

THE SUPREME COURT OF OHIO

Disciplinary Counsel,

: Case No. 14-1905

Relator,

:

v.

:

MATTER RELATED TO THE PRACTICE OF
LAW AUTHORIZED BY S.CT. PRAC.R.
SECTION 13

:

Angela Rochelle Stokes,

:

Respondent.

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**RESPONDENT'S MOTION TO PERMIT RESPONSE TO RELATOR'S MOTION FOR
AN IMMEDIATE INTERIM REMEDIAL SUSPENSION UNDER GOV. BAR R. V(5a)
BY NOVEMBER 14, 2014**

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RESPONDENT'S MOTION TO PERMIT RESPONSE TO RELATOR'S MOTION FOR AN IMMEDIATE INTERIM REMEDIAL SUSPENSION UNDER GOV. BAR R. V(5a) BY NOVEMBER 14, 2014

Pursuant to S.Ct. Prac. R. 4.01(B)(1), Respondent hereby moves this Honorable Court for an Order permitting her until November 14, 2014 within which to file her Reply to Relator's Motion for Immediate Interim Remedial Suspension under Gov. Bar R. V(5a). She also requests additional time beyond November 14, 2014 within which to respond to allegations raised by Judge Adrine in his attached Affidavit. This motion is supported by the Affidavit of Respondent, attached hereto and incorporated herein by reference.

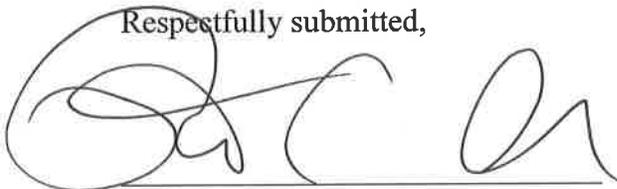
In sum, because the Administrative and Presiding Judge of the Cleveland Municipal Court, the Honorable Ronald B. Adrine, has already removed, albeit improperly, Respondent from presiding over any criminal cases, and further given the timing of the filing of Relator's motion well after the Complaint and Amended Complaint had been filed, the interests of justice do not warrant immediate consideration thereby requiring a ruling before Respondent has had an opportunity to provide a reply.

Contrary to the claim of Relator, the interests of justice require that Respondent be permitted to reply to each and every ground asserted by Relator in his Motion for an Immediate Interim Remedial Suspension under Gov. Bar R. V(5a), including an opportunity to respond to the proposed findings of fact and conclusions of law before any determination is made as to whether Respondent's license should be suspended.

Accordingly, for the foregoing reasons and those more fully set forth in the memorandum attached hereto and incorporated herein by reference, Respondent respectfully requests that this Honorable Court grant her motion for leave to file a response to Relator's Motion for an Immediate Interim Remedial Suspension under Gov. Bar R. V(5a) by November 14, 2014, and

an additional thirty days from then within which to respond to the new allegations raised by Judge Adrine in his Affidavit.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'RCA', written over a horizontal line.

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Attorney for Respondent

MEMORANDUM IN SUPPORT

I. TIMING OF RELATOR'S MOTION

As outlined in Relator's Memorandum in Support of his Motion for Immediate Interim Remedial Suspension under Gov. Bar R. V(5a) at pp. 10-12¹, this underlying discipline matter has been pending, formally, since September 25, 2013. However, Judge Adrine filed his initial grievance on November 10, 2011. (See Stokes Affidavit at para. 2). Thereafter, Relator began his investigation of this matter which continued through 2012 and eight months of 2013 before the formal complaint was filed.

In this regard, during the pendency of the grievance before a formal complaint was filed, Judge Stokes diligently responded to each and every request for information. On January 10, 2012, Judge Stokes was provided Judge Adrine's grievance along with three binders of documentation which allegedly supported it. (Stokes Affidavit at para. 3) Her counsel, on March 19, 2012, provided an initial response and proposed a timeline to respond to the voluminous allegations. Thereafter, on October 5, 2012 and October 8, 2012, Respondent provided an additional response.² Additionally, on December 5, 2012, Judge Stokes provided a follow-up response to the April 5, 2012 inquiry of Relator. Likewise, on January 11, 2013, Judge Stokes provided further information responding to the April 5, 2012 letter. (Stokes Affidavit at paras. 4-5) On or about July 15, 2013, Judge Stokes was notified for the first time through a draft copy of a formal complaint, what matters Relator thought amounted to violations of the rules of conduct applicable to judges and lawyers. As a result, Judge Stokes set about to

¹ Hereinafter, references to Relator's Memorandum in support of his Motion for an Immediate Remedial Suspension Under Gov. Bar R. V(5a) shall be cited as "Relator's memo at _____."

² This response entailed Judge Stokes' summarization of over 110 cases that involved probationer status reports basically monopolizing Judge Stokes' time during a substantial period of time in 2012 to review all case files (many of the defendants had multiple case files), probation reports and journal entries for each defendant. The criticisms of Judge Stokes arising from these blue forms did not find their way into the formal complaint ultimately filed in September 2013, but nonetheless took an inordinate amount of time for Judge Stokes to provide an accurate and complete response.

provide additional information in connection with the allegations of such complaint. (Stokes Affidavit at para. 6)

In this connection, Judge Stokes provided her first response to the allegations of the Complaint on August 1, 2013. Thereafter, on September 13, 2013, Judge Stokes responded to many of the remaining paragraphs of the Complaint. Finally, on October 1, 2013, Judge Stokes provided a response to the last unaddressed paragraphs. (Stokes Affidavit at paras. 7-9)

As mentioned by Relator, after all of that information was supplied, an amended complaint was filed on April 25, 2014. Apparently, in lock step with Judge Adrine, Disciplinary Counsel chose to file this Amended Complaint (within 5 weeks of Judge Adrine's imposition of Administrative Orders removing Judge Stokes' criminal matters from her docket) without providing Judge Stokes notice of any additional criticisms being made about her, just as Judge Adrine had not before issuing the Administrative Orders. (Stokes Affidavit at para. 12)

II. AN INTERIM REMEDIAL SUSPENSION IS NOT WARRANTED UNDER THE CIRCUMSTANCES PRESENTED

Based upon the above timeline, as verified by Respondent in her attached Affidavit, it is clear that if Relator truly had grounds to support a claim that Judge Stokes' conduct posed "a substantial additional and continuing threat of serious harm to the public and the administration of justice" this motion would have been filed in 2012, not in the midst of the preparation for hearings on the formal Complaint which are scheduled to take place in February, March, April, May and June, 2015, with Judge Stokes' deposition scheduled for November 24, 25, 26, 2014 and December 2 and 3, 2014. (Stokes Affidavit at para. 11) Apparently Disciplinary Counsel was satisfied with delegating his disciplinary responsibility to Judge Adrine, obviously fully aware of the Orders Judge Adrine issued on March 14, 2014, shortly before the filing of the Amended Complaint (See Relator's memo at p. 10), Relator now changes his tactic because this

