

ORIGINAL

THE SUPREME COURT OF OHIO

LORAIN COUNTY BAR ASSOC. : CASE NO. 2011-0483

Relator, :

v. : RELATOR'S REVISED

: MOTION TO SHOW CAUSE

: AND REQUEST FOR

KING AYETTEY ZUBAIDAH, : SANCTIONS PURSUANT TO

fka GERALD McGEE, ET AL. : S. CT. PRAC. R. 8.7

Respondents. :

.....

I. INTRODUCTION

On April 11, 2012 Relator, Lorain County Bar Association, filed a Motion to Show Cause and Request For Sanctions.

On April 20, 2012 Relator filed a Motion to Stay the April 11, 2012 Show Cause Motion.

On April 30, 2012 the Court granted the Motion to Stay.

On June 8, 2012 Relator filed a Motion to Lift Stay and Revive Show Cause Motion.

This Motion has not been ruled upon.

Relator now wishes to amend its' original Show Cause Motion, filed April 11, 2012 by filing a Revised Motion, pursuant to S.Ct. Prac. R. 8.7.

FILED

JUL 19 2012

CLERK OF COURT

SUPREME COURT OF OHIO

II. REVISED MOTION TO SHOW CAUSE AND REQUEST FOR SANCTIONS

Now comes the Lorain County Bar Association, by and through the undersigned Bar Counsel, and respectfully moves this Honorable Court for an Order requiring Respondents, King Ayettey Zubaidah, fka Gerald McGee, and STAND, Inc., to appear before it and show cause why they should not be held in contempt for failing to comply with this Court's Order of April 29, 2011 requiring that they immediately cease and desist engaging in the unauthorized practice of law and for sanctions.

For cause, Relator states that on April 29, 2011 this court ordered Respondents to cease and desist from the unauthorized practice law and determined that they posed a substantial threat of serious harm to the public. (See Exhibit "A," Order, attached and incorporated herein.)

Upon information and belief, Respondents have violated this order by again actively engaging in the unauthorized practice of law in recent months.

In general, Respondents have "assisted" defendants with their criminal cases; held themselves out as "representing" individuals, and interfered in the defense of serious criminal cases.

Specifically, in a Lorain County case captioned *State of Ohio v. Kareem Tucker*, Case No. 10CR081026, on March 27, 2012, the defendant, Kareem "Kill" Tucker (hereinafter, "Tucker") was sentenced by Judge Mark Betleski to 25 years in prison for kidnapping and home invasion (See Exhibit "B," Judgment Entry, attached and incorporated herein.)

Tucker had been offered three years in prison during pretrial negotiations while represented by court-appointed defense attorney Kenneth Lieux. After firing Lieux

immediately prior to trial, Tucker proceeded to trial *pro se* and asserted various nonsensical arguments such that he is a Moor; that the Uniform Commercial Code makes the court system illegal; that since he has no “contract” with the state, he cannot be prosecuted; and that because the Judge’s flagpole had gold leaves on it maritime law should apply.

Respondent, Zubaidah, was present at some of the hearings and the trial. Judge Betleski made reference to Respondent as early as January 30, 2012 at Tucker’s pre-trial stating,

Sir, just a final point, for what it’s worth, and I’ve had this conversation with you before. And, in the past, only the person besides yourself who was concerned about it was the gentleman **King Zubaidah who was sitting in the back of the courtroom . . . you are still presenting arguments that sound like it came from him in that regard.**

(See Exhibit “C,” Transcript of proceedings, 1/30/12, pg. 17, lines 5-12, attached and incorporated herein, emphasis added.)

Later, at the same hearing, Judge Betleski states,

That’s not the way to get this case dismissed. You don’t win this case by claiming the UCC controls, because there’s a person in this building, there’s not a judge in this state who will apply the UCC to a criminal case. **Apparently, the only person who thinks the UCC has some possible application in the criminal code is King Zubaidah and the fools that follow his advice.**

(Exhibit “C,” pg.19, lines 11-17, emphasis added.)

After Tucker’s conviction he was sentenced as noted above on March 26, 2012 to 25 years in prison, having rejected a plea offer of three years and having waived his attorney.

At the sentencing, Judge Betleski noted,

I think also during that period of time Mr. Tucker may have been talking to other people who have provided consistently bad advice to young black men in this building who have criminal cases pending against them. I only hope [the black] community understands how damaging he has been to a number of people . . . in my courtroom, Judge Rothgery’s courtroom . . . Judge Miraldi’s courtroom, and eventually he will stop appearing in this courthouse because nobody will be foolish enough to hire him or listen to his advice. **But I do note that he is not in**

attendance at the sentencing today. That's not surprising. If I gave advice as bad as his, I wouldn't show up at my clients' sentencings either.

