TO OBTAIN NEW COUNSEL.	2.00

06/28/2007  
CPITT 06/29/2007 08:36:07

MO	NOAP	D 1	7/11/2007	7/11/2007	NOTICE OF APPEARANCE, FILED.	
CS	REP		7/12/2007	7/12/2007	RC 2743.70 REPARATION FEE	45.00
JE	JE		7/12/2007	7/12/2007	DEFENDANT IN COURT. COUNSEL RICHARD SMITH PRESENT. COURT REPORTER PRESENT. ON A FORMER DAY OF COURT THE COURT FOUND THE DEFENDANT GUILTY OF FELONIOUS ASSAULT 2903.11 - F2 WITH FIREARM SPECIFICATION - 1 YEAR (2941.141), FIREARM SPECIFICATION - 3 YEARS (2941.145) AS CHARGED IN COUNT(S) 1, 2 OF THE INDICTMENT. THE COURT CONSIDERED ALL REQUIRED FACTORS OF THE LAW. THE COURT FINDS THAT PRISON IS CONSISTENT WITH THE PURPOSE OF R. C. 2929.11. THE COURT IMPOSES A PRISON SENTENCE AT THE LORAIN CORRECTIONAL INSTITUTION OF 5 YEAR(S). DEFENDANT SENTENCED TO 3 YEARS ON FIREARM SPECS IN EACH OF COUNTS 1 AND 2, 1 AND 3 YEAR FIREARM SPEC MERGE FOR SENTENCING PURPOSES, TO RUN PRIOR TO AND CONSECUTIVE TO 2 YEARS ON BASE CHARGE IN EACH OF COUNTS 1 AND 2. COUNTS 1 AND 2 TO RUN CONCURRENT WITH EACH OTHER FOR A TOTAL OF 5 YEARS. POST RELEASE CONTROL IS PART OF THIS PRISON SENTENCE FOR 3 YEARS FOR THE ABOVE FELONY(S) UNDER R.C.2967.28. DEFENDANT TO RECEIVE JAIL TIME CREDIT FOR 1 DAY(S), TO DATE. DEFENDANT IS TO PAY COURT COSTS.	2.00

07/12/2007  
CPDXM 07/12/2007 13:57:53

NT	NOA	D 1	7/13/2007	7/13/2007	NOTICE OF APPEAL, \$125.00 FILING FEE, DOCKETING STATEMENT (REGULAR), PRAECIPE, JOURNAL ENTRY, FILED AND SENT TO THE COURT OF APPEALS WITH A COPY OF THE DOCKET SHEET. THE COURT OF APPEALS NUMBER ASSIGNED IS 90135.	
CL	LORC	D 1	7/17/2007	7/17/2007	DEFENDANT DELIVERED TO LORCI ON 07/17/2007.	
CL	ROA	D 1	8/07/2007	8/07/2007	RECORD ON APPEAL, PAGINATION SHEET AND CRIMINAL FILE SENT TO THE C OF A.	
NT	CAD	D 1	9/18/2007	9/18/2007	SUA SPONTE, THIS APPEAL IS DISMISSED BY THE COURT OF APPEALS. (90135)	



FILED  
CRIMINAL DIVISION  
IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO  
2007 JUL 11 P 12:59

STATE OHIO

Plaintiff

vs.

JEREMY PEREZ

GERALE E. FUERST  
CLERK OF COURTS 488298  
CUYAHOGA COUNTY

)  
)  
) JUDGE EILEEN A. GALLAGHER

)  
) NOTICE OF APPEARANCE

Now comes the undersigned and enters his appearance as attorney of record for  
Jeremy Perez in the within case.

Please forward all journal entries, pleadings and hearing notices to the  
undersigned.

RICHARD F. SMITH JR,  
(0018125)  
Attorney for Defendant  
P.O. Box 771280  
Lakewood, Ohio 44107  
(216) 926-3344

CR06488298-A 46407659

SERVICE

A true copy of the within Notice of Appearance was hand-delivered this 11<sup>th</sup>  
day of July, 2007 to the Office of the Cuyahoga County Prosecutor,  
1200 Ontario Street, 8<sup>th</sup> floor, Cleveland, Ohio 44113.



