

ORIGINAL

IN THE SUPREME COURT OF OHIO

State *ex rel.*, THE HONORABLE
ANGELA R. STOKES,
Cleveland Municipal Court
1200 Ontario Street
Cleveland, OH 44113,

CASE NO:

14-0467

Relator,

ORIGINAL ACTION

v.

THE HONORABLE RONALD B. ADRINE,
13515 Drexmore Road
Cleveland, OH 44120,

and

THE HONORABLE MABEL M. JASPER
3708 Edgehill Drive
Cleveland, OH 44121,

Respondents.

COMPLAINT IN OVO WARRANTO, MANDAMUS AND PROHIBITION WITH
AFFIDAVIT OF THE HONORABLE ANGELA R. STOKES, ATTACHED

Richard C. Alkire (#0024816)
Dean Nieding (#0003532)

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Attorneys for Relator, The Honorable Angela R. Stokes

RECEIVED
MAR 31 2014
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
MAR 26 2014
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SUPREME COURT OF OHIO

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INTRODUCTION
(FACTUAL ASSERTIONS COMMON TO ALL CLAIMS FOR RELIEF)

Pursuant to S.Ct.Prac.R. 12.02, Relator The Honorable Angela R. Stokes (hereinafter "Judge Stokes") hereby files her Complaint and attaches hereto her Affidavit (hereinafter "Stokes Aff.") specifying the details of the claims made herein. Her Complaint is as follows:

1. Relator Judge Stokes was most recently elected to judge of the Cleveland Municipal Court for a six year term beginning January 2, 2012. She brings this action to assert her right to perform her official duties conferred upon her pursuant to the office to which she has been elected.

2. At all times pertinent herein, Respondent The Honorable Ronald B. Adrine (hereinafter "Judge Adrine") is and was the current Administrative and Presiding Judge of the Cleveland Municipal Court.

3. Respondent The Honorable Mabel M. Jasper (hereinafter "Judge Jasper"), upon information and belief, was assigned by Judge Adrine to preside over Relator's criminal docket on and after March 18, 2014. Upon information and belief, Judge Jasper will continue to preside over Judge Stokes' criminal docket pursuant to Administrative Order No. 2014-003 and the authority conferred upon her by Judge Adrine or any other Judge or Justice. (See para. 4(A), *infra*) Judge Adrine presided over Relator's criminal docket on March 20, 2014 and may continue to so preside in the future.

4. On or about March 14, 2014, Judge Adrine issued Administrative Orders which amount to the usurpation of (and/or intrusion into) the duties and responsibilities conferred upon Judge Stokes by virtue of her judicial office without due process and in direct contravention of the authority of the Ohio Supreme Court. These Administrative Orders are as follows:

A. Administrative Order No. 2014-003 – (Stokes Aff., Ex. A)

IN RE: Temporary Transfer and Reassignment of all Pending Criminal Misdemeanor, Criminal Minor Misdemeanor and Traffic Matters Currently Assigned to the Honorable Angela R. Stokes;

- B. Administrative Order No. 2014-004 – (Stokes Aff., Ex. B)

IN RE: Temporary Transfer and Status Review of all Probation Matters on the Personal Docket of the Honorable Angela R. Stokes:

- C. Administrative Order No. 2014-005 – (Stokes Aff., Ex. C)

IN RE: Temporary Transfer of Responsibility for Status Review of Individuals Sentenced to Incarceration by the Honorable Angela R. Stokes;

- D. Administrative Order No. 2014-006 – (Stokes Aff., Ex. D)

IN RE: Temporary Increase in Civil Case Assignments to the Personal Docket of the Honorable Angela R. Stokes;

- E. Administrative Order No. 2014-007 – (Stokes Aff., Ex. E)

IN RE: Cuyahoga County Public Defender's Motion to Transfer Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to Her Docket;

- F. Administrative Order No. 2014-008 – (Stokes Aff., Ex. F)

IN RE: Physical Retrieval of All Pending Criminal Misdemeanor, Criminal Minor Misdemeanor and Traffic Matters Currently Assigned to the Personal Docket of The Honorable Angela R. Stokes for Review, Temporary Transfer and/or Reassignment.

5. In addition to issuing these Administrative Orders, Judge Adrine issued an Inter-Office Correspondence to Judge Stokes on March 14, 2014 (Stokes Aff., Ex. G) indicating, *inter alia*:

I have issued the attached Administrative Orders temporarily transferring responsibility for oversight, review and disposition of all criminal, quasi-criminal and traffic matters appearing on your personal docket.

* * *

The transfer was effective upon the journalization of the aforementioned Administrative Orders and will continue only until such time as the certified complaint pending against you before the Board of Commissioners on Grievances and Discipline is resolved in the Supreme Court of Ohio.

6. The March 14, 2014 Inter-Office Correspondence to Judge Stokes (Stokes Aff., Ex. G) also indicated the following:

Please be informed that your access to all of the noted files assigned to you before the issuance of these orders is now embargoed while the transfer is affected. Recognizing that you may require access to some criminal, quasi-criminal and/or traffic matters in order to assist in the preparation of your response to the certified complaint, please be informed that access may be obtained through the office of the Administrative Judge while the Administrative Orders of transfer are in effect.

7. On October 14, 2013, a certified Complaint was brought against Judge Stokes and filed before the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court, *In re: Complaint against Angela Rochelle Stokes, Respondent, and Disciplinary Counsel, Relator*, Case No. 2013-057 (hereinafter "The Certified Complaint"). Thereafter, an Answer was filed by Judge Stokes denying each and every allegation of misconduct set forth in The Certified Complaint.

8. Disciplinary Counsel, in connection with The Certified Complaint, filed Relator's Motion for Psychiatric Examination Pursuant to Gov. Bar R. V Sec. 7C on January 7, 2014 with Judge Adrine's Affidavit attached, among other attachments. Next, Relator Judge Stokes herein

(Respondent in The Certified Complaint) opposed such Motion on January 31, 2014. Finally, by Order of the Panel dated February 18, 2014, the prehearing Motion for Psychiatric Examination was denied. (Stokes Aff., Ex. I)

9. The discipline case is scheduled for hearing beginning on September 22, 2014. (Stokes Aff., Ex. I) In the interim, discovery between the parties in that matter is ongoing.

10. Under Gov. Bar R. V, Sec. 5A, Interim Remedial Suspension, a procedure exists in the event that Disciplinary Counsel or a certified grievance committee receives substantial, credible evidence demonstrating that a judge who has committed violations of the Code of Judicial Conduct or Ohio Rules of Professional Conduct and who poses a substantial threat of serious harm to the public may be immediately suspended pending the final disposition of a disciplinary proceeding. This procedure has not been invoked by Relator in the discipline case. Yet, the Administrative Orders of Judge Adrine, at least in part, achieve the same objective without the due process afforded a respondent under the Interim Remedial Suspension procedure set forth in Gov. Bar R. V, Sec. 5A.

11. Since the institution of The Certified Complaint, two criminal defendants have sought, through counsel, to disqualify Judge Stokes from hearing their matters. In each matter, the Presiding Judge of the Court of Common Pleas of Cuyahoga County, Ohio denied such motions pursuant to R.C. 2701.031. (Stokes Aff., Ex. K) Also, after the Notice of Intent to File the Complaint was provided to Judge Stokes in July 2013, two other criminal defendants, one through counsel and one *pro se*, sought to disqualify Judge Stokes from hearing their matters. In each of these matters, the Presiding Judge of the Cuyahoga County Court of Common Pleas denied such Motions pursuant to R.C. 2701.031. (Stokes Aff., Exs. L and M)

12. No plain and adequate remedy in the ordinary course of law exists to address Judge Adrine's issuance and execution of the Administrative Orders which, in effect, usurp the authority conferred upon Judge Stokes by virtue of her office as an elected judge of the Cleveland Municipal Court.

13. The issuance and execution of the aforementioned Administrative Orders and the Inter-Office Correspondence whereby Judge Stokes' files are "embargoed" by Judge Adrine constitutes an exercise of judicial power unauthorized by law because it, in effect, usurps the exclusive jurisdiction of the Ohio Supreme Court to regulate the practice of law conferred upon it by Article IV, Section 2(B)(1)(g) of the Ohio Constitution; usurps the exclusive jurisdiction of the Ohio Supreme Court to prescribe rules governing practice and procedure in all courts of the state conferred upon it by Article IV, Section 5(B) of the Ohio Constitution; usurps the duties and responsibilities of the Clerk of Courts of the Cleveland Municipal Court pursuant to R.C. 1901.31(E); and as such, no other adequate remedy of law exists but the extraordinary remedies sought in the following First, Second and Third Claims for Relief.

FIRST CLAIM FOR RELIEF
(QUO WARRANTO)

14. Each of the facts, statements and allegations made and contained in the preceding paragraphs are hereby incorporated by reference in this First Claim for Relief.

15. Respondents, Judge Adrine and Judge Jasper, have and continue to usurp, intrude into or unlawfully exercise the office and duties of Judge Stokes, an elected judge of the Cleveland Municipal Court, presently in good standing with the bar. (Stokes Aff., paras. 1, 10)

16. The Administrative Orders issued by Judge Adrine, *supra*, at para. 4, also permit him to usurp, intrude into and/or unlawfully exercise control over other aspects of the duties and responsibilities of Judge Stokes in connection with pending matters previously and/or presently

assigned to her and matters which should be assigned to her in the future, pursuant to the Rules Governing the Courts of Ohio of the Ohio Supreme Court in connection with both the individual assignment system for the assignment of all cases to judges within the Cleveland Municipal Court and the assignment system as it relates to particular sessions of court under Sup.R. 36.