(Exhibit "D," Transcript of proceedings, 3/26/12, pgs. 18-19, lines 19-25 & 1-7, attached and incorporated herein, emphasis added.)

Further, upon information and belief, it appears Zubaidah supported Tucker's theories and the proposition that Tucker should not have been subject to the court's jurisdiction. And, Zubaidah, speaking on behalf of Tucker and his case, stated to a local newspaper reporter that Tucker would likely be convicted "because he knows the system has already made up its mind." (See Exhibit "E," article from The Chronicle, Brad Dicken, attached and incorporated herein.)

In fact, Zubaidah's conduct in the Tucker case was so outrageous that Andrew R. Young, Editor of The Chronicle (hereinafter, "Editor Young,") wrote an opinion chastising Zubaidah that was published two days after Tucker was sentenced. Editor Young stated,

Tucker effectively sacrificed the next quarter century of his life on the altar of the baseless legal theories that King Ayettey Zubaidah embraces. [Judge] Betleski denounced Zubaidah from the bench . . . for giving bad advice to Tucker and other defendants. Zubaidah . . . told our reporter Brad Dicken that Tucker, whom he said he knew, should not have been subject to the court's jurisdiction.

(See Exhibit "F," Editorial, Andrew R. Young, 3/28/12, attached and incorporated herein., emphasis added.)

Editor Young went on to state,

. . . Tucker's association with Zubaidah appears to have served him ill. Zubaidah's remark to Dicken that Tucker likely would be convicted because "the system has already made up its mind" revealed a breathtaking contempt for the jurors and Betleski. **On top of that, his cockamamie legal theories, which Tucker used, insulted their intelligence.**

(Exhibit "F," emphasis added.)

Finally, Editor Young stated,

Zubaidah's approach to justice tilts the scales against the people he's supposedly trying to help. **His greatest contribution to fairness in the courts, a cause he says he's trying to advance, would be to stay away from them.**

(Exhibit "F," emphasis added.)

Given the seriousness of the Tucker matter, others like it, and still others yet to come, Zubaidah must be silenced and prevented from giving such disastrous, ineffective legal "advice" to defendants awaiting serious criminal charges in Lorain County.

In its last filing (June 8, 2012), Relator Moved the court to lift the stay and supplement the original Motion with part of the transcript of proceedings before the UPL Board Panel. Relator had additional information regarding the Kareem Tucker matter and wished to present this material to the court.

After careful review of that Motion, Relator believes it necessary, in the interest of justice and fairness, to disclose to this court and Respondents that Relator had Kareem Tucker interviewed while he was incarcerated in the Lorain County Jail after being sentenced by Judge Mark Betleski.

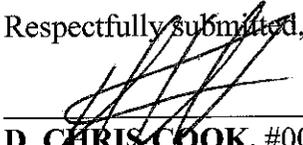
Mr. Tucker was asked about his involvement with Respondent, King Zubaidah, and whether or not The King gave Mr. Tucker advice about his case. Mr. Tucker advised Relator's investigator that The King "did not." Mr. Tucker further maintained that he did not discuss his case with The King at all.

It should be noted that Relator interviewed all four criminal defendants identified in the UPL complaint and none of them would admit or discuss their involvement with the King, despite having signed "contracts" with STAND, Inc., being driven to attorney meetings by The King, and appearing in court with The King.

Regardless, how this information impacts Relator's Motion is unclear; what is clear is that it should have been disclosed to the court and Respondent and Counsel for Relator regrets that it was not included in the June 8, 2012 Motion.

WHEREFORE, Relator requests an Order from the Supreme Court of Ohio requiring Respondents to show cause as to why they should not be held in contempt and for any and all other and further relief that is just and equitable in the premises including an order of costs, interest, additional attorney's fees in an amount to be ascertained at hearing, incurred by Relator in enforcing this Court's Order and any and all other sanctions as this Court deems appropriate.