Court has granted an Alternative Writ of Prohibition which presumably is partially premised on the grounds argued by Respondent in her Original Action (that Judge Adrine's March 14, 2014 Orders removing Judge Stokes from any responsibility in connection with her criminal docket were *de facto* discipline under Gov. Bar R. V(5a). That matter remains pending before this Honorable Court, having been fully briefed, and awaiting disposition. See Case No. 2013-057

In this regard, although this Honorable Court ordered that the Alternative Writ of Prohibition issue, Judge Adrine has seen fit to file a Motion for Clarification instead of rescinding his Orders. See Relator's memo at pp. 11-12. Judge Stokes' criminal docket has not been restored even though the Alternative Writ issued September 3, 2014, and the Motion for Clarification was not filed until September 22, 2014. Subsequently, Judge Stokes has filed a Motion to Show Cause Why Respondent Should Not Be Held In Contempt For Failing To Comply With This Court's Alternative Writ, which motion remains pending.

Interestingly, Relator herein alleges that "it appears that Respondent's criminal docket might soon be restored . . ." Apparently, Relator has been relying on Judge Adrine's illegal conduct in first issuing his March 14, 2014 Orders and then, in failing to comply with this Court's Alternative Writ of Prohibition, to allegedly protect the public. This conduct of Judge Adrine has prevented Judge Stokes from handling her criminal docket only allowing her to continue handling her increased personal civil docket and increased Session 1 assignments. (Stokes Affidavit at para. 10) Notwithstanding Relator's accession and satisfaction in Judge Stokes' continuing to handle her increased civil personal docket and increased Session 1 responsibilities, which, inter alia, require her to review and sign judgment entries arising from all Magistrate recommendations in civil cases not assigned to any judge's personal civil docket,

before filing the instant matter, he now seeks to totally suspend her from all activities in connection with her civil docket, in addition to her criminal docket.

It is also important to note, that despite raising matters which have been asserted in the Amended Complaint pending before the Board of Commissioners on Grievances and Discipline of the Supreme Court, Relator is also advocating new allegations raised by Judge Adrine in his affidavit at para. 30(a-f) of alleged conduct preceding March 14, 2014. (Relator's memo at pp. 4-5) Judge Stokes has taken steps to receive the journal entries, case files, probation reports, psychiatric reports and transcripts associated with those matters so she can respond to these brand new allegations. The Court Reporters at the Court cannot produce all of the transcripts until November 21, 2014, the Friday before the Respondent's deposition, which begins November 24, 2014 and continues on the 25, 26, 2014 and Dec. 2 and 3, 2014.

Considering all of the activities associated with Judge Adrine's grievance of November, 2011, including Relator's scrutiny of the allegations raised therein over the last three years, the timing of this motion clearly belies Relator's argument now that an interim suspension is exigent and that it should be issued without Judge Stokes having an opportunity to respond.

III. THE INTERESTS OF JUSTICE REQUIRE THAT JUDGE STOKES BE PERMITTED TO REPLY TO RELATOR'S MOTION FOR AN IMMEDIATE INTERIM REMEDIAL SUSPENSION UNDER GOV. BAR R. V(5a)

By virtue of Relator's Motion for an Interim Suspension Under Gov. Bar R. V(5a), Judge Stokes stands to have her license suspended should this Honorable Court grant Relator's motion. At the very least, this Honorable Court is urged to permit Judge Stokes to provide her response within the prescribed time period by this Court's rule of practice, or until November 14, 2014, with respect to the vast majority of matters raised by Relator. If it were really the case that Judge Stokes' alleged conduct posed "a substantial additional and continuing threat of serious harm to

the public and the administration of justice,” this motion would have been filed by Relator simultaneously with Relator’s filing of the Complaint in October, 2013.

In addition, as it relates to the “interests of justice” consideration inherent in S. Ct. Prac. R. 4.01(C) which potentially deprives Respondent of an opportunity to respond, Respondent’s opportunity to present her case will be during the numerous days set aside for hearing beginning in February 2015. Prior to this time, the conduct of Judge Adrine, as well as Relator, has heretofore deprived Respondent of an opportunity to respond. (See Stokes Affidavit at para. 12)

In this regard, Judge Adrine never gave an opportunity to Judge Stokes to respond to a letter he received from Public Defender Tobik in October 2013 requesting that Judge Stokes be removed from all criminal cases assigned as Fourth Degree Misdemeanors and above. Further before issuing his Administrative Orders of March 14, 2014, Judge Adrine gave Respondent no opportunity to respond to Mr. Tobik’s formal motion in that regard. It is noteworthy that while Judge Adrine in October, 2013 rejected Mr. Tobik’s request because he acknowledged that he did not have the authority to grant it, Judge Adrine essentially granted that same request in 2014 when he issued the March 14, 2014 Administrative Orders. Additionally, while Judge Adrine asserts the existence of numerous “formal and informal” complaints brought to his attention (many of which he submitted on his own), he had not provided them to Judge Stokes contemporaneously with their receipt so that she could address them appropriately, just as he is doing his Affidavit at paras. 30(a-f). Judge Adrine has continued to act without giving Judge Stokes her Constitutional right to Due Process.

Just as Judge Adrine has acted, Disciplinary Counsel also seeks to deprive Judge Stokes of her constitutional right to respond to allegations brought against her in connection with his filing of a First Amended Complaint without any probable cause scrutiny, and now his Motion

for an Immediate Interim Remedial Suspension. This Honorable Court is urged to preserve Judge Stokes' constitutional right of Due Process by permitting her the opportunity to reply to Relator's motion.

IV. CONCLUSION

Accordingly, for the foregoing reasons, Respondent respectfully requests that this Honorable Court permit her until November 14, 2014 in which to file a reply to Relator's Motion for Immediate Interim Remedial Suspension under Gov. Bar R.V(5a), and in addition an additional thirty days within which to respond to the six new matters brought to her attention for the first time in Judge Adrine's Affidavit at paras. 30 (a-f). (See Stokes Affidavit at para. 13, and Exs. O-W, documentation of requests to the various entities Judge Stokes has sought information from and also the Chief Court Reporter's responses so that she is in a position to respond to Judge Adrine's assertions.

It is respectfully submitted that in the interests of justice and to preserve confidence and integrity in the judicial system, Judge Stokes should be permitted to provide her reply to Relator's Motion for Immediate Interim Remedial Suspension Under Gov. Bar R. V(5a) before a decision is issued in regard to such Motion.

Respectfully submitted,



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Attorney for Respondent

THE SUPREME COURT OF OHIO

Disciplinary Counsel,

Case No. 14-1905

Relator,

v.

Affidavit of The Honorable Angela
Rochelle Stokes

Angela Rochelle Stokes,

Respondent.