17. By virtue of the Administrative Orders detailed in para. 4, *supra*, Judge Adrine has circumvented Crim.R. 25(B) and Sup.R. 36 as it relates to the assignment and re-assignment of cases and duties to Judge Stokes. He is duty-bound to observe Sup.R. 36 pursuant to Sup.R. 4.01(C). In effect, Judge Adrine's ignoring of the aforementioned rules amounts to usurpation, intrusion and/or an unlawful exercise of judicial power lawfully reposed in Judge Stokes by his assuming the exclusive authority of the Ohio Supreme Court to prescribe rules governing practice and procedure under Article IV, Section 5(B) of the Ohio Constitution.

18. By virtue of the Administrative Orders detailed in para. 4, *supra*, and the Inter-Office Correspondence detailed in paras. 5-6, Judge Adrine has taken upon himself the power to suspend Judge Stokes from the performance of her Judicial duties in connection with criminal matters previously and/or presently pending before her. In effect, Judge Adrine's Administrative Orders and Inter-Office Correspondence amount to usurpation, intrusion and/or an unlawful exercise of power with respect to attorney and judicial discipline exclusively reposed in the Ohio Supreme Court through Article IV, Section 2(B)(1)(g) of the Ohio Constitution. Through Judge Adrine's unlawful assumption of attorney and judicial discipline responsibility, he has usurped, intruded upon and/or unlawfully exercised judicial power lawfully reposed in Judge Stokes to discharge the duties of her office with respect to her criminal docket.

19. By virtue of the aforementioned conduct of the Respondents, such judicial power has been unlawfully held and exercised by them while Judge Stokes has been and will be prevented from exercising the judicial power granted to her through her elected office.

WHEREFORE, Relator The Honorable Angela R. Stokes requests that this Honorable Court issue a Writ of *Quo Warranto* precluding Respondents The Honorable Ronald B. Adrine and The Honorable Mabel M. Jasper from usurping, intruding into or unlawfully exercising any control over the cases previously and/or presently assigned to Relator or to be assigned in the future to Relator pursuant to Sup.R. 36. Further, Relator requests that all costs associated with this action be taxed against Respondents. Finally, Relator requests all other remedies available to her under the principles of law and equity arising from the facts and allegations raised in the Complaint.

SECOND CLAIM FOR RELIEF
(MANDAMUS)

20. Each of the facts, statements and allegations made and contained in the preceding paragraphs are hereby incorporated by reference in this Second Claim for Relief.

21. In connection with the aforementioned Administrative Orders, para. 4, Judge Adrine must not enforce them, and instead, as a result of his office, he has a clear legal duty and must be enjoined to comply with Sup.R. 36 as it relates to ongoing and future assignments through the individual assignment system and the assignment system associated with particular sessions of court. Administrative Orders No. 2014-003, 2014-006 and 2014-008 are each in contravention of Sup.R. 36 and therefore each usurps the authority of the Ohio Supreme Court under Article IV, Section 5(B) of the Ohio Constitution.

22. Judge Adrine should be prevented from reassigning probation matters by transferring them, performing a status review of them and temporarily reassigning them under

Administrative Order No. 2014-004. As a result of his office, Judge Adrine has a clear legal duty and must be enjoined to comply with Sup.R. 36 and Crim.R. 25(B).

23. Judge Adrine should be prevented from temporarily transferring responsibility for the status review of individuals sentenced for incarceration under Administrative Order No. 2014-005. As a result of his office, Judge Adrine has a clear legal duty and must be enjoined to comply with Sup.R. 36 and Crim.R. 25(B).

24. Judge Adrine should be prevented from temporarily transferring responsibility for *City of Cleveland v. Frank Petrucci*, Case Nos. 2013 TRD 065646 and 2012 TRC 050939; *City of Cleveland v. William Baeslack*, Case No. 2013 CRB 038243; *City of Cleveland v. Rowan Hayes*, Case No. 2013 CRB 017219; *City of Cleveland v. Robert W. Downing*, Case No. 2013 TRC 016088 from Judge Stokes to Judge Jasper and/or any other judge. Each of these cases has previously resulted in rulings by the then Presiding Judge of the Cuyahoga County Court of Common Pleas, specifically directing that the Affidavits of Disqualification were not well-taken and Judge Stokes was not disqualified from handling those matters. (Stokes Aff. Exs. M - N) As a result of his office, Judge Adrine has a clear legal duty and must be enjoined to comply with the Orders of Judges Nancy Fuerst and John Russo, Presiding Judges of the Cuyahoga County Court of Common Pleas, pursuant to R.C. 2701.031.

25. At the time the Administrative Orders were issued by Judge Adrine, Judge Stokes had pending before her a Motion to Recuse in *State of Ohio v. Rita T. Boutros*, Case Nos. 2014 CRB 004735, 2014 TRC 011087. This Motion is the first step in connection with the procedure prescribed under R.C. 2701.031. Because of Administrative Order No. 2014-003, *Boutros*, *supra*, will be or already has been reassigned from Judge Stokes, preventing her from ruling on such Motion which will also inhibit the ability of the Presiding Judge of the Cuyahoga County

Court of Common Pleas to comply with the procedure under R.C. 2701.031 in the event that Judge Stokes would deny such Motion, and further, that should any of the parties then avail themselves of the procedure under R.C. 2701.031 to appeal such ruling. The first pretrial in respect to the *Boutros* matter had been set for March 25, 2014, at which time Judge Stokes would have afforded the assistant city prosecutor for the City of Cleveland and the defendant's counsel an opportunity to argue such Motion on the record, and at which time she would have ruled on the same. Judge Stokes' inability to rule on this pending motion because she was precluded from hearing it on March 25, 2014 should not be deemed a waiver of her right to provide evidence that she is neither biased or prejudiced in connection with this matter and she reserves her right to create a record in this regard. As a result of his office, Judge Adrine has a clear legal duty and must be enjoined to comply with Sup.R. 36, Crim.R. 25(B) and/or R.C. 2701.031.

26. As a direct and proximate result of Judge Adrine's failure to adhere to and carry out the mandate of Sup.R. 36 and/or Crim.R. 25(B), Judge Stokes is and continues to be prevented from performing her duties as a duly elected Cleveland Municipal Court judge and has a clear legal right to the relief sought. Judge Adrine's duty to properly apply and enforce Sup.R. 36 arises from the powers and duties conferred upon him under Sup.R. 4.01(C). Judge Adrine has a clear legal duty to also comply with Crim.R. 25(B).

WHEREFORE, Relator The Honorable Angela R. Stokes requests that this Honorable Court issue a Writ of *Mandamus* requiring Respondent The Honorable Ronald B. Adrine to follow Sup.R. 36, Crim.R. 25(B) and the Orders of Judges Fuerst and Russo pursuant to R.C. 2701.031 and, in turn, not execute, not enforce and vacate Administrative Order Nos. 2014-003, 2014-004, 2014-005, 2014-006 and 2014-008 and to reinstate and reassign all cases previously assigned or reassigned pursuant to said Orders in accordance with Sup.R.36, Crim.R. 25(B) and

the Orders of Judges Fuerst and Russo pursuant to R.C. 2701.031. Further, Relator requests that all costs associated with this action be taxed against Respondents. Finally, Relator requests all other remedies available to her under the principles of law and equity arising from the facts and allegations raised in the Complaint.

THIRD CLAIM FOR RELIEF
(PROHIBITION)

27. Each of the facts, statements and allegations made and contained in the preceding paragraphs are hereby incorporated by reference in this Third Claim for Relief.

28. Relator seeks a Writ of Prohibition to prevent Judge Adrine from further enforcing and/or carrying out the Administrative Orders and Inter-Office Correspondence directed to the Clerk of Courts referenced in paras. 4 - 6, *supra*. since they violate and/or ignore Sup. R. 36, Crim. R. 25(B) and R.C. 1901.31(E), among other laws.

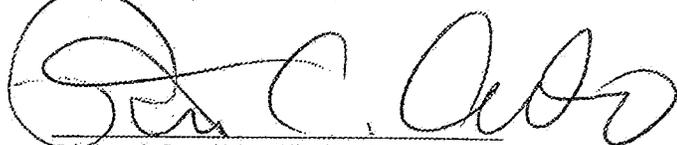
29. Judge Adrine, as averred *supra*, has no judicial authority to enforce and carry out the aforementioned Administrative Orders and Inter-Office Correspondence directive. As such, Judge Adrine should be prohibited from the further exercise of judicial power which is unauthorized by law, since the Administrative Orders and Inter-Office Correspondence directive violate and/or ignore Sup. R. 36, Crim. R. 25(B) and R.C. 1901.31(E), among other laws. *See* paras. 4 - 6, *supra*.

30. In connection with this Writ of Prohibition, a denial of it will cause injury to Relator Judge Stokes for which no other adequate remedy in the ordinary course of law exists, including, but not limited to, impairing her ability to defend herself in the disciplinary proceedings which Judge Adrine initiated because he has placed himself and his office in the role of monitoring all case files requested by Judge Stokes, thereby intruding on her and her

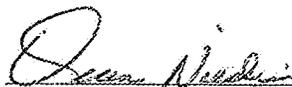
attorney's work product and by virtue of his reassignment of her criminal matters and other reassignments to take their place, he has, in effect, provided to the Public, Court and Bar the appearance that she has been suspended from all or some of her duties as a judge of the Cleveland Municipal Court, although due process has not been afforded her in this regard.

WHEREFORE, Relator The Honorable Angela R. Stokes requests that this Honorable Court issue a Writ of Prohibition preventing Respondent Ronald B. Adrine from enforcing any of the Administrative Orders and Inter-Office Correspondence directives outlined in paras. 4 - 6, *supra*. This Writ should issue immediately, without delay, in order to prevent further harm or injury to Judge Stokes in connection with her obligation to carry out her duties as an elected judge of the Cleveland Municipal Court. Further, Relator requests that all costs associated with this action be taxed against Respondents. Finally, Relator requests all other remedies available to her under the principles of law and equity arising from the facts and allegations raised in the Complaint.