Respectfully submitted,



D. CHRIS COOK, #0061073
520 Broadway, Third Floor
Lorain, OH 44052
PH: (440) 246-2665
FX: (440) 246-2670
email: cooklaw@centurytel.net
Attorney for Relator

PROOF OF SERVICE

This is to certify that a copy of the foregoing Motion was sent to the following by way of Regular U.S. Mail this 19th day of July, 2012:

Michael J. Duff, Esq.
745 Broadway Ave.
Lorain, OH 44052
Attorney for Respondents

Minerva Elizaga
Board on Unauthorized Practice of Law
The Supreme Court of Ohio
65 S. Front Street, 5th Floor
Columbus, Ohio 43215

Gene Whetzel, General Counsel
Ohio State Bar Assoc.
1700 Lakeshore Drive
Columbus, Ohio 43204



D. CHRIS COOK
Attorney for Relator

APR 29 2011

The Supreme Court of Ohio

CLERK OF COURT
100 EAST WASHINGTON AVENUE
COLUMBUS, OHIO 43260-1500
614.464.5000

Lorain County Bar Association,
Relator.

ON REPORT OF THE BOARD ON THE
UNAUTHORIZED PRACTICE OF LAW

v.

King Ayettey Zubaidah, f.k.a. Gerald McGee,
and STAND, Inc.,
Respondents.

Case No. 2011-0483

ORDER

The Board on the Unauthorized Practice of Law filed a Motion for an Interim Cease and Desist Order in this court on March 25, 2011, requesting that, pursuant to Rule VII(5a) of the Supreme Court Rules for the Government of the Bar of Ohio, the Supreme Court of Ohio order that respondents, King Ayettey Zubaidah, f.k.a. Gerald McGee, and STAND, Inc., cease and desist the unauthorized practice of law and that they pose a substantial threat of serious harm to the public. Respondents did not file a response and this matter was considered by the court.

On consideration thereof, this court orders that respondents immediately cease and desist the unauthorized practice of law in any form effective as of the date of this entry, pending final disposition of proceedings predicated on the conduct threatening the serious harm.

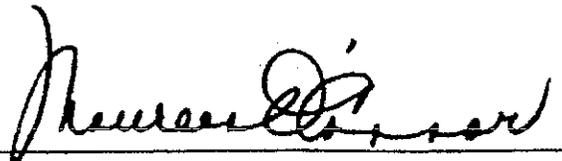
It is further ordered, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings. All case documents are subject to Rules 44 through 47 of the Rules of Superintendence of Ohio which govern access to court records.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. VII(19)(E); that publication be made as provided for in Gov.Bar R. VII(19)(F); and that respondents bear the costs of publication.

I HEREBY CERTIFY that this document is a true and accurate copy of the entry of the Supreme Court of Ohio filed April 29, 2011 in Supreme Court case number 2011-0483

In witness whereof I have hereunto subscribed my name and affixed the seal of the Supreme Court of Ohio on this 29th day of April, 20 11

by Doris L. Roche Deputy
CLERK OF COURT



Maureen O'Connor
Chief Justice



FILED
LORAIN COUNTY
2012 MAR 27 P 4:00



BJ

**LORAIN COUNTY COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO**

**RON NABAKOWSKI, Clerk
JOURNAL ENTRY
Mark A. Betleski, Judge**

| | | |
|-----------------|---|----------------------|
| STATE OF OHIO, |) | CASE NO. 10CR081026 |
| |) | |
| Plaintiff |) | DONNA FREEMAN |
| |) | Assistant Prosecutor |
| VS. |) | |
| |) | |
| KAREEM L TUCKER |) | PRO SE |
| Defendant |) | Defense Counsel |

DEFENDANT IN COURT WITH COUNSEL FOR SENTENCING: DEFENDANT SENTENCED TO PRISON; SEE SENTENCING JUDGMENT ENTRY.

VOL 1122 PAGE 2849

Mark A. Betleski

Mark A. Betleski, Judge





FILED
LORAIN COUNTY

2012 MAR 27 P 4:00

**LORAIN COUNTY COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO**

COMMON PLEAS
RON NABAKOWSKI

**RON NABAKOWSKI, Clerk
JOURNAL ENTRY
Mark A. Betleski, Judge**

| | | |
|-----------------|---|----------------------|
| MARCH 26, 2012 |) | CASE NO. 10CR081026 |
| |) | |
| STATE OF OHIO, |) | DONNA FREEMAN |
| Plaintiff |) | Assistant Prosecutor |
| VS. |) | |
| |) | |
| KAREEM L TUCKER |) | PRO SE |
| Defendant |) | Defense Counsel |

JUDGMENT ENTRY OF CONVICTION AND SENTENCE

1. Defendant appeared in Court for sentencing after having plead not guilty to and been found guilty by a Jury of the following charges:

1. Kidnapping, a violation of R.C. 2905.01(A)(2), a 1st degree felony;
2. Kidnapping, a violation of R.C. 2905.01(A)(2), a 1st degree felony;
3. Aggravated Robbery, a violation of R.C. 2911.01(A)(1), a 1st degree felony;
4. Aggravated Burglary, a violation of R.C. 2911.11(A)(1), a 1st degree felony;
5. Kidnapping, a violation of R.C. 2905.01(A)(2), a 2nd degree felony;
6. Kidnapping, a violation of R.C. 2905.01(A)(2), a 2nd degree felony;
7. Kidnapping, a violation of R.C. 2905.01(A)(2), a 2nd degree felony;
8. Robbery, a violation of R.C. 2911.02(A)(2), a 2nd degree felony;
9. Burglary, a violation of R.C. 2911.12(A)(2), a 2nd degree felony; and
10. Vandalism, a violation of R.C. 2909.05(A), a 5th degree felony.

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2. A pre-sentence report and investigation were not ordered.
3. Defendant was present with counsel in open court for sentencing March 26, 2012. A stenographer was present. Defendant's counsel and Defendant were afforded an opportunity to speak and present any information in mitigation of punishment, pursuant to Criminal Rule 32(A)(1).
4. Upon consideration of all matters set forth by law it is the judgment of law and sentence of the Court that Defendant be sentenced to:

Count 1: 7 years in prison;

Count 2: 6 years in prison;

Count 3: As this Count is an allied offense to Count One, and The State elects to have the Court sentence Defendant on Count One, this count is merged with Count One.

Count 4: As this Count is an allied offense to Count Two, and The State elects to have the Court sentence Defendant on Count Two, this count is merged with Count Two.

Count 5: 3 years in prison;

Count 6: 4 years in prison;

Count 7: 5 years in prison;

Count 8: As this Count is an allied offense to Count One, and The State elects to have the Court sentence Defendant on Count One, this count is merged with Count One.

Count 9: As this Count is an allied offense to Count Two, and The State elects to have the Court sentence Defendant on Count Two, this count is merged with Count Two; and

Count 10: 7 months in prison.

The sentences issued in Counts One, Two, Five, Six and Seven are to be served consecutively to each other and concurrently to Count Ten. Defendant is to serve a total of Twenty five years in prison.



5. For reasons set forth on the record, the court finds that Defendant must serve Counts 1, 2, 5, 6 and 7 consecutively because consecutive service is necessary to protect the public from future crime and to punish Defendant, and consecutive sentences are not disproportionate to the seriousness of Defendant's conduct and to the danger Defendant poses to the public, and the court further finds that the multiple offenses were committed as part of one course of conduct and the harm caused by the multiple offenses was so great or unusual that no single prison term for any of the offenses committed as part of the course of conduct adequately reflects the seriousness of the Defendant's conduct. The Court further finds that Defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the Defendant.

6. POST-RELEASE CONTROL

The court has further notified Defendant that post-release control is mandatory in this case for up to 5 years, as well as the consequences for violating conditions of post-release control imposed by the Parole Board under R.C. 2967.28. The Defendant is ordered to serve as part of this sentence any term of post-release control imposed by the Parole Board, and any prison term for violation of that post-release control. If post-release control is imposed, for violation of post-release control conditions, the Adult Parole Authority or Parole Board could impose a more restrictive or longer control sanction, or return defendant to prison for up to nine months for each violation, up to a maximum of $\frac{1}{2}$ of the stated prison term. If the violation is a new felony, Defendant may receive a prison term of the greater of one year or the time remaining on post-release control, in addition to any other prison term imposed for the new offense.

7. The Defendant is therefore ordered conveyed to the custody of the Ohio Department of Rehabilitation and Correction. Credit for 143 days is granted as of this date along with future custody days while the Defendant awaits transportation to the appropriate state institution. The Defendant is ordered to pay restitution of \$500.00 and all costs of prosecution. Any payments made by the Defendant to the Clerk of Courts are first to be applied to the restitution.

Dated: March 26, 2012

| | |
|--|--------|
| I HEREBY CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE. | |
| RON NABAKOWSKI, LORAIN COUNTY CLERK OF THE COURT OF COMMON PLEAS | |
| BY <u><i>R. Nabakowski</i></u> | DEPUTY |


Mark A. Betleski, Judge



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The State of Ohio,)
) SS:
County of Lorain.)