STATE OF OHIO

:

SS:

COUNTY OF CUYAHOGA

:

Affiant, the Honorable Angela Rochelle Stokes, competent to testify to the following, having personal knowledge thereof, deposes and says that:

1. I am the Respondent named in Relator's Motion for Immediate Interim Remedial Suspension Under Gov. Bar R. V(5a), to which this Affidavit is being provided in partial response.

2. I have reviewed all of the facts and arguments which are true to the best of my knowledge and belief as set forth in the Memorandum in Support of my Motion to Permit Response to Relator's Motion for Immediate Interim Remedial Suspension Under Gov. Bar R. V(5a). I am requesting until November 14, 2014 in which to respond to Relator's motion and an additional thirty days thereafter within which to respond to the new allegations raised by Judge Ronald B. Adrine, in his Affidavit.

3. On or about January 20, 2012, I received by hand delivery the grievance filed by Judge Ronald B. Adrine, on or about November 10, 2011, in connection with the discipline matter which is the subject of Relator's Motion for Immediate Interim Remedial Suspension Under Gov. Bar R. V(5a) (Exs. A and B).

4. On March 19, 2012, counsel, on my behalf, provided an initial response to Exhibit B. (Ex. C) On October 5 and October 8, 2012, counsel, on my behalf, provided additional responses to an April 5, 2012 follow-up inquiry of Disciplinary Counsel. (Ex. D and Ex. E)

5. On December 5, 2012, counsel, on my behalf, provided an additional response to the April 5, 2012 inquiry of Disciplinary Counsel. (Ex F). On January 11, 2013, counsel, on my behalf, provided an additional response to the April 5, 2012 inquiry of Disciplinary Counsel. (Ex. G)

6. On or about July 16, 2013, I received the Notice of Intent to File with a draft copy of the formal complaint. (Ex. H) This was the first time I was made aware of which disciplinary rules applicable to judges and lawyers were claimed to have been violated by any of my alleged conduct prior thereto.

7. On August 1, 2013, counsel, on my behalf, provided my initial response to the draft complaint. (Ex. I)

8. On September 13, 2013, counsel, on my behalf, provided an additional response to the draft complaint. (Ex. J)

9. On October 1, 2013, counsel, on my behalf, provided a final response to the draft complaint. (Ex. K)

10. I have been removed from my criminal docket and activities related thereto, including new assignments from the random lottery and from presiding over my personal

criminal docket since Judge Adrine issued his Orders of March 14, 2014. Despite this Honorable Court's granting of an Alternative Writ of Prohibition on September 3, 2014, none of my Criminal Docket responsibilities or particular Sessions 3 and 4 responsibilities has been restored to me notwithstanding any Order issued by Judge Adrine subsequent to the September 3, 2014 ruling of this Court. (See Relator's memo at 11) Most recently I received a memorandum from Judge Adrine on October 31, 2014 (Ex. M), explaining his failure to stay his Orders of March 14, 2014 and reflecting my unbalanced assignment to Session 1. Prior to receiving this memorandum, counsel, on my behalf, filed a Motion to Show Cause why Judge Adrine should not be held in contempt for his failure to follow this Honorable Court's issuance of the Alternative Writ of Prohibition regarding staying his March 14, 2014 Orders.

11. On or about October 28, 2014, I was notified that hearings will be conducted on February 9 – 13, 2015; February 23 – 27, 2015; March 16 – 18, 2015; April 6 – 10, 2015; April 13 – 17, 2015; May 4 – 8, 2015; June 3 – 5, 2015 and June 15 – 19, 2015 in connection with the disciplinary matter pending before the Board of Commissioners. (Ex. L) My deposition is scheduled for November 24 – 26, 2014 and December 2 – 3, 2014.

12. When Judge Adrine issued his Administrative Orders on March 14, 2014, he had already received a motion from Public Defender Tobik to have me removed from all criminal matters on which public defenders were counsel. Prior to that motion, Public Defender Tobik had written a letter to Judge Adrine requesting that I be removed from all criminal misdemeanor matters of the fourth degree and above which Judge Adrine denied because he acknowledged he did not have the authority to grant such a request. (Ex. N) Yet, Judge Adrine issued his March 14, 2014 Administrative Orders without giving me an opportunity to respond to the Tobik Motion. Additionally, although Judge Adrine referred to numerous complaints in the rationale

underlying his Administrative Orders, none of those complaints had been supplied to me contemporaneously with their receipt or his issuance of them, even by the time the Administrative Orders were issued. As such, I had no opportunity to provide a response to complaints that had allegedly been made.

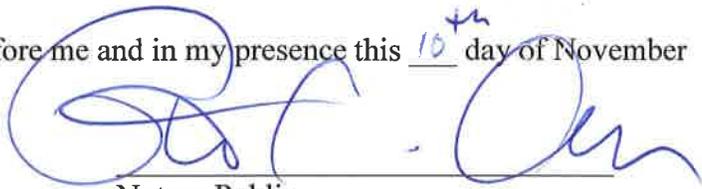
13. Attached hereto are correspondence with individuals from whom information has been sought by me (Chief Court Reporter Grace Evangelou, Clerk of Courts Earle B. Turner and Chief Deputy Probation Officer Dean Jenkins) which is necessary to be reviewed by me in order to properly respond to para. 30 (a-f) of Judge Adrine's Affidavit attached to Relator's Motion for Immediate Interim Remedial Suspension Under Gov. Bar R. V(5a). Also attached are Chief Court Reporter Evangelou's responses indicating that she cannot provide all of the requested transcripts until November 21, 2014. (Exs. O-W)

FURTHER, AFFIANT SAYETH NAUGHT.


Judge Angela Rochelle Stokes

2014.

Sworn to and subscribed before me and in my presence this 10th day of November


Notary Public

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



Cleveland Municipal Court

JUSTICE CENTER
1200 ONTARIO STREET
CLEVELAND, OHIO 44113

RONALD B. ADRINE
ADMINISTRATIVE AND
PRESIDING JUDGE

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November 9, 2011

Office of Disciplinary Counsel
The Supreme Court of Ohio
250 Civic Center Drive, Suite 325
Columbus, OH 43215-7411

RECEIVED

NOV 10 2011

Disciplinary Counsel
Supreme Court of Ohio

In re: Judge Angela R. Stokes

Ladies and Gentlemen:

As Administrative and Presiding Judge of the Cleveland Municipal Court, and pursuant to Rule 2.15 of the Code of Judicial Conduct, it is my obligation to inform your office of numerous issues brought to my attention, by a wide variety of sources, that raise questions of the fitness of a member of my bench, Angela R. Stokes, as a judge.

Each matter referenced in this transmittal is presented with as much documentary, testimonial and/or other information as I could gather or develop for your review, so that you might independently ascertain the veracity, or lack thereof, of each allegation.

Your thorough review, and just resolution of each question raised, is anticipated.

Thank you, in advance, for your thoughtful consideration.