Respectfully submitted,



Richard C. Alkire (#0024816)



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Attorneys for Relator
The Honorable Angela R. Stokes

December 11, 1995, at which time my oath of office was filed with the Clerk of the Cleveland Municipal Court. Thereafter, I was elected to three successive six year terms beginning on January 2, 2000, January 2, 2006 and, as mentioned above, January 2, 2012.

3. I was provided copies of Administrative Order Nos. 2014-003, 2014-004, 2014-005, 2014-006, 2014-007 and 2014-008 by hand delivery at 4:55 p.m. on Friday, March 14, 2014 (attached hereto as Exs. A through F) by the Court Administrator Russell Brown, III, as well as an Inter-Office Correspondence accompanying them authored by The Honorable Ronald B. Adrine, Administrative and Presiding Judge of the Cleveland Municipal Court. (Ex. G)

4. Preceding the issuance of these Orders, I was provided a hand-delivered copy of the Cuyahoga County Public Defender's Motion to Transfer Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to her Docket filed in the Cleveland Municipal Court on March 10, 2014 listing Judge Adrine as the judge to whom the Motion was directed.

5. Prior to being able to respond to such motion within the timeframe allowed, the Motion of the Cuyahoga County Public Defender was prematurely and improperly disposed of by Judge Adrine's Administrative Order No. 2014-007, having been denied as moot on March 14, 2014. (Ex. E)

6. On Monday, March 17, 2014, counsel, on my behalf, timely filed a Brief in Opposition to Motion to Transfer Criminal Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to her Docket. (Ex. H)

7. On March 18, 19 and 25, 2014, I was prevented from discharging my duties in connection with my criminal docket. Upon information and belief, retired Judge Mabel M. Jasper was assigned the numerous cases set for disposition those days and presided over them.

8. On March 20, 2014, I was prevented from discharging my duties in connection with my criminal docket. Upon information and belief, Judge Ronald B. Adrine assumed responsibility to adjudicate the cases set for disposition that day and presided over them. Insofar, as Judge Adrine purports to reassign all of my criminal cases, it is my belief that he will assign himself or other judges to preside over my criminal docket in the future.

9. Prior to the issuance of the abovementioned Administrative Orders, on October 14, 2013, a Certified Complaint was filed against me with the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court ("Certified Complaint"). Relator Disciplinary Counsel had been investigating a grievance originally brought by Judge Ronald B. Adrine on November 9, 2011 which was filed just days after I was re-elected to my term as Cleveland Municipal Court Judge beginning January 2, 2012.

10. I am presently in good standing with the bar, and I have never been disciplined by the Ohio Supreme Court for my conduct as a judge or attorney. I am capable of performing my duties as a judge of the Cleveland Municipal Court.

11. While many of the matters raised in Judge Adrine's grievance did not become part of the formal allegations of the Certified Complaint, many did, including new matters first brought to my attention in a Notice of Intent to File the Certified Complaint served upon me by Disciplinary Counsel in July 2013, preceding the probable cause determination and subsequent filing of the Certified Complaint.

12. I timely filed my Answer to the allegations of the Certified Complaint on December 6, 2013, denying that I have committed any misconduct related to the matters raised in the Certified Complaint.

13. On January 7, 2014, Disciplinary Counsel moved for a prehearing psychiatric examination when he filed Relator's Motion for Psychiatric Examination Pursuant to Gov. Bar R. V(7)(C). The Motion was supported, in part, with an Affidavit of Judge Adrine. Through counsel, this Motion was opposed on January 31, 2014. Thereafter, the Panel, through its Order of February 18, 2014, denied the Motion. (Ex. I)

14. The Certified Complaint is scheduled for hearing beginning on September 22, 2014. (Ex. J)

15. In the stated, purported justifications for the transfer of cases in connection with Administrative Order Nos. 2014-003, 2014-004 and 2014-005, Judge Adrine mentions "nearly 100 additional written incident reports" and an allegation that "the court continues to average one to two new ethics complaints against Judge Stokes per week." Judge Adrine has never supplied any of these purported incident reports or ethics complaints to me for response or otherwise.

16. Since the Notice of Intent to File the Certified Complaint against me was served in July 2013, four defendants in matters then pending before me had sought to require my withdrawal from their cases after I denied their Motions to Recuse and indicated that I have been and will continue to be fair and impartial. In each of these matters, upon the filing of Affidavits of Disqualification, the Presiding Judge of the Cuyahoga County Court of Common Pleas denied such requests for disqualification refusing to overturn my previous rulings and found that the record was devoid of any bias and prejudice. (Exs. K - M) In *City of Cleveland v. Frank Petrucci*, Case Nos. 2013 TRD 065646 and 2012 TRC 050939; *City of Cleveland v. William Baeslack*, Case No. 2013 CRB 038243; and *City of Cleveland v. Robert W. Downing*, Case No. 2013 TRC 016088, the Affidavits of Disqualification were filed by private counsel. In *City of Cleveland v. Rowan Hayes*, Case No. 2013 CRB 017219, Mr. Hayes appeared *pro se*. Each of

these cases has been temporarily reassigned pursuant to Judge Adrine's Administrative Order No. 2014-003, thereby contravening the Orders of the Presiding Judges of the Cuyahoga County Court of Common Pleas permitting me to continue presiding over these cases. Consequently, I have been prevented from presiding over these matters.

17. I have been prevented from discharging the duties and responsibilities of my office as an elected judge of the Cleveland Municipal Court with respect to criminal misdemeanor, criminal minor misdemeanor, traffic cases, probation matters, my responsibility for the status review of individuals sentenced to incarceration and my presiding over the Project Hope docket (the court's rehabilitation program applicable to female prostitution offenders). These cases have been transferred and will or have been reassigned in violation of law, Sup.R. 36 and Crim.R. 25(B).

18. Further, in connection with Administrative Order No. 2014-006, I have been removed from the random draw of criminal misdemeanor, criminal minor misdemeanor and traffic cases in contravention of Sup.R. 36 and I have inequitably been provided additional civil cases also in contravention of Sup.R. 36.

19. As it relates to my access to files assigned to me before the Administrative Orders were issued, pursuant to Judge Adrine's March 14, 2014 Inter-Office Correspondence, such files are now "embargoed while the transfer is affected." Judge Adrine goes on to state that I may, however, require access to such files to assist me in preparing my response to the Certified Complaint and that I may obtain them only through the office of the Administrative Judge. This directive is troublesome and illegal for two separate reasons. First, as it relates to at least one matter, *State of Ohio v. Rita T. Boutros*, Case Nos. 2014 CRB 004735, 2014 TRC 011087, which was randomly assigned to me pursuant to the individual assignment system prior to when

this transfer occurred, and which was filed by the same attorney involved in *Petrucci* and *Baeslack*, para. 16, *supra*, I am unable to rule on the *Boutros* Motion to Recuse, with the first Pretrial having been set for March 25, 2014. Judge Adrine's Administrative Orders preclude me from responding to this Motion, preclude me from making a record in regard to it or otherwise discharging my duties with respect to this matter. I do not waive my right to demonstrate that I am neither biased or prejudiced in regard to the parties in *Boutros* matter. It has always been the case, since I have been on the bench, that judges in the Cleveland Municipal Court sign a Journal Entry to directly request criminal files from the Clerk of Courts that are not assigned to that day's docket. As custodian of the files, the Clerk of Courts retrieves the files which are then provided to the Court's Central Scheduling Office with the Journal Entry to be journalized. At that point, the file is then delivered to the judge. Second, Judge Adrine's directive concerning matters necessary for my response to the discipline case places him between me and the files to which I am entitled, presenting an unreasonable and inappropriate hurdle to my defense. Judge Adrine is interjecting an additional barrier to my access to necessary information. As such, while ostensibly Judge Adrine is providing me restricted access to files necessary to my defense in the disciplinary matter, he is providing me no access to files necessary to discharge my responsibilities as a judge in the Cleveland Municipal Court with respect to matters assigned to me, such as the *Boutros* Motion to Recuse. Further, the restricted access through Judge Adrine's office to obtain files necessary for my defense in the discipline matter places the grievant (Judge Adrine) into the disciplinary process intruding on my and my attorney's work product and preparation for the hearing and pre-hearing proceedings.

20. Further, since March 24, 2014 I have been "continually" assigned to Particular Session One in an inequitable fashion as it relates to the other judges of the Cleveland Municipal Court in contravention of Sup.R. 36. (Ex. D)

21. My ability to discharge the duties and responsibilities of my office has been intruded upon and interfered with by virtue of Administrative Order No. 2014-008, insofar as the Clerk and the Central Scheduling Office have been "instructed to exercise all due diligence to physically retrieve all criminal misdemeanor, criminal minor misdemeanor and traffic case files currently assigned to the personal docket of and in the custody of The Honorable Angela R. Stokes." (Ex. F)

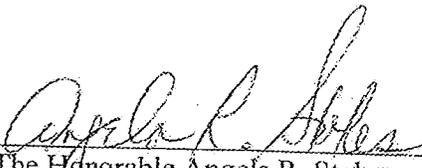
22. My ability to discharge my duties and responsibilities as an elected Cleveland Municipal Court judge have been usurped, interfered with and intruded upon by virtue of the aforementioned Administrative Orders and Inter-Office Correspondence directives promulgated by The Honorable Ronald B. Adrine, Administrative and Presiding Judge, on March 14, 2014. (Exs. A – G) In addition, my ability to discharge my duties and responsibilities as an elected Cleveland Municipal Court judge are also being usurped, interfered with and intruded upon by anyone following the aforementioned Administrative Orders and Inter-Office Correspondence directive, including employees of the Cleveland Municipal Court, Judge Mabel M. Jasper, the Clerk of Courts and/or employees of the Clerk of Courts and any other judges.