RICHARD F. SMITH JR.  
(0018125)  
Attorney for Defendant



JOSEPH F. RUSSO  
ADMINISTRATIVE JUDGE

JUDGES

PETER M. SIKORA  
PATRICK F. CORRIGAN  
ALISON L. FLOYD  
KRISTIN W. SWEENEY  
THOMAS F. O'MALLEY

COURT OF COMMON PLEAS  
JUVENILE COURT DIVISION

COUNTY OF CUYAHOGA  
2163 EAST 22ND STREET  
CLEVELAND, OHIO 44115  
(216) 443-8400  
FAX: (216) 348-4039  
OHIO RELAY SERVICE 711

RECEIVED

MAY 23 2008

CLEVELAND METROPOLITAN  
BAR ASSOC.

KENNETH J. LUSNIA  
COURT ADMINISTRATOR

May 20, 2008

Heather Zirke  
Cleveland Metropolitan Bar Association  
1301 East Ninth Street, Second Level  
Cleveland, Ohio 44114

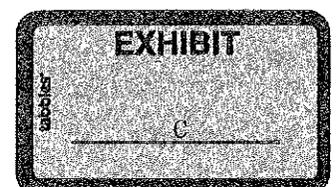
Re: Richard Ford Smith, Jr., Reg. No. 0018125

Dear Ms. Zirke:

I am writing to you as a representative of the Cuyahoga County Juvenile Court regarding the ethical violations we believe have been committed by Richard Ford Smith, Jr.

On August 29, 2007, in the matter of *Cuyahoga County Bar Association v. Smith*, 115 Ohio St. 3d 95, Richard Ford Smith, Jr. was permanently disbarred by the Ohio Supreme Court. The Supreme Court case number is 2007-0768. Since your predecessor, the Cuyahoga County Bar Association was the Relater with respect to this disciplinary action, I am informing you of further violations committed by Mr. Smith.

On March 12, 2008, Mr. Smith appeared before one of the Juvenile Court's magistrates and represented a party in a case. Mr. Smith did not give notice to the Court or his client, that he had been permanently disbarred. The case was continued to July 7, 2008, for trial.



Upon learning Mr. Smith had been permanently disbarred, the magistrate advanced the cause for a status hearing that was conducted on May 15, 2008. Mr. Smith appeared at the magistrate's courtroom on May 14, 2008 and informed the magistrate that he had not received notice for the May 15, 2008 hearing. On May 14, 2008, the magistrate asked Mr. Smith if he is licensed to practice law in the State of Ohio. Mr. Smith was vague about his standing with the Ohio Supreme Court and was not forthcoming with the information that he actually has been disbarred. On May 15, 2008, Mr. Smith withdrew as counsel for the mother.

If you have questions or require more detail relative to Mr. Smith's practice of law, please call me at the number listed below.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Marita Kavalec".

Marita Kavalec  
Director, Court Services  
Cuyahoga County Court of Common Pleas  
Juvenile Court Division  
(216) 443-4953

RECEIVED

JUN 26 2008

CLEVELAND METROPOLITAN  
BAR ASSOC.

**FILE COPY**

**Richard F. Smith Jr.**  
3312 West 165<sup>th</sup> Street  
Cleveland, Ohio 44111  
(216) 926-3344

June 27, 2008

Heather M. Zirke  
Assistant Counsel  
Cleveland Metropolitan Bar Association  
1301 East Ninth Street, Second Level  
Cleveland, Ohio 44114-1253

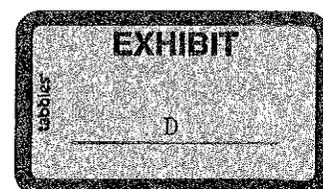
RE: Case Number 080527-01

Dear Ms. Zirke:

I have read your letter dated May 29, 2008, together with the enclosure. This letter constitutes my response.

As of August 29, 2007, the only client I had left was Jennifer Manocchio, the natural mother of Giavonna Manocchio and John Gilbride. There was, as of that date, petitions pending with the Cuyahoga Juvenile Court requesting that Ms. Manocchio be named the legal custodian and residential parent of those children. The case numbers are 06101542 and 06101543. Those are the matters referenced in Marita Kavalec's letter of May 20, 2008.