Sincerely,

Ronald B. Adrine
Administrative & Presiding Judge

RBA:cmr

Ex. A

Disciplinary Counsel

THE SUPREME COURT OF OHIO

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January 10, 2012

VIA PERSONAL SERVICE
PERSONAL AND CONFIDENTIAL

Hon. Angela Rochelle Stokes
Cleveland Municipal Court
1200 Ontario, P O Box 94894
Cleveland, OH 44113

Re: Letter of Inquiry
B1-2911J

Dear Judge Stokes:

Please be advised that the enclosed grievance has been filed against you by Judge Ronald Bruce Adrine. Pursuant to Gov. Bar R.V, as referenced in Gov. Jud. R. II, the Disciplinary Counsel is required to investigate any matter filed with him or that comes to his attention. Accordingly, this office must obtain a response to such grievances, regardless of the form or ultimate sufficiency thereof. In accordance with Gov. Bar R.V, this investigation will be confidential.

Please provide your written response **on or before January 25, 2012**. A copy of your reply will be sent to the grievant unless you request in writing that it not be so furnished [see, Gov. Bar R. V(11)(E)(3)].

Thank you for your cooperation.

Sincerely,

Jonathan E. Coughlan
(by LB)
Jonathan E. Coughlan
Disciplinary Counsel

JEC/rn
Enc. (Grievance)

Ex. B

- The next response will address the 11 matters in which Judge Adrine raises allegations of intemperate behavior—tabs 19-20, 21-26, 29-30, and 32-33.
- The final response will address the two allegations of inappropriate religious influence (tabs 4-5); two employment matters (tabs 22, 31); and 10 allegations of unfair or unjust judicial practices (tabs 1-3, 6-8 10, 17, 27, and 34).

However, please let us know if you prefer answers to certain allegations sooner, or if our responses to any allegations raise new questions or answer others. We would like to keep this process as efficient for you, and for Judge Stokes, as possible.

Introduction and Overview

Many grievances have a backstory between the grievant and respondent; more often than not, we exclude that history as irrelevant to the seminal issue of whether the grievant has raised a cognizable concern of misconduct. However, here, while we intend to address the substance of every allegation, the history between the grievant and respondent is also important: Judge Adrine and other third parties are largely responsible for some of their own allegations of Judge Stokes' inadequacies in the Court.

Judge Adrine and Judge Stokes have never been friends, but Judge Stokes has done her best to maintain a professional relationship with him, notwithstanding several disagreements on personal and administrative matters.¹ Their relationship did not

¹These disagreements always went in one direction: Judge Adrine would be upset with Judge Stokes for a variety of perceived slights. They're referenced here to give you a picture of their history. For instance:

- Judge Adrine stormed in Judge Stokes' courtroom and loudly accused her of moving the flowers in their common area that were provided to him after his father's funeral. (She hadn't.)
- When Judge Stokes had a medically diagnosed intolerance to airborne chemicals and fragrances, Court Administration proposed a workplace policy that forbade employees from wearing excessive colognes and other fragrances that could inhibit Judge Stokes' ability to breathe. The proposal had the support of most judges, with the exception of Judge Adrine who led the fight against such a policy. When the measure passed, he pounded his fist on the table, and left the meeting before it ended. When Judge Stokes returned to her courtroom approximately 30 minutes later, she found that someone (she did not know whom) had heavily sprayed the door to her chambers and her bench with cologne.
- Another judge acted inappropriately toward Judge Stokes—he cursed at her and called her a “black bitch” and physically blocked her from entering the building after a bailiff moved his car from Judge Stokes' reserved parking spot to his reserved parking spot in the same garage. Judge Adrine learned of it and called Judge Stokes at home on a Saturday, indicating she should not report the matter or contact the *Plain Dealer*, and suggested the story would be manipulated to harm *her* politically. He later informed Judge Stokes that he performed his own investigation and told her he believed this behavior would not continue.
- Due to his previous disrespectful and disdainful treatment of her, and practice of authoring memos about judges without first contacting them to seek their perspective, Judge Stokes has

improve after Judge Stokes filed an extensive grievance against Judge Larry Jones—formerly of the Cleveland Municipal Court and now of the Eighth District Court of Appeals. Judge Jones and Judge Adrine are close personal friends, and Judge Adrine succeeded Judge Jones as Administrative and Presiding Judge of the Court.

The grievance against Judge Jones was ultimately dismissed, but only after an extensive investigation by the OSBA that included Judge Stokes' deposition. She was very reluctant to bring that grievance, but she believed she was obligated to do so. Still, the extensive testimony she was required to provide against Judge Jones in her grievance and deposition testimony created a significant rift between Judge Stokes and Judge Jones—as well as between Judge Stokes and a number of people who supported Judge Jones, including Judge Adrine.

Judge Stokes and Judge Jones have only recently mended fences. Approximately two weeks before she received notice of this grievance (which was several months after Judge Adrine filed it), Judge Jones paid Judge Stokes an unannounced visit in her chambers. The two had not spoken in approximately four years, but he came to her office to “clear the air.” He began by telling her he had “hated” her for filing the grievance against him and “harbored great anger, bitterness, hatred, and unforgiveness” against her for the years that followed, but he said he was visiting her to let her know he was forgiving her because he could not maintain those emotions as a Christian. During that conversation, he admitted his role in initiating an extensive 2009 *Plain Dealer* investigation about Judge Stokes in response to her grievance against him. He explained this choice by saying he was “fighting for his life” and he did what was necessary to protect himself—and that his goal was to “destroy [her] by any means necessary.” Many of the matters investigated by the *Plain Dealer* in 2009 were sophisticated enough that they were clearly being provided by someone with information within the Court. Judge Jones had already left the Cleveland Municipal Court at the end of 2008, and some of the questions had clearly come from information Judge Jones had provided. During their conversation, Judge Stokes told Judge Jones that she had forgiven him for the issues within her grievance at the time they occurred—years ago—and that she had also known his role in the *Plain Dealer* article and had forgiven him for that as well. However, many of the matters requested by the *Plain Dealer* reporters also involved cases and facts that occurred in 2009. Judge Stokes suspected these questions came from the new Administrative and Presiding Judge, Judge Adrine.

Many of the allegations in this grievance date back to 2008 and 2009—and many have been thoroughly hashed out in the *Plain Dealer* investigation. It's plain that much of the ammunition for this grievance had been stored up for the possibility of Judge

never voted for Judge Adrine when he sought the position of Administrative Judge on a yearly basis. She has made it clear that she would continue to work cooperatively with him and the other judges, but she would not vote for him for these reasons. Although he had more than enough votes to obtain this role, Judge Stokes' refusal to vote for him made him very angry because it rendered his election something short of unanimous.