IN THE COURT OF COMMON PLEAS

The State of Ohio,)
)
Plaintiff,)
)
vs.) Case Nos. 10CR081231
) 10CR081026
Kareem Tucker,)
) 11CR082085
Defendant.)

* * *

COMPLETE TRANSCRIPT OF PROCEEDINGS HAD IN THE
ABOVE-ENTITLED MATTER ON MONDAY, JANUARY 30, 2012, BEFORE
THE HONORABLE MARK A. BETLESKI, PRESIDING JUDGE OF SAID
COURT.

* * *

APPEARANCES:

Appearing on behalf of the State of Ohio:

Dennis P. Will,
Lorain County Prosecuting Attorney, by
Donna Freeman,
Assistant Prosecuting Attorney.

Appearing on behalf of the Defendant:

Kareem Tucker, Pro Se.

* * *



PROCEEDINGS, MONDAY, JANUARY 30, 2012

1
2 THE COURT: Why don't we go ahead
3 and call Mr. Tucker's case.

4 Come on up, Mr. Tucker.

5 MS. FREEMAN: Next case is
6 Kareem Tucker, three cases, 10CR081026, 10CR081231 and Case
7 No. 11CR082085, and these matters are set for --

8 THE COURT: Pretrial.

9 MS. FREEMAN: Yes, or possibly final
10 pretrial. The matters are set for jury trial on March
11 20th.

12 THE COURT: Okay. Thank you,
13 counsel.

14 Good afternoon, sir. I've got something from you in
15 writing, and I'm not quite sure whether I'm reading this
16 correctly or not, but it confronts an issue that we talked
17 about at least briefly. I think ultimately you stopped
18 talking to me, but an issue that we talked about when we
19 were last together in the courtroom earlier in the month of
20 January. And so I just want to make sure I got this
21 straight, because I think at that time I had suggested to
22 you that I would appoint you counsel if you wanted me to
23 appoint you counsel to represent you with regard to these
24 matters. And this sort of reads like you are willing to
25 allow me to appoint you counsel to represent you in this

1 going to be the matter that's going to be set specifically
2 for trial on that date. I will then journalize an entry
3 and make sure Mr. Tucker gets a copy of that entry in that
4 regard.

5 Sir, just a final point, for what it's worth, and I've
6 had this conversation with you before. And, in the past,
7 only the person besides yourself who was concerned about it
8 was the gentleman King Zubaidah who was sitting in the back
9 of the courtroom. And I notice that he hasn't been here
10 the last two times you've been here, although you still are
11 presenting arguments that sound like it came from him in
12 that regard. But I know you've got some family members
13 sitting back there.

14 All I can tell you is that some of the statements that
15 you've been making to me have been made by other
16 individuals to the judges after getting poor advice from
17 King Zubaidah. I appreciate that there may be a sense that
18 the justice system is not as fair to the African-American
19 man or the African-American as it is to the white man or
20 whatever it might be. But the fact of the matter was is
21 that I had made a proposal towards trying to resolve these
22 three cases that your counsel thought was an excellent
23 offer, and you didn't accept it. That's fine. That's
24 neither here nor there. I've had plenty of offers that
25 I've made with regard to a resolution of cases before me

1 merely thought of as laughable.

2 The fact of the matter is is that I don't know whether
3 you committed these acts some months ago or not in that
4 regard. But, if you think the road to success regarding
5 remedying the problems you present yourself or that the
6 State has presented to you, if you think the road to
7 success is by ignoring the laws of the State of Ohio and
8 the Constitution, and suggesting to the Court that he
9 doesn't have the authority to serve in this position that
10 he's served in for the last 13 years, that's not the way
11 you win your case. That's not the way you get this case
12 dismissed. You don't win this case by claiming the UCC
13 controls, because there's not a person in this building,
14 there's not a judge in this state who will apply the UCC to
15 a criminal case. Apparently, the only person who thinks
16 the UCC has some possible application in the criminal code
17 is King Zubaidah and the fools who follow his advice.

18 All I can tell you, sir, is that I want to do my best
19 to deal fairly with your situation, but the fact of the
20 matter is you create so many more problems for yourself.
21 You compound whatever problems you've created for yourself
22 in the past, you compound them by setting forth some
23 argument that, in fact, you're not subject to the laws, and
24 that you, even if found guilty with regard to these
25 charges, do not suffer any repercussions because for some

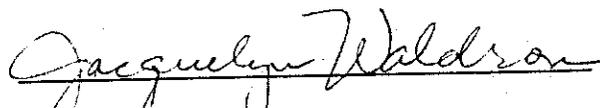
C E R T I F I C A T E

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4 The State of Ohio,)
) SS:
5 County of Lorain.)