23. It is clear that the issuance and execution of the Administrative Orders (Exs. A – F) operate as a *de facto* suspension of me from my judicial duties without having been afforded due process of law as guaranteed me under Gov. Bar R. V. The Certified Complaint is pending, no interim suspension has been sought or obtained, and yet, I am being prevented from presiding over the matters which are the subject of the Administrative Orders. Judge Adrine has already

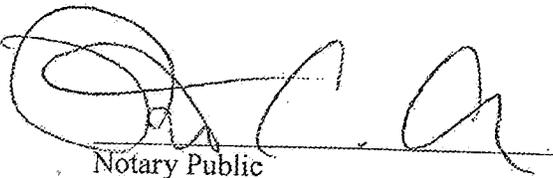
sanctioned me and allowing the Administrative Orders to stand would continue to permit him to sanction me without the procedures guaranteed me under Gov. Bar R. V having been concluded. As such, Judge Adrine has improperly assumed the Supreme Court of Ohio's exclusive power and duty to regulate the practice of law conferred upon it by Article IV, Section 2(B)(1)(g) of the Ohio Constitution.

24. I have no other available or adequate remedy at law to allow me to avoid and/or redress injury and to resume the duties and responsibilities conferred upon me by my office as judge of the Cleveland Municipal Court, as explained above, but for the obtaining of Writs of *Quo Warranto*, *Mandamus* and *Prohibition* by virtue of my Complaint to which this Affidavit is attached.

Further, Affiant sayeth naught.


The Honorable Angela R. Stokes
Judge of the Cleveland Municipal Court

Sworn to and subscribed before me and in my presence this 25th day of March, 2014.


Notary Public

RICHARD C. ALKIRE, ATTY.
NOTARY PUBLIC • STATE OF OHIO
My Commission Has No Expiration Date
Section 147.03 O.R.C.

IN THE CLEVELAND MUNICIPAL COURT
FILED

STATE OF OHIO)
CUYAHOGA COUNTY)

ADMINISTRATIVE ORDER
NO. 2014-003
CLERK OF COURT
#4
300 MAR 14 P 4:10
CLEVELAND MUNICIPAL COURT
CARLE & TURNER

IN RE: Temporary Transfer and Reassignment of all Pending Criminal Misdemeanor, Criminal Minor Misdemeanor and Traffic Matters Currently Assigned to the Honorable Angela R. Stokes

Responsibility for all criminal misdemeanor, criminal minor misdemeanor and traffic matters currently assigned to the personal docket of the Honorable Angela R. Stokes is hereby transferred to the Administrative Judge of the Cleveland Municipal Court, for review and/or pending temporary reassignment. Any such transfers and temporary reassignments will be in effect only during the pendency of the certified complaint filed against Judge Stokes with the Supreme Court's Board of Commissioners on Grievances and Discipline on October 14, 2013, unless the transferred case is otherwise resolved in the interim. The transfers are made pursuant to authority granted under Sup. R. 4(B) and Sup. R. 4(B)(1), and in order to maintain and enhance public confidence in the legal system (Paragraph 1, Preamble, Code of Judicial Conduct).

The transfers are justified for the following reasons:

- A certified complaint pending against Judge Stokes before the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline was gleaned from approximately 337 alleged violations of the Code of Judicial Conduct presented to the Cleveland Municipal Court.
- All of those allegations concerned her mishandling of criminal matters and mistreatment of participants in criminal hearings, including defendants, witnesses, police officers, prosecutors, private defense counsel, public defenders, court personnel and other members of the general public.
- Since the original complaint was presented to the Disciplinary Counsel, and continuing through and after the complaint's certification by the Board, nearly 100 additional written incident reports have been received by this office alleging similar problems involving the Judge's handling of her personal criminal docket.
- The court continues to average one to two new ethics complaints against Judge Stokes per week.

Pending resolution of the certified complaint, no additional criminal misdemeanor, minor misdemeanor or traffic matters are to be assigned to Judge Stokes.

IT IS SO ORDERED.

Date: 3/14/2014


Ronald B. Adrine
Administrative & Presiding Judge

Exhibit A

IN THE CLEVELAND MUNICIPAL COURT

FILED

STATE OF OHIO)
CUYAHOGA COUNTY)

ADMINISTRATIVE ORDER

NO. 2014-004

700 MAR 14 P 4:10
CLEVELAND MUNICIPAL COURT
EARLE B. TURNER
CLERK OF COURT
#4

IN RE: Temporary Transfer and Status Review of all Probation Matters on the Personal Docket of the Honorable Angela R. Stokes

Responsibility for the supervision of all criminal defendants currently maintained on probation on the personal docket of the Honorable Angela R. Stokes is hereby transferred to the Administrative Judge of the Cleveland Municipal Court, for status review and/or possible temporary reassignment. Said transfer and temporary reassignments will only be in effect during the pendency of the certified complaint filed against Judge Stokes with the Supreme Court's Board of Commissioners on Grievances and Discipline on October 14, 2013, unless a case is otherwise resolved in the interim. The transfer is made pursuant to authority granted under Sup. R. 4(B) and Sup. R. 4(B)(1), and in order to maintain and enhance public confidence in the legal system (Paragraph 1, Preamble, Code of Judicial Conduct).

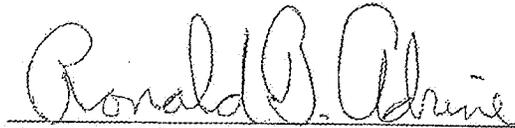
The transfer is justified for the following reasons:

- A certified complaint pending against Judge Stokes before the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline was gleaned from approximately 337 alleged violations of the Code of Judicial Conduct presented to the Cleveland Municipal Court.
- All of those allegations concerned her mishandling of criminal matters and mistreatment of participants in criminal hearings, including defendants, witnesses, police officers, prosecutors, private defense counsel, public defenders, court personnel and other members of the general public.
- Since the original complaint was presented to the Disciplinary Counsel, and continuing through and after the complaint's certification by the Board, nearly 100 additional written incident reports have been received by this office alleging similar problems involving the Judge's handling of her personal criminal docket.
- The court continues to average one to two new ethics complaints against Judge Stokes per week.

Pending resolution of the certified complaint, no probation matters shall be assigned to Judge Stokes for supervision.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

Exhibit B

IN THE CLEVELAND MUNICIPAL COURT

FILED

STATE OF OHIO)
CUYAHOGA COUNTY)

ADMINISTRATIVE ORDER 14 P 4:10
NO. 2014-005

CLEVELAND MUNICIPAL COURT
EARLE S. TURNER
CLERK OF COURT
#4

**IN RE: Temporary Transfer of Responsibility for Status Review of Individuals
Sentenced to Incarceration by the Honorable Angela R. Stokes**

Responsibility for status review of all criminal defendants sentenced to a period of incarceration by the Honorable Angela R. Stokes is hereby temporarily transferred to the Administrative Judge of the Cleveland Municipal Court. Said transfer will be in effect only during the pendency of the certified complaint filed against Judge Stokes with the Supreme Court's Board of Commissioners on Grievances and Discipline on October 14, 2013, unless the case is otherwise resolved in the interim. The transfer is made pursuant to authority granted under Sup. R. 4(B) and Sup. R. 4(B)(1), and in order to maintain and enhance public confidence in the legal system (Paragraph 1, Preamble, Code of Judicial Conduct).

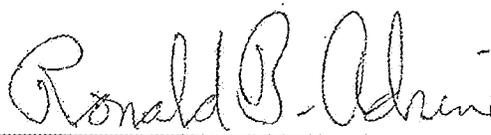
The transfer is justified for the following reasons:

- A certified complaint pending against Judge Stokes before the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline was gleaned from approximately 337 alleged violations of the Code of Judicial Conduct presented to the Cleveland Municipal Court.
- All of those allegations concerned her mishandling of criminal matters and mistreatment of participants in criminal hearings, including defendants, witnesses, police officers, prosecutors, private defense counsel, public defenders, court personnel and other members of the general public.
- Since the original complaint was presented to the Disciplinary Counsel, and continuing through and after the complaint's certification by the Board, nearly 100 additional written incident reports have been received by this office alleging similar problems involving the Judge's handling of her personal criminal docket.
- The court continues to average one to two new ethics complaints against Judge Stokes per week.

Pending resolution of the certified complaint, no incarceration status reviews shall be conducted by Judge Stokes.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

Exhibit C

IN THE CLEVELAND MUNICIPAL COURT

FILED

STATE OF OHIO)
CUYAHOGA COUNTY)

ADMINISTRATIVE ORDER MAR 14 P 10
NO. 2014-006

CLEVELAND MUNICIPAL COURT
EARLE B. TURNER
CLERK OF COURT
#4

IN RE: TEMPORARY INCREASE IN CIVIL CASE ASSIGNMENTS TO THE
PERSONAL DOCKET OF THE HONORABLE ANGELA R. STOKES

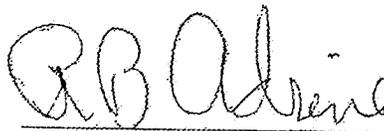
Due to the temporary transfer of all criminal matters assigned to the personal docket of the Honorable Angela R. Stokes, Central Scheduling is hereby ordered to adjust the random draw of case assignments as follows:

1. Pursuant to Administrative Order 2014-003, and until further administrative order, Judge Stokes is ordered removed from the court's random draw of criminal misdemeanor, minor misdemeanor and traffic cases.
2. Due to the temporary transfer of all criminal, quasi-criminal and traffic matters from Judge Stokes' personal docket, central scheduling is ordered to adjust the civil random draw to increase the percentage of civil cases assigned to Judge Stokes, until further administrative order.