Stokes' 2011 reelection. When bringing these matters to the media's attention in 2009, and again in October 2011, failed to impair the Judge's reelection in November 2011, this process has now been used as a "Plan B." If these allegations were truly important as matters actually concerning judicial conduct, one wonders why they were not timely provided to your office contemporaneously, rather than saved up for one grievance to be filed in 2011. The fact this grievance was filed the day after her reelection also suggests that this grievance has been planned for years and, by its very nature, addresses old facts, old incidents, old issues.

Judge Stokes and Judge Adrine had one other run-in during the Spring of 2011, when Judge Adrine was running for reelection. Judge Stokes contacted Deputy Chief Bailiff Gregory Sims, asking him to investigate a personnel matter: A court employee, Diane Richardson, e-mailed an invitation to Judge Adrine's campaign fundraiser to all judges of the court and to all judges in the Northern Ohio Municipal Judges' Association using the Court's email servers. Judge Stokes asked Bailiff Sims to have this matter investigated in accordance with the Court's Ethics Policy. As the result, Ms. Richardson and one other employee—Judge Adrine's personal administrative assistant, Colleen Radeff—received an unpaid suspension from work. This did not serve to improve the relationship between the two judges.

Finally, as we will address throughout the body of this response, Judge Adrine has engaged in multiple acts which cause or contribute to the very problems that are now considered the basis for allegations of improper judicial conduct. As we will address in this letter, as Administrative Judge, he announced his intent to "block" any future hires Judge Stokes would make of personal staff, and he precluded her from using court deputies in the place of personal staff; for over two years, she has run the entire operation of her chambers without a personal staff member—she has instead had only partial assistance from court staff who have been informed of her lack of support from the administrative judge.

Much of the background may seem like the dysfunctional inner workings of all too many multi-judge (and divided) courts; however, they are directly relevant to the allegations in this grievance. Many of the substantive problems are *created by* Administrative Judge Adrine's actions. For instance, the fact he has taken measures to keep Judge Stokes from hiring personal staff—in a court where each of the other 13 judges have personal bailiffs, and some also have court reporters—has impacted the way she presides over her Court.

Against this backdrop, we will address the "counts" as outlined above. We could undoubtedly keep ourselves (and you) busy for months by analyzing each and every one of the documents attached to this grievance. Unless you inform us that any of these matters create any particular concern for you, we are hopeful that this more general response is helpful. However, should you wish for us to provide a more specific response to any particular matter, please let us know:

Unreasonable Delay in Administrative Functions

Tabs 9 (overdue central scheduling forms); 11 (overdue probation status reports); 13 (delay in returning cases to the Clerk for journalization)

First, Judge Adrine attached a memorandum of June 21, 2011, from the Director of Central Scheduling (who serves at his pleasure), that indicates Judge Stokes does not provide the Scheduling Department with timely copies of its three month Scheduling forms. The June 21, 2011, memo from Ms. Koster to Judge Adrine was not shared with Judge Stokes at the time: That is, no one “hounded” her for information, as Judge Adrine’s grievance alleges. Rather, the memo was shared only with Judge Adrine—and not shared with Judge Stokes until this grievance was filed. Further, the memo does not say Judge Stokes failed to comply with some rule or policy of the Court: It says she did not provide Central Scheduling with its forms on the timeline that was “customary” for the other judges. This failure was not a violation of any mandatory policy. Further, Judge Stokes remained in contact with Central Scheduling on a *daily* basis to work through the scheduling of cases on her docket. She continues to do this, even when Central Scheduling has her completed forms in their possession as well.

In addition, he attaches a letter from the Chief of Probation (who also serves at his pleasure) to Judge Stokes, and copying him, that advises her of 134 outstanding probation status reports. In preparing this letter, Judge Stokes scrutinized the cases cited in the chart. She found that a fair number of the reports Mr. Krakowski alleged were overdue had been addressed already: For instance, a defendant’s probation status report would trigger a blue form if he or she failed to report to probation. In those matters, Judge Stokes issued *capiases* for the arrest of those probationers. For the remaining status reports, Judge Stokes found she had addressed most matters within a short period of time after the memo—conducting probation violation hearings, issuing *capiases*, terminating probation, or taking other action within several months. While a handful were further behind, Judge Stokes has compared notes with her colleagues and learned that, on occasion, this has happened for them as well.

Finally, he lists several examples of journalization delays: In one matter, *Cleveland v. Viree Smart*, the Judge’s order of May 11, 2011, was not journalized until the month that followed. Judge Stokes sometimes deliberately holds on to a case file to review a matter with the defendant’s probation officer before sending the file back to the Clerk. This only occurs when something is missing in the Probation Report that needs verifying. In those instances, Judge Stokes puts handwritten entries on cases she holds to follow up with the Probation Deputy Chief or to obtain similar information before sending the file back to the Clerk.

For instance, in *Viree Smart’s* case, Judge Stokes’ Entry of May 11, 2011, was held and ultimately journalized on June 16, 2011. On May 11, she entered “Case file held to 6-16-2011 to review with Deputy Chief Dean Jenkins.” This was because the Judge had previously ordered that Smart had to demonstrate compliance with the Court’s order by May 11; this was not a hearing in which the defendant had to attend—just a deadline. However, when Judge Stokes reviewed the file on May 11 for compliance with her Order,

the Probation Report had not addressed whether defendant paid restitution for May 2011, which affected whether she was in violation of her probation. Judge Stokes was more concerned about maintaining compliance in this matter because, the very day Smart appeared before her on a criminal damaging matter, she was also picked up in a brand new case for violating a no-contact order against the same victim. The risk assessment demonstrated she was likely to harm the victim again. Therefore, Judge Stokes wanted to verify the status of Smart's case before returning the file. Rather than reset the matter for another hearing, she merely held the file until she could verify compliance with Deputy Chief Jenkins. Later, on June 16, Judge Stokes added to that same Entry, "Per Mr. Jenkins, Defendant paid restitution payments in April and May 2011 and must continue payments." Then, the matter was promptly sent to be journalized.

In another memorandum of September 28, 2011, Case Flow Coordinator Negray writes Judge Adrine (his appointing authority) that Judge Stokes had two matters on August 22, and eight matters that were before Judge Stokes on September 26, that had not yet been journalized. In each of the matters listed in Negray's memo for which Judge Stokes could find any delay, the cases were part of Judge Stokes' specialized Project Hope docket, and each was delayed for journalization due to the Clerk's error—not any conduct by Judge Stokes. For the remaining matters listed in Negray's memo, Judge Stokes could not find any delay whatsoever. The delayed matters may be summarized as follows:

In *City of Cleveland v. Delaney*, 2010 CRB 002298, Judge Stokes' entries show as follows:

- October 7, 2011: "Clerk's Office failed to provide case file on 8-22-11 and on 9-26-11. Clerk provided case file to Court on 10-5-2011. Attn: Ron Tabor."
- December 30, 2011: "Due to error, Clerk did not locate file until 12-30-2011."