6
7 I, Jacquelyn Waldron, Official Court
8 Reporter of the Court of Common Pleas, Lorain County, Ohio,
9 do hereby certify that this is a correct transcript of the
10 proceedings in this case on January 30, 2012.

11 I further certify that this is a complete
12 transcript of the proceedings on that date.

13 IN WITNESS WHEREOF, I have subscribed my
14 name this 29th day of March, 2012.

15
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17
18 
19 Jacquelyn Waldron, RMR

20 Official Court Reporter

21 Court of Common Pleas

22 Lorain County Courthouse

23 Elyria, OH 44035

24 (440) 329-5727

25 My commission expires 10-27-15.

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The State of Ohio,)
County of Lorain.) SS:

IN THE COURT OF COMMON PLEAS

The State of Ohio,)
Plaintiff,)
vs.) Case No. 10CR081026
Kareem Tucker,)
Defendant.)

* * *

COMPLETE TRANSCRIPT OF PROCEEDINGS HAD IN THE
ABOVE-ENTITLED MATTER ON MONDAY, MARCH 26, 2012, BEFORE THE
HONORABLE MARK A. BETLESKI, PRESIDING JUDGE OF SAID COURT.

* * *

APPEARANCES:

Appearing on behalf of the State of Ohio:

Dennis P. Will,
Lorain County Prosecuting Attorney, by
Donna Freeman,
Assistant Prosecuting Attorney.

Appearing on behalf of the Defendant:

Kareem Tucker, Pro Se.

* * *



PROCEEDINGS, MONDAY, MARCH 26, 2012

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THE COURT: Good afternoon,
Ms. Freeman. Good afternoon, sir.

Do you want to go ahead and call our case?

MS. FREEMAN: Good afternoon, Your Honor. The case is State of Ohio versus Kareem Tucker, Case No. 10CR081026. This matter is set for sentencing.

THE COURT: Thank you.

Sir, do you have anything you wish to say on your own behalf before I proceed with sentencing in this matter?

MR. TUCKER: You people found me guilty here, and okay. That's fine. But I have one question I want to ask you. Who is going to certify the records on to the Court?

THE COURT: The Court will, as far as the exhibits and the transcript, assuming you pursue an appeal with regard to this matter, my Court Reporter would insure that the proper exhibits and the transcript of testimony and statements in the trial case is properly certified to the Court of Appeals. With regard to any other issues, the Clerk's Office downstairs is required to certify any filings made in the case pending before me and submit that to the Court of Appeals, so they will be certifying that if they are served with a proper praecipe requesting that.

1 other defendants through their counsel in my 13 and a half
2 years on the bench, and ones that I -- promises that I've
3 always honored, and that promise was to give Mr. Tucker if
4 he ended up pleading guilty to all the charges the minimum
5 prison sentence available to the Court with regard to this
6 matter, that being three years in prison.

7 My recollection is that Ms. Riedthaler didn't have any
8 substantial objections to the Court's offer in that regard,
9 mostly because I did not think she had full information yet
10 as to Mr. Tucker's prior record, but also because she knew
11 of the difficulty in insuring the attendance and
12 believability of a person who is in prison or in another
13 state. And so my understanding and recollection is
14 Mr. Stepanik was ecstatic about that and spent a good deal
15 of time trying to persuade Mr. Tucker to accept that.

16 At some point during that process, Mr. Tucker stopped
17 I think considering the legal advice of Mr. Stepanik, and,
18 ultimately, Mr. Stepanik's law firm withdrew as counsel.

19 I think also during that period of time Mr. Tucker may
20 have been talking to other people who have provided
21 consistently bad advice to young black men in this
22 building who have criminal cases pending against them. I
23 only hope that at some point the black community
24 understands how damaging he has been to a number of people
25 who have been sentenced in the Courts, in my courtroom,

1 and in Judge Rothgery's courtroom, and in Judge Miraldi's
2 courtroom, and eventually he will stop appearing in this
3 courthouse because nobody will be foolish enough to hire
4 him or listen to his advice. But I do note that he is not
5 in attendance at the sentencing today. That's not
6 surprising. If I gave advice as bad as his, I wouldn't
7 show up at my clients' sentencings either.