It is true that I did appear on May 12, 2007 before Magistrate Kolesar and requested a continuance of the matter. Of course, I should have told my client the truth about my standing as an attorney as soon as I learned of the events of August 29, 2007. I did not, to be blunt, out of embarrassment. Ms. Manocchio's father is married to a member of my family, and I did not want my family members to know of my situation. When I learned that Magistrate Williams had scheduled a hearing for May 15, 2008, I went to her chambers and told her that I had not received notice of the



Heather Zirke  
June 27, 2008  
page 2

hearing. I also informed her that day that I no longer had a license to practice law in Ohio. I did not appear at the hearing set for May 15, 2008, and am no longer the attorney of record in these cases.

Other than the March 12, 2008 event, I have not appeared in any court since August 29, 2007 and never will. Quite frankly, I had lost the desire to practice law before August 29, 2007, which is why I did not contest those proceedings. Now all of the people I knew in the profession, including some whom I considered friends for more than twenty years refuse to talk to me, and even go out of their way to avoid me if I'm out in public.

Very truly yours,



Richard F. Smith Jr.

Barbara A. Reitzloff  
Cleveland Municipal Court  
Housing Division  
1200 Ontario, 13<sup>th</sup> floor  
Cleveland, Ohio 44113  
[reitzloffb@clevelandmunicipalcourt.org](mailto:reitzloffb@clevelandmunicipalcourt.org)

March 5, 2009

K. Ann Zimmerman  
General Counsel  
Cleveland Metropolitan Bar Assn.  
1301 East 9<sup>th</sup> Street, 2<sup>nd</sup> Level  
Cleveland, Ohio 44114

Re: Richard Smith

Dear Ms. Zimmerman:

I am writing to report what appears to be the practice of law by an attorney who has been disbarred.

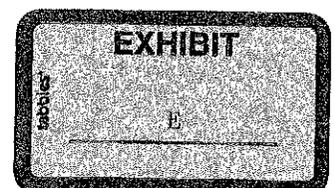
I am the Chief Magistrate for the Housing Division of Cleveland Municipal Court. The issues this letter describes arose in Cleveland Municipal Court Case Nos. 09-CVG-1183, 1184, and 1185. Those cases are actions in forcible entry and detained filed by CitiFinancial to evict the occupants of the rental premises located at 1682 West 69<sup>th</sup>, Cleveland, Ohio.

One of the occupants of the premises is Daniel Oprea. Mr. Oprea was named as a defendant in the three cases listed above. He is the client of the attorney, Richard Smith, about whom I am writing.

Case Nos. 09-1184 and 09-1185 went to hearing before a Magistrate on February 6, 2009. Judgment was granted to the plaintiff on those two cases, and a move out was scheduled for February 18, 2009. On the third case, 09-1183, Mr. Oprea filed a pro se jury demand. That case was set for pretrial on March 5, 2009.

The February 18, 2009 move out was cancelled by the Court's bailiffs at the premises. That same day, Mr. Oprea filed pro se motions for stay with the Court in Case Nos. 09-1184 and 09-1185.

Mr. Oprea came to the Court on February 19, 2009, with a man who identified himself as Richard Smith. I met with Mr. Oprea and Mr. Smith in the hallway on the 13th floor of the Justice Center, regarding the status of the motion. At that time, Mr. Smith indicated that Mr. Oprea was his client. Mr. Smith did not provide a business card.



Mr. Smith explained that he had filed a case on behalf of Mr. Oprea in federal court regarding this property; however, Mr. Smith was unable to produce the case number of this case. We discussed the Court's process for motions for stay. In addition, I asked Mr. Smith to counsel his client on the issue of Mr. Oprea's conduct with the Court's bailiffs, to whom Mr. Oprea, it was reported to me, made threatening remarks. Mr. Smith agreed to do so.

Shortly thereafter, Mr. Smith and Mr. Oprea left the 13th floor. A colleague handed to me a copy of the print out from the Supreme Court website indicating that a Richard Smith, with a Cleveland, Ohio address and a telephone number of 216-926-3344 was not a currently registered attorney, as he had been permanently disbarred. This was the only Richard Smith in the Cleveland area listed on the Supreme Court website.