Similarly, in *City of Cleveland v. Thomas*, 2010 CTB 039788, Judge Stokes' entry shows:

- August 29, 2011: "Clerk lost case file which was not submitted on 8-22-2011 or 8-23-2011. Clerk submitted case file 8-29-2011. Attn: Karen Stanton, Dean Jenkins & Jerry Krakowski."

Again, in *City of Cleveland v. Dancy*, 2010 CRB 020530:

- On July 25, 2011, Judge Stokes set the next matter for 8-22-2011.
- The journalizer inaccurately recorded this as 8-2-2011, which resulted in the file being sent to Judge Stokes on the wrong day.
- Judge Stokes issued an entry on August 18, 2011, says, "Clerk sent case file on 8-2-2011 in error," and it reset the matter for 8-22-2011.
- There was no journalization delay in this matter whatsoever because nothing substantive occurred between July 25 and August 22. The only

anomaly in this matter is that an extra entry exists between the two hearings. That entry notes the Judge was improperly provided the file on a date several weeks before the next actual hearing, then returned to the Clerk.

Finally, in *City of Cleveland v. Brown*, 2009 CRB 041882, Judge Stokes' entry of October 5, 2011, provides, "Clerk failed to provide case file for 8-22-11 docket and 9-26-11 docket and finally provided case file on 10-5-2011. Attn: Ron Tabor."

The primary reason behind Judge Stokes' administrative practices is not her own dilatory failure to attend to the administrative tasks of her position—as in *Disciplinary Counsel v. Sergeant*, 2007-Ohio-2294. Judge Stokes is often the first judge to arrive at the Court and the last to leave; she runs a busy docket in the Court, typically from 9:00-5:00. She runs a docket five days a week, whereas most judges do not even come to the building on Fridays. She continues working into the evening and on the weekends, just trying to keep on top of the administrative demands of her office.

As just demonstrated above, not every delay, error, and hiccup in her courtroom is her doing: Perhaps the biggest contributing factor to the clerical problems in her courtroom can be attributed to the search for case files: When the Clerk fails to provide a timely file, Judge Stokes will not be able to timely handle the matters. Further, when probation staff fails to complete reports the Judge orders at one hearing before the next hearing occurs, she will not be able to respond accordingly. This sometimes causes unavoidable delay: If a victim and/or defendant appears for a mitigation hearing, and the probation report is missing, Judge Stokes will attempt to gather the missing documentation before sentencing, but often people have to wait for the paperwork to arrive before she can proceed.

In addition, without having a personal bailiff essentially since 2008, Judge Stokes is left without the staffing resources of literally every other judge in the Court. She is charged with the task of addressing all these clerical problems while processing a very busy docket. (She averages between 75-90 cases in a day.) At the same time, she must remain current with the copious amount of paperwork and administrative tasks that keep these full-time assistants to the other judges busy 40 hours a week.

Judge Stokes is provided case files for the next day's hearings on the evening before; she is also provided probation reports, psychiatric reports, driver's license history forms, and other sentencing information separately from the respective departments. She spends each evening going through those files to determine what, if anything, is missing—it's unusual to have a day where nothing is missing. Last week was the first time the Judge could recall having all the probation reports for that day's docket in her possession at the beginning of the day; this does not mean she had all files and other accompanying documents, but it was a marked improvement upon the norm. If a file is missing, or anything pertaining to the file (e.g., probation report, risk assessment, etc.), she makes an effort to get them in the morning before her docket begins, but she has no dedicated employees who continue working on locating these

items after she is on the bench. Only court file runners, whom she must call and ask for help, can provide this service. This is plainly inferior to having a personal staffer who can anticipate and respond to these problems in advance without stopping the flow of the judge's docket. If a probation report has not been timely submitted, she does not have a staffer who can call probation while she is on the bench to obtain missing items and apprise the waiting defendant why they are waiting to conduct the hearing. Rather, the Judge does this herself in between processing her docket.

This case is distinguishable from *Disciplinary Counsel v. Plough*, 2010-Ohio-3298. In that case, the Judge was sanctioned for his administrative failures to make and keep an adequate record, and to timely respond to requests from the Court of Appeals. The evidence in that case showed the judge *chose* to proceed without the staffing of his peers and predecessors to conserve the court's fiscal resources; however, in the process, he failed to meet his administrative obligations.

Here, unlike *Sergeant*, Judge Stokes works without an adequate support staff; unlike, *Plough*, this is not her choice. After Judge Stokes lost a personal bailiff in 2009, Judge Adrine did not want her using a court deputy bailiff in place of a personal bailiff on an interim basis (which was the court's usual practice), and he made known that he did not want her to hire any new personal staff. So she has gone without for several years. Judge Stokes was able to hire a bailiff in January 2011, but he resigned three months later after engaging in several significantly problematic behaviors. Judge Stokes asked him to resign as soon as he could obtain other employment, and she did not hire a replacement because her bailiff resigned just before election season. Judge Stokes planned to hire a new employee after she knew that she would be returning in 2012. However, once learning of this grievance—and the allegations that referred to her employment of personal staff—she has delayed this process while responding to this grievance. If she employs a replacement during this investigation at all, she will only do so after great contemplation and discussion with advisors she trusts.

Unreasonable delay in the administration of her docket

*Tabs 14 (slow docket), 15 (slow docket impairing the ability to hire public defenders),
16 (slow criminal docket)*

In a similar vein, the grievance challenges the speed at which Judge Stokes processes her docket. To begin with, we should not have to state the obvious: The criminal justice system in large urban cities should not be run by a "shot clock." Caring about getting it right and about the human beings coming before the Court should not be considered a judicial failing. For all the ways the absence of staff creates problems with paperwork, it creates as many challenges with administering her docket. There is no bailiff to pull her aside when a litigant has an emergency that requires his case to be called out of order. There is no specific person to answer the phone; complete and file paperwork; route journal entries to the proper place; attend to computer failures; or any other office disruption. While there are deputy bailiffs who are helpful in varying degrees within her courtroom, there is no personal bailiff to serve as the "courtroom

manager,” monitoring the room for issues that need to be addressed. We can attribute some of the delays in her courtroom to this phenomenon.

In addition to all of this, in any busy court, all judges experience delays for a variety of reasons that have nothing to do with the operation of their Court: Files may be missing; attorneys may be delayed in another room; witnesses or parties may not yet be present; attorneys are consulting with their clients about making pleas; and a host of other factors delay proceedings in a way that compounds any judge’s docket.

It is easy to see where the addition of administrative staff would resolve problems like those raised in Tab 14: Several citizens’ complaints involved missing work and waiting to be called, or not being seen until returning to court on a second day. First, remember that Judge Stokes was not off the bench doing something else. She has never been accused of not working diligently. Rather, Judge Stokes is accused of handling another matter thoroughly. It is patently unreasonable to accuse Judge Stokes for being “too slow” for the defendant’s case she was not adjudicating without fully reviewing the matter she was adjudicating. This is precisely the sort of issue a personal bailiff would ordinarily address—inquiring of people who check in why they’re there, what their circumstances are, and whether they need to be seen out of order. While there are measures in place, including deputy bailiffs who are willing to assist, a personal bailiff would be ideal.