In addition, Judge Stokes is continually assigned to Particular Session One as follows: two weeks on, followed by one week off, beginning the week of March 24, 2014, while the certified complaint filed with the Board of Commissioners on Grievances and Discipline is pending against her in the Ohio Supreme Court.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

Exhibit D

IN THE CLEVELAND MUNICIPAL COURT

STATE OF OHIO)
CUYAHOGA COUNTY)

ADMINISTRATIVE ORDER)
NO. 2014-00)

FILED
MAR 14 P 4
RONALD B. ADRIE
CLERK OF COURT
#4

FILED

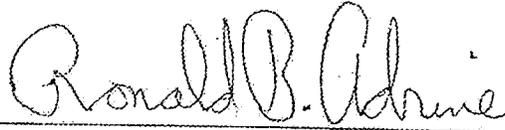
IN RE: Cuyahoga County Public Defender's Motion to Transfer Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to Her Docket

This matter came on for hearing on the court's Administrative Docket.

Upon full review and due consideration, the motion is DENIED as MOOT.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

Exhibit E

IN THE CLEVELAND MUNICIPAL COURT

STATE OF OHIO
CUYAHOGA COUNTY

)
)
)
)
)

ADMINISTRATIVE ORDER
NO. 2014-004

2014 MAR 14 P 11 11
CLERK OF THE MUNICIPAL COURT
RONALD B. ADRIENE

FILED

IN RE: Physical Retrieval of all Pending Criminal Misdemeanor, Criminal Minor Misdemeanor and Traffic Matters Currently Assigned to the Personal Docket of the Honorable Angela R. Stokes for Review, Temporary Transfer and/or Reassignment

Pursuant to the directives found in Administrative Orders 2014-003, 2014-004 and 2014-005, the Clerk and Central Scheduling Office are instructed to exercise all due diligence to physically retrieve all criminal misdemeanor, criminal minor misdemeanor and traffic case files currently assigned to the personal docket of, and in the custody of, the Honorable Angela R. Stokes.

If all due diligence fails to retrieve the files, the Clerk is directed to construct a duplicate file for the court's use.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

Exhibit F

CLEVELAND MUNICIPAL COURT
Judicial Division
Inter-Office Correspondence

TO: Hon. Angela R. Stokes

FROM: Hon. Ronald B. Adrine 
Administrative & Presiding Judge

DATE: March 14, 2014

RE: **Temporary Transfer of Responsibility for All Criminal Misdemeanor, Minor Misdemeanor and Traffic Matters Appearing on the Personal Docket of the Honorable Angela R. Stokes**

Judge:

Please be informed that, pursuant to authority granted to the Administrative Judge by R.4(B) and R.4(B)(1) of the Rules of Superintendence for the Courts of Ohio, I have issued the attached Administrative Orders temporarily transferring responsibility for oversight, review and disposition of all criminal, quasi-criminal and traffic matters appearing on your personal docket. This includes matters previously resolved and placed on probation and those under sentence of incarceration. The justification for this action is set forth in the attached Administrative Orders.

The transfer was effective upon the journalization of the aforementioned Administrative Orders and will continue only until such time as the certified complaint pending against you before the Board of Commissioners on Grievances and Discipline is resolved in the Supreme Court of Ohio.

While the Administrative Orders are in effect, Central Scheduling is under instruction not to assign any new criminal misdemeanor, criminal minor misdemeanor or traffic cases to your personal docket.

In addition, while the Administrative Orders are in place, all cases assigned to your personal docket will be civil. Central Scheduling is under instruction to increase the percentage of civil cases assigned to you in order to stabilize your caseload during this period and you are hereby notified of an increase in your assignment to Particular Session One until the certified complaint pending against you before the Board of Commissioners on Grievances and Discipline is resolved in the Supreme Court of Ohio.

Please be informed that your access to all of the noted files assigned to you before the issuance of these orders is now embargoed while the transfer is affected. Recognizing that you may require access to some criminal, quasi-criminal and/or traffic matters in order to assist in the preparation of your response to the certified complaint, please be informed that access may be

Exhibit G

obtained through the office of the Administrative Judge while the Administrative Orders of transfer are in effect.

Thank you in advance for your cooperation.

RBA:cmr

Attachments

cc: Associate Judges
Earle B. Turner, Clerk of Court
Department Managers
Victor Perez, Chief Prosecutor, City of Cleveland
Robert Tobik, Cuyahoga County Public Defender
David Carroll, Interim Commissioner, Dept. of Corrections, City of Cleveland

FILED IN THE CLEVELAND MUNICIPAL COURT

2014 MAR 17 P 2:47

IN THE CLEVELAND MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

#6

| | | |
|--------------------------------|---|---|
| IN RE: |) | CASE NO. |
| |) | |
| Defendants in Criminal Cases |) | JUDGE RONALD ADRINE |
| Assigned to the Docket of |) | |
| The Honorable Angela R. Stokes |) | <u>BRIEF IN OPPOSITION TO MOTION TO</u> |
| |) | <u>TRANSFER CRIMINAL CASES FROM</u> |
| |) | <u>THE DOCKET OF HON. ANGELA R.</u> |
| |) | <u>STOKES AND TO STOP THE FURTHER</u> |
| |) | <u>ASSIGNMENT OF CRIMINAL CASES TO</u> |
| |) | <u>HER DOCKET</u> |

I. Introduction

In an unprecedented move, the Public Defender has chosen to circumvent R.C. 2701.031 regarding the disqualification of municipal judges. In support of his Motion to Transfer Criminal Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to her Docket ("Motion to Transfer"), the Public Defender cites paragraphs in a Complaint filed against The Honorable Angela R. Stokes before the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court, in part arising from a grievance filed by Judge Ronald Adrine.

While citing selected paragraphs of the Complaint, the Public Defender fails to note that the Complaint has been answered and all allegations of misconduct have been denied.

Further, while citing the fact that a Probable Cause Panel allowed for the Formal Complaint to be filed, such finding in no way is a finding of misconduct. While Judge

LAW OFFICE OF
 Richard C. Albrecht Co., L.P.A.
 250 Spectrum Office Building • 6060 Rockside Woods Boulevard • Independence, Ohio 44131-2335
 (216) 674-9850 • Fax: (216) 674-0104

LAW OFFICES OF
Richard C. Alkire Co., L.P.A.
250 Spectrum Office Building • 6060 Rockside Woods Boulevard • Independence, Ohio 44131-2335
(216) 874-8550 • Fax: (216) 874-0104

Stokes is sure that the Public Defender relies upon the legal maxim that an accused is innocent until proven guilty, apparently such maxim does not apply to Judge Stokes in the mind of the Public Defender.

In any event, because Judge Adrine is obviously biased and prejudiced in connection with Judge Stokes, having filed a grievance which, in part, gave rise to the Complaint, as well as the execution of an Affidavit attached to a recent Motion to subject Judge Stokes to a psychiatric examination, which was denied, he should not have ruled on this Motion to Transfer.

Consonant with Judge Adrine's refusal to allow for due process, he has prematurely ruled on the Cuyahoga County Public Defender's Motion to Transfer Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to her Docket through an Administrative Order No. 2014-007 filed on March 14, 2014, attached as Ex. D. This Motion was filed on March 7, 2014, and pursuant to Civ.R. 6(C) Judge Stokes should have been afforded an opportunity to respond to it at least within seven days of its having been filed. Notwithstanding this premature ruling, finding such Motion moot, Judge Stokes is filing her response, herein, within seven days of the Motion having been filed.

Additionally, because this Motion to Transfer is nothing more than a subterfuge to avoid complying with the mandates of R.C. 2701.031, it should be denied. When a similar request was made to Judge Adrine in October 2013, he correctly pointed out that he did not have jurisdiction to rule on the request, but rather, it had to be brought before the Court of Common Pleas. (See correspondence of Judge Adrine of October 28, 2013, attached hereto as Ex. A.) Each and every Motion to Disqualify Judge Stokes,

which has been brought before the Court of Common Pleas as required by R.C. 2701.031 has been denied.

For all of the reasons stated above and those which follow, Judge Stokes respectfully requests that this Honorable Court deny the Motion to Transfer.

II. Law and Argument

A. Judge Adrine Must Voluntarily Disqualify Himself from Ruling on the Instant Motion to Transfer

Judge Adrine brought the initial grievance which, in part, has given rise to the Complaint to which the Public Defender makes reference in the Motion to Transfer. Subsequent to his bringing this grievance and supplying voluminous information to Disciplinary Counsel, Judge Adrine has executed an Affidavit at the request of Special Counsel for Relator, Michael R. Murman, in connection with Relator's Motion for Psychiatric Examination Pursuant To Gov. Bar R. V(7)(C). At the very least, Judge Adrine has interjected himself as a material witness concerning the Stokes disciplinary proceeding.

As such, Judge Adrine should have voluntarily disqualified himself from ruling on the instant Motion, as his impartiality is in question in connection with his personal involvement in this matter involving Judge Stokes. See Judicial Cond. R. 2.11.

B. R.C. 2701.031 Provides the Exclusive Means by which a Municipal Court Judge Can Be Disqualified

R.C. 2701.031 provides a procedure for the disqualification of a judge of a Municipal Court who "allegedly is interested in a proceeding pending before the judge, allegedly is related to or has a bias or prejudice for or against a party to a proceeding pending before the judge or to a party's counsel, or allegedly otherwise is disqualified to

preside in a proceeding pending before the judge” by the filing of an affidavit of disqualification with the Clerk of the Municipal Court. The Clerk, under the statute, is duty bound to notify the Presiding Judge of the Court of Common Pleas of the fact that such Affidavit has been filed. Thereafter, the Presiding Judge of the Court of Common Pleas rules on the disqualification and issues an entry in the matter.