8 But, be that as it may, that's not really relevant
9 from the Court's perspective as to how it views the
10 sentencing today, but it's important to put in perspective
11 what little information and minimal information I had at
12 the time that I made my promise to Mr. Tucker that he
13 ultimately rejected.

14 What really is important from the Court's perspective
15 is what's transpired since that time. Because I put forth
16 another effort to try to get this matter resolved just
17 prior to trial in which I tried to get all four of the
18 cases resolved, and that was not possible.

19 But it's really been the conduct of Mr. Tucker
20 throughout since that period of time, since he ended his
21 relationship with Mr. Stepanik's law firm that -- and in
22 light of a thorough understanding now by the Court of what
23 transpired on July 17th and 18th of 2010 that lead this
24 Court to come to the conclusion it is going to be coming to
25 today regarding sentencing.

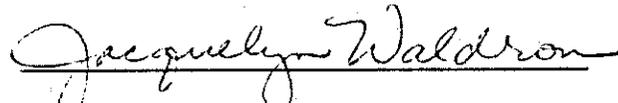
C E R T I F I C A T E

1
2
3 The State of Ohio,)
4 County of Lorain.) SS:
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6 I, Jacquelyn Waldron, Official Court
7 Reporter of the Court of Common Pleas, Lorain County, Ohio,
8 do hereby certify that this is a correct transcript of the
9 proceedings in this case on March 26, 2012.

10 I further certify that this is a complete
11 transcript of the proceedings on that date.

12 IN WITNESS WHEREOF, I have subscribed my
13 name this 29th day of March, 2012.
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18 Jacquelyn Waldron, RMR

19 Official Court Reporter

20 Court of Common Pleas

21 Lorain County Courthouse

22 Elyria, OH 44035

23 (440) 329-5727

24 My commission expires 10-27-15.
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STEVE MANHEIM / CHRONICLE

Kareem Tucker defends himself from robbery, kidnapping and other charges in court Tuesday.

Robbery suspect defending himself after firing attorney

Brad Dicken
The Chronicle-Telegram

ELYRIA — A Lorain man defending himself on charges he was involved in a July 2010 robbery and home invasion insisted on the first day of his trial Tuesday that he should not face criminal charges because he doesn't have a contract with the court system or any other government entity.

Kareem "Kil" Tucker fired Elyria defense attorney Kenneth Lieux, who was supposed to advise him during the trial, shortly before jury selection began in Lorain County Common Pleas Judge Mark Belleski's courtroom.

Tucker, 26, could get decades in prison if convicted on charges of vandalism, burglary, robbery, aggravated robbery, aggravated burglary and kidnapping.

Tucker has argued in court hearings and documents sent to Belleski that he cannot be prosecuted for the crimes of which he's accused because he contends the nation's Uniform Commercial Code makes the court system illegal.

Without a contract with the state, Tucker appears to have argued, he is immune from prosecution.

Belleski told Tucker that his trial

"I don't know what his game plan is. I don't know that he's got a plan."

Kenneth Lieux,

Kareem Tucker's defense attorney, who was fired by Tucker prior to trial

isn't a commercial matter. The judge also said he hasn't been able to find any prior court ruling that backs up Tucker's arguments.

Lieux said he's heard the argument Tucker's making before but doesn't believe it's ever worked.

When the trial began after Tucker fired Lieux, he didn't question any prospective jurors, didn't make an opening statement and didn't ask a single question of the first witness.

Lieux said that could end badly for Tucker because those are all important things to do if someone wants to defend himself from criminal allegations.

"It's suicide," Lieux said. "This guy's facing a lot of years in prison if he's convicted."

Tucker said several times throughout the court proceedings that he was waiving "my benefits," an apparent reference to his argument that the trial is a commercial enterprise to which he is not a party.

Lieux said he isn't certain exactly how that helps Tucker.

"I don't know what his game plan

is," he said. "I don't know that he's got a plan."

But King Ayttey Zubaidah, who leads Striving Towards A New Day, which claims to monitor the courts for fairness, said he believes Tucker has the right to it.

He said the laws of Ohio can't be applied to Tucker without his permission. But he also said he disagrees with Tucker's refusal to engage in the trial.

Zubaidah said Tucker, whom he said he knows, should be asking questions and making arguments, but only after stating that he's doing so under duress.

He said he believes Tucker likely will be convicted and will accept whatever sentence he receives in the case because he has no choice.

"It's not because he wants to, but because he knows the system has already made up its mind," Zubaidah said.