According to the allegations in Tab 15 and 16, these delays have caused problems in obtaining attorneys to handle indigent cases. The number of times a conflict arises in the public defender system in Judge Stokes’ room is *deminimus*. The solution is not for the Administrative Judge to file a grievance, but rather to engage in some meaningful discussion to resolve the issue—which did not occur here. Judge Stokes was completely unaware of this complaint before reading this grievance. As far as support for the allegation goes, calling seven lawyers who, over a period of time, say “no” for a variety of reasons is hardly exhausting the defense pool. Further, cases needing private attorneys who are appointed to handle indigent cases are, by nature, more complicated cases because there are typically multiple co-defendants; they are less appealing for outside in any event.

It is further worth mentioning that Judge Stokes previously had the benefit of video monitoring to conduct pretrials and take pleas, as do a number of judges in the Court. However, she is now one of the few judges who does not have it—a decision made by Judge Adrine. With video monitoring, she can begin and end her proceedings at any time because the prisoners remain at the workhouse. However, without video monitoring, she cannot begin proceedings until the prisoners are brought over, and she must finish them by a set time. In addition, the cases take longer to process because of the added security issues of having multiple prisoners to be processed through her courtroom. (Only one can be in her courtroom at a time, whereas the rest must remain in a nearby holding cell.) Judge Stokes was better able to process her docket before this benefit was taken away; in this regard, comparing the speed of her docket to her colleagues is not a fair comparison.

Finally, a review of Judge Stokes' most recent Individual Judge Report demonstrates that she has 26 cases that are past due in a caseload of 2,132 matters. This translates to 1.22% of her caseload being over time guidelines, which is well outside the range contemplated by *Sergeant* as problematic. To compare, the Respondent in *Sergeant* was between 13-43% out of time in the years the Supreme Court criticized his compliance with the time guidelines; the Court indicated his drop to 3-8% was an improvement, but his past habit of unacceptably high numbers pending beyond the guidelines resulted in discipline.

Continuances

Tab 18 (unreasonable continuances)

Tab 18 discusses Judge Stokes' use of continuances as compared to the other judges. In support of this allegation is a graph and correspondence that show only the dates each year when she exhausted her allotted share of probation resources, such as indigent drivers alcohol treatment and drug testing. While this may be relevant to the allegations in Tab 12, it does nothing to support the allegations in tab 18. Further, there are no challenges to suggest Judge Stokes ever referred a defendant to treatment frivolously or without good reason. A judge's reliance on the professionals' assessments and recommendations for treatment should not be regarded as a problem.

The only other support for this allegation is a graph that compares Judge Stokes' continuances "on Court's Request" with Judge Adrine, Judge Cassidy and Judge Earley. It does not provide or compare data about any other judges. Further, we do not know how this data was gathered or assessed—for instance, Judge Stokes frequently continues matters because probation has failed to provide information she previously requested for sentencing. While this request for a continuance was at the Court's request (as opposed to the litigant's), it is in no way related to the Judge's failure. Further, there are a host of other reasons a case can be legitimately continued that likely applied to Judge Stokes, such as setting a matter for a mitigation hearing; requesting a post-sentencing report; setting a restitution hearing; requesting a psychiatric evaluation; or other matters designed to ensure a defendant's compliance with sentencing or fitness for trial. We would need more information about how this data was compiled to truly address it.

This was precisely the issue Judge Stokes already addressed in ODC Letter of Inquiry B1-1619J, involving grievant Lisa Mitchell. Ms. Mitchell had raised this very allegation, and we provided a step-by-step discussion of each continuance afforded in that matter to demonstrate why every continuance in her case was either at her attorney's request or for unavoidable reasons that were out of Judge Stokes' control and not at her request. As we detailed in that response, each continuance was necessary to properly administer the case, and they were due to counsel's request or Probation Department errors and incomplete work; none were at Judge Stokes' request or had anything to do with the pace of her docket.

Should Disciplinary Counsel wish, we could break down many of these cases the same way we did in *Mitchell*. That was a 16-page response that required a discussion of the entire timeline of the case, so we suspect you are not interested in going through each of Judge Stokes' cases cited in the chart provided in this Tab. However, *Mitchell* is likely one of the cases included in that chart, and it's a good demonstration of how, just because someone alleges Judge Stokes continues cases and delays justice, it does not make it so.

Overuse of Court Resources

Tabs 12 (overuse of court resources and staff) and 28 (abuse of post-sentence and compliance hearings)

The grievance alleges that Judge Stokes ignores or circumvents rules promulgated to prevent the overuse of court resources or staff time. (Some might rightfully suggest that there can never be an "overuse" of court resources or staff time since one of the primary functions of the criminal justice system, especially with respect to misdemeanors, is to aid and assist victims and defendants so that the latter may be rehabilitated and avoid recidivism. As discussed at length above, Judge Stokes' use of court staff has, on many occasions, been necessary to replace her lack of a personal staff. Whereas most judges have a personal bailiff who meets the personal staff exception of the Fair Labor Standards Act, Judge Stokes must rely upon courtroom deputies to provide basic security. They are under orders to leave the courtroom promptly at 5:00 p.m., regardless of whether Judge Stokes' docket has finished. They are permitted to obtain files from the Clerk for her at 5:00, but not to remain longer than the time that requires.

It is true that she requests pre-sentence reports and information from probation to reach sentencing decisions. She believes this is her responsibility to responsibly sentence defendants. The Court's Administrative Judge sets a budget for the Court based on his perception of what he and the other judges need to complete the year's caseload; however, each judge will necessarily have a different comfort level with addressing violations without pre-sentence information. To the extent Judge Stokes' practices differ from Judge Adrine's, she should not be deprived of her ability to make judicial decisions with the ability of whatever information she feels justice requires. To the extent Judge Stokes expends additional resources in seeking information before sentencing, that is a matter within her judicial discretion. Further, the Court's allocation for each judge is never intended for each of them to end the year at the same number—resources are shifted to accommodate a disproportionate share of resources used by various judges, and one judge's use of resources will never deplete another judge's access to those options. Even if all judges exceeded the Court's allotted budget, the City is required by statute to fund the Court for all reasonable and necessary expenses, regardless of what has been originally budgeted. As we understand the law, the Administrative Judge has no greater say in how each individual judge administers her/his own docket. By rule, the Administrative Judge is not the supervising or superior judge, manager, or authoritarian of the court. Judge Stokes was independently elected to handle her docket as she deems just and necessary in the interests of justice.