In the instant situation, the Public Defender is seeking an end around this statute by removing the obligation of particular Assistant Public Defenders from setting forth specific allegations which would warrant the disqualification of Judge Stokes in a particular matter and submission to the Court of Common Pleas for determination. It is well-established that the Presiding Judge of the Court of Common Pleas has the sole authority to pass upon the disqualification of a Municipal Court judge. *Hardy v. Hardy*, 2008-Ohio-1925 (8th Dist., Cuyahoga County); *Columbus Checkcashers, Inc. v. Guttermaster, Inc.*, 2013-Ohio-5543 (10th Dist., Franklin County); *State v. Jones*, 2008-Ohio-6994 (11th Dist., Portage County); *State v. Nichols*, 2008-Ohio-3324 (4th Dist., Sciota County).

Indeed, in at least four cases since the aforementioned disciplinary Complaint has been filed against Judge Stokes, Presiding Judges of the Cuyahoga County Court of Common Pleas have denied such requests to disqualify Judge Stokes. See Orders issued in connection with *City of Cleveland v. Frank Petrucci* and *City of Cleveland v. William Baeslack*, two cases in which attorney Hilow sought disqualification of Judge Stokes, since he was mentioned in the Complaint, *City of Cleveland v. Hayes* and *City of Cleveland v. Downing* (collectively attached hereto as Ex. B)

To transfer all criminal cases from Judge Stokes' docket and to stop any further assignment of such criminal cases to her docket on the basis set forth in the Public Defender's Motion is to permit circumventing the requirements imposed under R.C. 2701.031. As such, it is wholly improper to have granted such Motion.

C. The Allegations of Disciplinary Complaint, in and of Themselves, Do Not Warrant the Remedy Sought by the Public Defender

While the Public Defender would have this Court exercise its power under Local Rule 1.02 relating to docket and case control, such justification could not be more disingenuous. To be clear, the Public Defender is seeking a preemptive ruling by this Court that Judge Stokes is biased and prejudiced against every single defendant brought before her in which a member of the Public Defender's Office is representing a client. This claim is outrageous and seeks to place the cart before the horse insofar as the allegations of the disciplinary Complaint are only that and have not been proven by clear and convincing evidence and have not proceeded to any sanction against Judge Stokes.

In this regard, at least one of the allegations cited by the Public Defender in connection with Scott Malbasa (see Motion to Transfer, p. 4) has been placed before the Panel assigned to hear Judge Stokes' case. In this connection, the incident involving Scott Malbasa was used as a ground to cause Judge Stokes to subject herself to a psychiatric examination even before the Hearing on the Merits in the disciplinary matter. After the Motion for a Psychiatric Examination was opposed by Judge Stokes, the Panel denied the Motion. (See Ex. C attached hereto)

As such, the claim of the Public Defender is not supported by any evidence properly before this Court.

III. Conclusion

Accordingly, for the foregoing reasons, this Honorable Court should have voluntarily disqualified itself from hearing the instant Motion to Transfer, and, since it has prematurely denied it as moot, should now vacate its order and deny the Motion to Transfer since this Court lacks jurisdiction to rule on such Motion as it is nothing more than an attempted end around R.C. 2701.031 which reposes that authority solely to the Presiding Judge of the Court of Common Pleas of Cuyahoga County, Ohio.

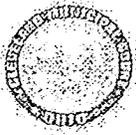
Respectfully submitted,



Richard C. Alkire (#0024816)
Dean Nieding (#0003532)

RICHARD C. ALKIRE CO., L.P.A.
250 Spectrum Office Building
6060 Rockside Woods Boulevard
Independence, Ohio 44131-2335
(216) 674-0550
Fax: (216) 674-0104
rick@alkirelawyer.com
dean@alkirelawyer.com

EXHIBIT A



Cleveland Municipal Court

JUSTICE CENTER
1200 ONTARIO STREET
CLEVELAND, OHIO 44113

RONALD B. ADRINE
ADMINISTRATIVE AND
PRESIDING JUDGE

(216) 694-4975
FAX (216) 664-6737

October 28, 2013

Robert L. Tobik, Esq.
Cuyahoga County Public Defender
310 Lakeside Avenue, Suite 200
Cleveland, Ohio 44113

Dear Mr. Tobik:

I am in receipt of your request that I, 1) reassign all cases involving your office currently pending before the Honorable Angela R. Stokes, and 2) that I refrain from having any new cases involving your office assigned to her docket.

Given the nature of your request, I am concerned that the issues that you raise may more properly be subject to adjudication before the Court of Common Pleas or the Supreme Court of Ohio. Moreover, your request does not place anything officially before the court that I can consider or act upon.

Upon due consideration, therefore, I must decline both requests.

Very truly yours,

Ronald B. Adrine
Administrative and Presiding Judge

RBA:cmr

cc: Judge Angela R. Stokes ✓

EXHIBIT B

STATE OF OHIO)
) SS:
CUYAHOGA COUNTY)

IN THE COURT OF COMMON PLEAS

FILED

Cleveland Municipal Court

Case Nos. 2013 TRD 065646 & A 565841

2014 MAR -4 P 2:30

CLERK J. COURTS
CUYAHOGA COUNTY

HENRY HILOW,

Judge: JOHN J RUSSO

Movant

SD 14 077293

v.

JUDGMENT ENTRY

CLEVELAND MUNICIPAL COURT
JUDGE ANGELA STOKES,

Respondent.

CLERK

MAR -5-2014

JUDGMENT ENTRY RECEIVED
FOR JOURNALIZATION
CENTRAL SCHEDULING

John J. Russo, Judge:

Movant Henry Hilow's Motion for Disqualification Cleveland Municipal Court cases for 2013 TRD 065646 (City of Cleveland v. Frank Petrucci) and A 565841 (City of Cleveland v. William Baeslack) are Denied. "The statutory right to seek disqualification of a judge is an extraordinary remedy. * * * A judge is presumed to follow the law and not to be biased, and the appearance of bias or prejudice must be compelling to overcome these presumptions." *In re Disqualification of George*, 100 Ohio St.3d 1241, 2003-Ohio-5489, 798 N.E.2d 23, ¶ 5.

Further, an affidavit of disqualification must allege with specificity the purported grounds for disqualification, including specific facts that demonstrate judicial bias. *See* R.C. 2701.03(B)(1).

In this affidavit, Movant states he is a named party to a complaint filed against Judge Angela Stokes with the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio. This alone does not indicate any clear or compelling evidence of bias or prejudice against Movant by Judge Stokes. Further, on January 9, 2014, Judge Stokes

indicated her commitment to continue to be fair and impartial in journal entries for both cases. Defendant Petrucci has already pled "no contest" and only has a routine supervision involvement with Judge Stokes' courtroom. Defendant Baseslack's case is still before Judge Stokes, but the Motion for Disqualification fails to put forth any evidence of bias or prejudice that has been displayed by the Court against Movant.

Therefore, Movant Henry Hilow's Motion for Disqualification of Judge Angela Stokes is Denied.

IT IS SO ORDERED.

3/9/14
Date



JOHN J. RUSSO
Presiding Administrative Judge
Cuyahoga County Common Pleas Court, Gen. Div.

RECEIVED FOR FILING

MAR 04 2014

CUYAHOGA COUNTY
CLERK OF COURTS
By  Deputy

STATE OF OHIO)
) SS:
CUYAHOGA COUNTY)

2013 AUG 13 2:57

IN THE COURT OF COMMON PLEAS

Cleveland Municipal Court
Case No. 13 CRB 17219
City of Cleveland vs. Rowan Hayes

ROWAN HAYES

Judge: NANCY A FUERST

Movant

SD 13 077218

v.

JUDGMENT ENTRY

CLEVELAND MUNICIPAL COURT
JUDGE ANGELA R. STOKES

Complaint
NANCY A FUERST
SD 13 077218

Respondent

Nancy A. Fuerst, Judge:

Upon consideration of the Affidavit of Prejudice and/or Disqualification and Motion To Have Administrative Judge Designate Another Judge for Bench Trial, filed on June 26, 2013, against Cleveland Municipal Court Judge Angela R. Stokes, in *Case No. 13 CRB 17219, City of Cleveland vs. Rowan Hayes*, the Court rules as follows:

Rowan Hayes asserts that in 2008 and in the 1990's, he was removed from the courtroom of Judge Stokes. In reviewing all filings submitted in support of and in opposition to the Affidavit of Prejudice, the Court finds that the record fails to demonstrate bias and prejudice against Rowan Hayes.

Affidavit of Prejudice is not well taken and the proposed disqualification of Judge Angela R. Stokes is denied.

THE STATE OF OHIO) I, THE CLERK OF THE COURT
Cuyahoga County) SS. OF COMMON PLEAS WITHIN
AND FOR SAID COUNTY.
HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL TAKEN AND COPIED FROM THE ORIGINAL.
NOW ON FILE IN MY OFFICE
WITNESS MY HAND AND SEAL OF SAID COURT THIS 13
DAY OF August A.D. 2013
CUYAHOGA COUNTY CLERK OF COURTS
By: [Signature] Deputy

IT IS SO ORDERED

8/13/13
Date

RECEIVED FOR FILING

AUG 13 2013

[Signature]
NANCY A. FUERST
Presiding Administrative Judge
Cuyahoga County Common Pleas Court, Gen. Div

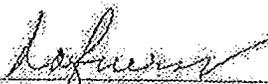
CLERK
AUG 14 2013

JUDGMENT ENTRY RECEIVED
FOR JOURNALIZATION
CENTRAL RECORDING

CUYAHOGA COUNTY
CLERK OF COURTS
By: [Signature] Deputy

Certificate of Service

A copy of the foregoing Judgment Entry has been mailed August 13, 2013 to Rowan Hayes, 2026 West 52nd Street, Cleveland, OH 44102 by ordinary mail, hand delivered and faxed to the Cleveland Municipal Court at 216.664.4238, and filed with the Clerk, Cleveland Municipal Court, 1200 Ontario St., Cleveland, OH 44113.