After meeting with me, Mr. Smith and Mr. Oprea went to the Bailiffs' Department. At the bailiff's request, Mr. Smith produced a telephone number, which matched the telephone number on the Supreme Court website: 216-926-3344.

I later checked PACER, the federal court case database, and found no case filed by Mr. Oprea.

On March 5, 2009, Mr. Smith again appeared in Housing Court with Mr. Oprea, for pretrial in 09-CVG-1183. The case was assigned to Magistrate Myra Torain Embry. In relating to her what I knew about the case, I mentioned to Magistrate Embry that it was possible that Mr. Oprea would appear with an attorney whose license status was in question. I gave her Mr. Smith's name.

Magistrate Embry spoke to Mr. Smith prior to the pretrial. He indicated to Magistrate Embry that he is licensed to practice law in the State of Ohio. Magistrate Embry began to conduct the pretrial. At a break, she spoke to me, explaining that Mr. Smith was present, representing Mr. Oprea, and that he indicated he was a licensed attorney.

I printed out the Supreme Court website information indicating the disbarment of Richard Smith. Magistrate Embry and I then spoke to Mr. Smith, away from his client and opposing counsel. I asked for his Supreme Court registration card, which he was unable to produce. I asked for his bar registration number, which matched the number on the Supreme Court printout. He confirmed his address and telephone number, which also matched the printout. I explained that the Supreme Court's information indicated that he had been permanently disbarred. He denied any knowledge of the disbarment. We explained that he would not be allowed to participate further in the cases before the Court. Mr. Smith indicated that he would rather that we did not disclose the disbarment to his client; I indicated that the Court would have no choice but to do so, but that he would be given time to offer an explanation to his client, Mr. Oprea first.

Magistrate Embry then gave Mr. Smith a few minutes to talk with Mr. Oprea. She then reconvened the pretrial, without Mr. Smith. She explained briefly to Mr. Oprea and to plaintiff's counsel the apparent issue regarding Mr. Smith's licensure. Mr. Oprea requested a continuance, which was granted. The matter has been reset for pretrial on March 18, 2009.

Based upon the foregoing, I believe that Mr. Smith is practicing law while not in possession of a valid license. As the Cuyahoga County Bar Association was the relator in the case in which the disbarment was issued, the Court is referring this matter to you for investigation and resolution.

Please do not hesitate to contact me, at 216-664-4918, if you need additional information. You may reach Magistrate Embry at the Housing Court as well, at 216-664-3671.

Thank you for your assistance with this matter.

Sincerely,  
Barbara A. Reitzloff

FILE COPY

RECEIVED

5/18/09

MAY 18 2009

CLEVELAND METROPOLITAN  
BAR ASSOC.

HEATHER M. ZIRKE

ASSISTANT COUNSEL

Cleveland Metropolitan Bar Association

1301 EAST NINTH STREET, 2nd level

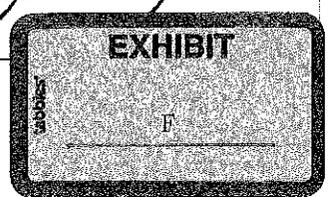
Cleveland, Ohio 44114-1253

RE: Case No. 090389-01

Dear Ms. Zirke:

I have read the grievance filed and the following  
constitutes my response.

I admit that I did appear in Cleveland Housing  
Court on behalf of Mr. Oprea, who was a friend  
and previous client. Mr. Oprea was very nervous  
about appearing by himself. I agreed to accompany  
him. It was my intention to refer him to an  
attorney for the balance of his case. I really  
cannot explain why I did this. I did not  
accept any type of fee - I was only trying to  
help him out. If you check the court records, you  
will see that this is an isolated incident. I've  
not appeared in any other courts and will not do  
so in the future. The only thing I can say in my



defense is that I've been depressed due to health and financial problems.

I apologize for my conduct and for the fact that I did not submit a typewritten response. Unfortunately, my printer wasn't working on Friday, and I wasn't able to print a typed response.

Richard Smith  
(216) 926-3344