Tucker also has filed court documents claiming that, as a Moor, he has diplomatic immunity, which also grants him protection from prosecu-

tion, something that Zubaidah and Tucker's other supporters said should also keep him from being placed on trial.

Assistant County Prosecutor Donna Freeman told jurors the Tucker, along with Delno Clayton and Ivan Brooks, was involved in the gunpoint robberies and kidnapping of Calvin Parker and Shamika Hiale in July 2010.

Freeman said Clayton invite Parker to go out for a few drinks on night, but instead the three men hit him at gunpoint and stripped him of his shorts, keys and other personal items. Parker was then bound with duct tape and put in the trunk of car where he was held while Clayton and Tucker forced their way into the apartment where Hiale and three children were.

Hiale testified that she had been waiting up for Parker, whom she couldn't reach on the phone, when she heard keys in the lock. She got up and went to see who it was. She said she saw Clayton and Tucker whom she knew, force their way inside.

She said Tucker punched her in the face and then the pair forced her and her then-3-year-old son into a bed

See DEFEND, C

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DEFEND

From C1

room, where Clayton kept her pinned under a blanket. Two older children in the home were ordered into another room at gunpoint.

Freeman said that Parker eventually gave the combination to the safe in the apartment, where he kept thousands of dollars in cash and drugs, to the robbers.

Hisle testified that after several hours of being held against her will, during which she said she dozed off, she discovered

the robbers were gone.

Freeman said Parker managed to flee to a gas station, where a video surveillance system captured him wearing underwear and a dirty T-shirt while he pulled duct tape off himself.

Brooks and Clayton have pleaded guilty in the case. Brooks is serving a four-year prison sentence. An arrest warrant was issued for Clayton after he failed to show up for a sentencing hearing.

Tucker's trial resumes today.

Contact Brad Dicken at 329-7147
or bdicken@chronicle.com.

Advice should be helpful

King Ayettey Zubaldah's odd strategy proved to be little defense for robber in court

Kareem Tucker's bizarre performance as his own lawyer might make sense if he could appeal his conviction on the basis that he received ineffective assistance of counsel.

His lawyer did not know what he was doing, that's for sure. With no training in the law, Tucker, 26, chose to defend himself in Lorain County Common Pleas Court last week against charges of kidnapping, aggravated robbery, robbery, aggravated burglary, burglary and vandalism. He disputed the court's authority to prosecute him, arguing that it was illegal under the nation's Uniform Commercial Code, that he was a Moor and thus entitled to diplomatic immunity, and that a gold-trimmed flag in the courtroom signified that it operated under maritime law.

Here was raw material for a comic bent on satirizing the legal system, but it was useless to Tucker as a strategy. Judge Mark Betleski found no merit to his arguments, a jury convicted him Thursday after only two hours deliberations, and Betleski sentenced him Monday to 25 years in prison. During negotiations with prosecutors before the trial, Betleski noted, Tucker had been offered a three-year prison sentence to resolve this case and three others.

Tucker effectively sacrificed the next quarter century of his life on the altar of the baseless legal theories that King Ayettey Zubaldah embraces. Betleski denounced Zubaldah from the bench, although not by name, for giving bad advice to Tucker and other defendants. Acting almost a year ago on the basis of a complaint from the county Bar Association, the Ohio Supreme Court ordered Zubaldah, a self-appointed court watchdog, to cease and desist the unauthorized practice of law pending a final ruling on the complaint.

Zubaldah denied that he had given Tucker legal advice, but he attended some of the trial and told our reporter Brad Dicken that Tucker, whom he said he knew, should not have been subject to the court's jurisdiction.

Tucker can't argue that his lawyer was ineffective, even though it was painfully obvious, because he chose to represent himself. On top of that, just as his trial began, he fired the lawyer who had been appointed to advise him as he defended himself. It's not just a pun to say he was left defenseless.

Tucker deserves little sympathy. He kidnapped a man and terrorized that man's girlfriend and her children for hours in committing a robbery. But Tucker's association with Zubaldah appears to have served him ill.

Zubaldah's remark to Dicken that Tucker likely would be convicted because "the system has already made up its mind" revealed a breathtaking contempt for the jurors and Betleski. On top of that, his cockamamie legal theories, which Tucker used, insulted their intelligence.

Zubaldah's approach to justice tilts the scales against the people he's supposedly trying to help. His greatest contribution to fairness in the courts, a cause he says he's trying to advance, would be to stay away from them.

OTHER OPINIONS