NANCY A. FUERST
Presiding Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

THE STATE OF OHIO }
Cuyahoga County } ss. I, THE CLERK OF THE COURT
OF COMMON PLEAS WITHIN
AND FOR SAID COUNTY,
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRUE
AND COPIED FROM THE ORIGINAL J. P. [Signature]
8-13-13
NOW ON FILE IN MY OFFICE
WITNESS MY HAND AND SEAL OF SAID COURT THIS 13
DAY OF August 2013
CUYAHOGA COUNTY CLERK OF COURTS
By [Signature], Deputy

STATE OF OHIO)
CUYAHOGA COUNTY)

IN THE COURT OF COMMON PLEAS

Cleveland Municipal Court

Case No. 13 TRC 16088

City of Cleveland vs. Robert W. Downing

AUG 13 2:59

ROBERT W. DOWNING

Judge: NANCY A FURST

Movant

SD 13 07219

JUDGMENT ENTRY

CLEVELAND MUNICIPAL COURT
JUDGE ANGELA R. STOKES

Respondent

Nancy A. Furst, Judge:

Upon consideration of the Affidavit of Disqualification Pursuant to R.C. 2701.031, against Cleveland Municipal Court Judge Angela R. Stokes, in Case No. 13 TRC 16088, City of Cleveland vs. Robert w. Downing, the Court rules as follows:

Movant Robert W. Downing asserts that Judge Stokes has demonstrated an enmity toward him and his defense counsel by her rejection of a plea agreement and by the setting of an unreasonable trial date. In the alternative, movant asserts that even if statements on the record do not demonstrate bias or prejudice, there is an appearance of prejudice which warrants disqualification.

In reviewing all filings and hearing transcripts submitted in support of and in opposition to the Affidavit of Disqualification, the Court finds that the record fails to demonstrate bias and prejudice against Robert W. Downing or his counsel.

Affidavit of Prejudice is not well-taken and the request for disqualification of Judge Angela R. Stokes is denied.

IT IS SO ORDERED

8/13/13
Date


NANCY A. FUERST
Presiding/Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

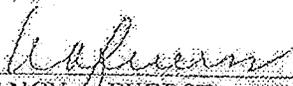
Certificate of Service

A copy of the foregoing Judgment Entry has been mailed August 13, 2013 to Stanley E. Stein, Esq. and Ashley L. Jones, Esq., Attorneys for Robert W. Downing, 75 Public Square, Suite 714, Cleveland, OH 44113 by ordinary mail, hand delivered and faxed to the Cleveland Municipal Court at 216.664.4238, and filed with the Clerk, Cleveland Municipal Court, 1200 Ontario St., Cleveland, OH 44113.

CLERK

AUG 14 2013

JUDGMENT ENTRY RECEIVED
FOR JOURNALIZATION
CENTRAL SCHEDULING


NANCY A. FUERST
Presiding/Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

RECEIVED FOR FILING

AUG 13 2013

THE STATE OF OHIO } THE CLERK OF CUYAHOGA COUNTY
Cuyahoga County } SS. OF COMMON PLEAS WITHIN
AND FOR SAID COUNTY,
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND COPIED FROM THE ORIGINAL J.E. Adkins
8-13-13
NOW ON FILE IN MY OFFICE
WITNESS MY HAND AND SEAL OF SAID COURT THIS 13
DAY OF Aug A.D. 20 13
CUYAHOGA COUNTY CLERK OF COURTS
By J.E. Adkins, Deputy

EXHIBIT C

BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO

FILED
FEB 18 2014
BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Judge Angela Rochelle Stokes

Case No. 2013-057

Respondent

Disciplinary Counsel

Relator

PANEL ORDER

This matter comes before the Panel for determination of the Relator's Motion for Psychiatric Evaluation filed on January 7, 2014. The Panel has reviewed the motion and the materials submitted in support thereof, the Respondent's Brief in opposition to the Motion and the Relator's Reply. In addition, the Panel members conducted a phone conference among themselves to discuss these materials and the applicable law.

Rule V, Section 7(C) of the Rules for the Government of the Bar grants a hearing Panel the discretion to order a psychiatric evaluation on its own motion or the motion of either party under certain specified conditions, one of which is that the mental illness of the respondent has been placed at issue. Mental illness is assigned that meaning set forth in R.C. 5122.01(A), which section provides

(A) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or meet the ordinary demands of life.

The Panel recognizes that there is a certain social stigma associated with having to undergo a psychiatric evaluation especially where, as in this case, the respondent is a well-known individual in the community. For this reason the Panel believes that an examination should only be ordered under compelling circumstances.

The Relator has presented video and affidavit evidence of the Respondent's everyday courtroom activities. This evidence fails to demonstrate conduct indicative of a mental illness as defined in R.C. 5122.01(A).

It is the Panel's ruling that the Respondent shall not be required to undergo a psychiatric evaluation at this time. Therefore, the Relator's Motion for Psychiatric Evaluation is denied. However, if additional, substantive evidence of a mental illness comes to the attention of the Panel at a later time, the Panel reserves the right to order a psychiatric examination pursuant to Gov. Bar R. V, Section 7(C) upon either the Panel's own motion or a motion of either party.

It should be further noted that this ruling is only limited to the Panel's determination of the pending motion and should not be construed as a reflection of the Panel's attitude toward the merits of the Relator's Complaint.

It is so ORDERED.


Stephen C. Rodeheffer, Panel Chair

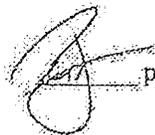
 per authorization

EXHIBIT D

IN THE CLEVELAND MUNICIPAL COURT

STATE OF OHIO)
CUYAHOGA COUNTY)

ADMINISTRATIVE ORDER
NO. 2014-007

2014 MAR 14 P 11
FILED
CLERK OF COURT
RONALD B. ADRIE

FILED

IN RE: Cuyahoga County Public Defender's Motion to Transfer Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to Her Docket

This matter came on for hearing on the court's Administrative Docket.

Upon full review and due consideration, the motion is DENIED as MOOT.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

CERTIFICATE OF SERVICE

A copy of the foregoing Brief in Opposition to Motion to Transfer Criminal Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to her Docket has been mailed, postage prepaid, this 17th day of

March, 2014 to:

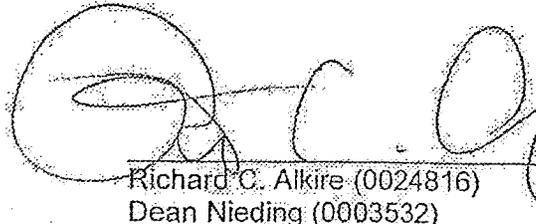
Robert L. Tobik
310 Lakeside Avenue, Suite 400
Cleveland Ohio 44113

Cuyahoga County Public Defender

Victor Perez
10th Floor, Justice Center
1200 Ontario Street
Cleveland, OH 44113

City of Cleveland Prosecutor

Hon. Ronald Adrine
1200 Ontario Street
Cleveland, OH 44113



Richard C. Alkire (0024816)
Dean Nieding (0003532)

Counsel for The Honorable
Angela R. Stokes

LAW OFFICES OF
Richard C. Alkire Co., L.P.A.
250 Spectrum Office Building • 8060 Rockside Woods Boulevard • Independence, Ohio 44131-2885
(216) 674-9350 • Fax: (216) 674-0104

BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO

FILED
FEB 18 2014
BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Judge Angela Rochelle Stokes

Case No. 2013-057

Respondent

Disciplinary Counsel

Relator

PANEL ORDER

This matter comes before the Panel for determination of the Relator's Motion for Psychiatric Evaluation filed on January 7, 2014. The Panel has reviewed the motion and the materials submitted in support thereof, the Respondent's Brief in opposition to the Motion and the Relator's Reply. In addition, the Panel members conducted a phone conference among themselves to discuss these materials and the applicable law.

Rule V, Section 7(C) of the Rules for the Government of the Bar grants a hearing Panel the discretion to order a psychiatric evaluation on its own motion or the motion of either party under certain specified conditions, one of which is that the mental illness of the respondent has been placed at issue. Mental illness is assigned that meaning set forth in R.C. 5122.01(A), which section provides

(A) "Mental Illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or meet the ordinary demands of life.

Exhibit I

The Panel recognizes that there is a certain social stigma associated with having to undergo a psychiatric evaluation especially where, as in this case, the respondent is a well-known individual in the community. For this reason the Panel believes that an examination should only be ordered under compelling circumstances.

The Relator has presented video and affidavit evidence of the Respondent's everyday courtroom activities. This evidence fails to demonstrate conduct indicative of a mental illness as defined in R.C. 5122.01(A).

It is the Panel's ruling that the Respondent shall not be required to undergo a psychiatric evaluation at this time. Therefore, the Relator's Motion for Psychiatric Evaluation is denied. However, if additional, substantive evidence of a mental illness comes to the attention of the Panel at a later time, the Panel reserves the right to order a psychiatric examination pursuant to Gov. Bar R. V, Section 7(C) upon either the Panel's own motion or a motion of either party.

It should be further noted that this ruling is only limited to the Panel's determination of the pending motion and should not be construed as a reflection of the Panel's attitude toward the merits of the Relator's Complaint.

It is so **ORDERED**.


Stephen C. Rodeheffer, Panel Chair

 per authorization

BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO

FILED

FEB 13 2014

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:
Complaint against

Hon. Angela Rochelle Stokes (0025650)
Cleveland Municipal Court
1200 Ontario Street, PO Box 94894
Cleveland, OH 44113

Case No. 2013-057

RESPONDENT

**NOTICE OF FORMAL
HEARING**

Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, OH 43215

RELATOR

To: Hon. Angela Rochelle Stokes, Cleveland Municipal Court, 1200 Ontario Street, PO Box 94894, Cleveland, OH 44113
Richard Alkire, 250 Spectrum Office Building, 6060 Rockside Woods Boulevard, Independence, OH 44131-7300
Disciplinary Counsel designate, 250 Civic Center Drive, Suite 325, Columbus, OH 43215
Michael E. Murman, 4701 Detroit Avenue, Suite 555, Lakewood, OH 44107

A formal hearing will be held on the Complaint filed in this matter before a three-member panel of this Board consisting of Stephen C. Rodeheffer, Chair, Janica A. Pierce Tucker, and Hon. Robert P. Ringland. *

The formal hearing shall be held at Moyer Judicial Center, Hearing Rm. 106, 65 South Front Street, Columbus, OH 43215, commencing on the 22nd through 26th day of September, 2014 at 9:00 o'clock a.m. and shall continue from day to day, or at such other time or place to which it may be adjourned by the panel, until concluded.

Dated February 6, 2014.



RICHARD A. DOVE, Secretary

*Or such other Commissioners as may be appointed.

STATE OF OHIO)
CUYAHOGA COUNTY) SS:

IN THE COURT OF COMMON PLEAS

FILED

Cleveland Municipal Court

Case Nos. 2013 TRD 065646 & A 565841

2014 MAR -4 P 2:30

CLERK OF COURTS
CUYAHOGA COUNTY

HENRY HILOW,

Judge: JOHN J RUSSO

Movant

SD 14 077293

v.

JUDGMENT ENTRY

CLEVELAND MUNICIPAL COURT
JUDGE ANGELA STOKES,

Respondent.

CLERK

MAR. -5 2014

JUDGMENT ENTRY RECEIVED
FOR JOURNALIZATION
CENTRAL SCHEDULING

John J. Russo, Judge:

Movant Henry Hilow's Motion for Disqualification Cleveland Municipal Court cases for 2013 TRD 065646 (City of Cleveland v. Frank Petrucci) and A 565841 (City of Cleveland v. William Baeslack) are Denied. "The statutory right to seek disqualification of a judge is an extraordinary remedy. * * * A judge is presumed to follow the law and not to be biased, and the appearance of bias or prejudice must be compelling to overcome these presumptions." *In re Disqualification of George*, 100 Ohio St.3d 1241, 2003-Ohio-5489, 798 N.E.2d 23, ¶ 5.

Further, an affidavit of disqualification must allege with specificity the purported grounds for disqualification, including specific facts that demonstrate judicial bias. *See* R.C. 2701.03(B)(1).

In this affidavit, Movant states he is a named party to a complaint filed against Judge Angela Stokes with the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio. This alone does not indicate any clear or compelling evidence of bias or prejudice against Movant by Judge Stokes. Further, on January 9, 2014, Judge Stokes

indicated her commitment to continue to be fair and impartial in journal entries for both cases. Defendant Petrucci has already pled "no contest" and only has a routine supervision involvement with Judge Stokes' courtroom. Defendant Baseslack's case is still before Judge Stokes, but the Motion for Disqualification fails to put forth any evidence of bias or prejudice that has been displayed by the Court against Movant.

Therefore, Movant Henry Hilow's Motion for Disqualification of Judge Angela Stokes is Denied.

IT IS SO ORDERED.

3/4/14
Date



JOHN J. RUSSO
Presiding Administrative Judge
Cuyahoga County Common Pleas Court, Gen. Div.

RECEIVED FOR FILING

MAR 04 2014

CUYAHOGA COUNTY
CLERK OF COURTS
By  Deputy

STATE OF OHIO)
) SS:
CUYAHOGA COUNTY)

IN THE COURT OF COMMON PLEAS

2013 AUG 13 2:57

Cleveland Municipal Court
Case No. 13 CRB 17219
City of Cleveland vs. Rowan Hayes

ROWAN HAYES

Judge: NANCY A FUERST

Movant

SD 13 077218

v.

JUDGMENT ENTRY

CLEVELAND MUNICIPAL COURT
JUDGE ANGELA R. STOKES

Complaint

Respondent

NANCY A FUERST
SD 13 077218

Nancy A. Fuerst, Judge:

Upon consideration of the Affidavit of Prejudice and/or Disqualification and Motion To Have Administrative Judge Designate Another Judge for Bench Trial, filed on June 26, 2013, against Cleveland Municipal Court Judge Angela R. Stokes, in *Case No. 13 CRB 17219, City of Cleveland vs. Rowan Hayes*, the Court rules as follows:

Rowan Hayes asserts that in 2008 and in the 1990's, he was removed from the courtroom of Judge Stokes. In reviewing all filings submitted in support of and in opposition to the Affidavit of Prejudice, the Court finds that the record fails to demonstrate bias and prejudice against Rowan Hayes.

Affidavit of Prejudice is not well taken and the disqualification of Judge Angela R. Stokes is denied.

IT IS SO ORDERED

THE STATE OF OHIO)
) SS. OF COMMON PLEAS WITHIN
Cuyahoga County) AND FOR SAID COUNTY

HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL TAKEN AND COPIED FROM THE ORIGINAL

NOW ON FILE IN MY OFFICE
WITNESS MY HAND AND SEAL OF SAID COURT THIS 13

DAY OF August A.D. 2013
CUYAHOGA COUNTY CLERK OF COURTS

By: [Signature], Deputy

Date

RECEIVED FOR FILING

AUG 13 2013

[Signature]
NANCY A. FUERST
Presiding/Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

CUYAHOGA COUNTY
CLERK OF COURTS
By: [Signature] Deputy

CLERK

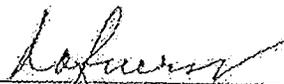
AUG 14 2013

JUDGMENT ENTRY RECEIVED
FOR JOURNALIZATION
CENTRAL SCHEDULING

Exhibit L

Certificate of Service

A copy of the foregoing Judgment Entry has been mailed August 13, 2013 to Rowan Hayes, 2026 West 52nd Street, Cleveland, OH 44102 by ordinary mail, hand delivered and faxed to the Cleveland Municipal Court at 216.664.4238, and filed with the Clerk, Cleveland Municipal Court, 1200 Ontario St., Cleveland, OH 44113.



NANCY A. FUERST
Presiding Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

THE STATE OF OHIO } 1. THE CLERK OF THE COURT
Cuyahoga County } ss. OF COMMON PLEAS WITHIN
AND FOR SAID COUNTY.
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND COPIED FROM THE ORIGINAL File 10/13/13
NOW ON FILE IN MY OFFICE
WITNESS MY HAND AND SEAL OF SAID COURT THIS 13
DAY OF October 20 13
CUYAHOGA COUNTY CLERK OF COURTS
By [Signature] Deputy

STATE OF OHIO)
)
CUYAHOGA COUNTY)

IN THE COURT OF COMMON PLEAS

Cleveland Municipal Court

Case No. 13 TRC 16088

City of Cleveland vs. Robert W. Downing

2013 AUG 13 2:59

ROBERT W. DOWNING

Judge: NANCY A FUERST

Movant

SD 13 077219

v.

JUDGMENT ENTRY

CLEVELAND MUNICIPAL COURT
JUDGE ANGELA R. STOKES

Respondent

Nancy A. Fuerst, Judge:

Upon consideration of the Affidavit of Disqualification Pursuant to R.C. 2701.031, against Cleveland Municipal Court Judge Angela R. Stokes, in *Case No. 13 TRC 16088, City of Cleveland vs. Robert w. Downing*, the Court rules as follows:

Movant Robert W. Downing asserts that Judge Stokes has demonstrated an enmity toward him and his defense counsel by her rejection of a plea agreement and by the setting of an unreasonable trial date. In the alternative, movant asserts that even if statements on the record do not demonstrate bias or prejudice, there is an appearance of prejudice which warrants disqualification.

In reviewing all filings and hearing transcripts submitted in support of and in opposition to the Affidavit of Disqualification, the Court finds that the record fails to demonstrate bias and prejudice against Robert W. Downing or his counsel.

Exhibit M

Affidavit of Prejudice is not well-taken and the request for disqualification of Judge Angela R. Stokes is denied.

IT IS SO ORDERED

8/13/13
Date


NANCY A. FUERST
Presiding/Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

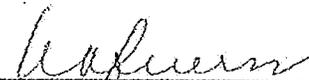
Certificate of Service

A copy of the foregoing Judgment Entry has been mailed August 13, 2013 to Stanley E. Stein, Esq and Ashley L. Jones, Esq, Attorneys for Robert W. Downing, 75 Public Square, Suite 714, Cleveland, OH 44113 by ordinary mail, hand delivered and faxed to the Cleveland Municipal Court at 216.664.4238, and filed with the Clerk, Cleveland Municipal Court, 1200 Ontario St., Cleveland, OH 44113.

CLERK

AUG 14 2013

JUDGMENT ENTRY RECEIVED
FOR JOURNALIZATION
CENTRAL SCHEDULING


NANCY A. FUERST
Presiding/Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

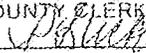
RECEIVED FOR FILING

AUG 13 2013

THE STATE OF OHIO } I, THE CLERK OF THE COURTS
Cuyahoga County } SS. OF COMMON PLEAS WITHIN
AND FOR SAID COUNTY, Deputy

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND COPIED FROM THE ORIGINAL gc Adella

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DAY OF Aug A.D. 20 13

CUYAHOGA COUNTY CLERK OF COURTS
By , Deputy