In any event, for the past two-to-three years, Judge Stokes has changed the way she orders urinalysis testing in response to this concern: Defendants now obtain their testing from the outpatient treatment agencies if they agree to do so instead of the Court's probation funds, so that the Court is now not charged for this expense. If a defendant has private counsel or a job and they can afford the initial urinalysis, Judge Stokes requires the defendant to pay for their own urinalysis. These measures have stretched the resources available to her for testing, and Judge Stokes does not believe she has exceeded her budgeted allotment during that time.

Individually, judges of the Cleveland Municipal Court do not make decisions about who does or does not need treatment and rehabilitation unilaterally and without assistance. They refer their cases to the medical, psychological, and probation professionals who conduct defendants' assessments and make recommendations. *See* R.C. 4511.191(N). For instance, defendants who attend treatment programs only do so if an assessment has deemed that appropriate and the defendant has agreed to that treatment in lieu of incarceration. Further, when judges obtain that information, they can take it into consideration in fashioning or mitigating the defendant's sentence.

Finally, the grievance alleges that Judge Stokes abuses the use of post-sentence and compliance hearings. There are single journal entries attached in 10 cases, but no real explanation or allegation of why it would be inappropriate for Judge Stokes to utilize a post-sentence or compliance hearing in those matters. Should you seek more information about any of these cases, please let us know.

Without more specific allegations, we are still able to provide you with general information and address some of the attached cases to assist you in obtaining an overview:

First, Judge Stokes readily admits to scheduling compliance hearings and utilizing them to ensure defendants' compliance with the conditions of their sentences. For years, the Cleveland Municipal Court's probation department was not diligent about responding to violations. Quite frequently, Judge Stokes would see new defendants before her whom she had previously sentenced to probation; even though she had previously sentenced them to complete certain terms of probation, they had not completed these conditions and yet were not being violated by their probation officers. Years ago, Judge Stokes determined that the only way to ensure conditions were being met was to conduct compliance hearings. While the probation department has improved, Judge Stokes still finds a large percentage of her caseload consists of non-violated probationers who are out of compliance. She therefore submits this is far from abusive; in many cases, it is the only way defendants maintain compliance with their conditions.

In addition, Judge Stokes admits using post-sentence reports, but denies any abuse. In the Cleveland Municipal Court, a post-sentence report is an internal document created to help Probation supervise a defendant. It is essentially identical to a

pre-sentence report, except—under the Court’s policy—it is the only mechanism provided by the Court to determine whether an individual in the Court’s custody qualifies for drug, alcohol, or other treatment. (That is, if the defendant is indigent and cannot afford an alcohol or substance abuse assessment, the judges are not permitted to order it until after sentencing.) This is a relatively new constraint to conserve the Court’s finances, but it has not always been the policy of the Court. Previously, judges could order the alcohol/substance abuse assessment at the time the Pre-Sentencing Investigation Report was ordered; this was a better policy because the judge, defendant, defense attorney, and victim would have the benefit of the assessment recommendations at the time of sentencing. (The only individuals who have the benefit of having an alcohol/substance abuse assessment for the Pre-Sentencing Investigation Report are those who can afford to do so; this does not comprise the majority of defendants who appear in the Cleveland Municipal Court.)

We provide a couple of examples from the entries attached to the grievance to demonstrate how this works in practice, and how Judge Stokes’ use of post-sentencing investigation was inherently reasonable:

City of Cleveland vs. Samuel Bowers - Case No. 2011 TRC 008281

On June 16, 2011, Defendant Bowers was arraigned and pled not guilty to charges of License Required To Operate; Driving Under The Influence Of Alcohol And/Or Drugs; Slow Speed and Seat Belt Required. Magistrate Bednar took the plea. (Journal Entry of June 16, 2011). In addition, on August 24, 2011, the Court learned that Bowers had an Open Container Prohibited charge on Case No. 2011CRBo24741 that had not been assigned to Judge Stokes’ docket by the Central Scheduling staff or by the Clerk’s office, per the Single Judge Assignment Case Consolidation (SJACC) Rule.

On September 13, 2011, Bowers withdrew his not guilty plea, and entered a guilty plea to the charge of Driving Under The Influence Of Alcohol And/Or Drugs. The balance of the charges were dismissed or nolle. As reflected on the Journal Entry, Judge Stokes was initially going pass for sentencing (PFS) and refer Defendant Bowers and his case to the Probation Department to obtain a Pre-Sentencing Investigation (PSI) Report. This is what she routinely does for this type of charge. Thus, the Journal Entry reflected that Defendant Bowers would report to the Probation Department on September 15, 2011. However, during further dialogue with the Court, Bowers stated that he had just recently used alcohol, crack cocaine, heroin, and marijuana.

In light of this new information, Judge Stokes decided it was appropriate to sentence Bowers at that time. This accomplished several things: It kept him from posing potential harm to the community and to himself; it took him into the Court’s custody (which reduced the likelihood he would not appear to serve his sentence); and it enabled get him an alcohol/substance abuse assessment while he was incarcerated so Judge Stokes could get the best information for sentencing or mitigation. Judge Stokes changed the Journal Entry to reflect that Bowers would no longer report to the

Probation Department on September 15, 2011, as previously scheduled, because he had been taken into custody instead.

Contrary to the unsubstantiated allegation that Judge Stokes abuses the use of Post-Sentencing Investigation Reports, this case shows an example of how it was more expedient and humane to sentence Defendant Bowers and request the Post-Sentencing Investigation Report to include the assessment recommendations. These recommendations could not have been performed in a Pre-Sentencing Investigation Report. Bowers was in custody and clearly needed intervention as soon as possible. Whether he remained in the community or was incarcerated while awaiting the preparation of a Pre-Sentencing Investigation Report, it would have taken too much time for intervention in view of his use of alcohol, crack cocaine, heroin and marijuana.

City of Cleveland vs. Linda B. Lahman - Case No. 2011TRCo42323

On July 28, 2011, Lahman was arraigned and entered not guilty pleas to charges of: DUI: Blood Serum .096-.204; Driving Under The Influence Of Alcohol And/Or Drugs; and Failure To Control.

On September 13, 2011, Defendant withdrew her not guilty plea, entered a guilty plea with a finding of guilty to the to the charge of Driving Under The Influence Of Alcohol And/Or Drugs and the balance of the charges were nolle or dismissed per the plea agreement. Prior to the change of plea, the Assistant City Prosecutor advised Judge Stokes, Defendant, and the Public Defender that this was Defendant's second DUI conviction within six years and Defendant's fourth DUI conviction in her lifetime. (Journal Entry of September 13, 2011).

On September 13, 2011, it was Judge Stokes' intention to pass for sentencing (PFS) for at least two weeks and refer Lehman to the Probation Department for a Pre-Sentencing Investigation Report that was to include a urinalysis. (Her Journal Entry required Lahman to report to the Probation Department on September 14, 2011.) However, during more dialogue with Defendant Lehman, she shared with Judge Stokes on the record that she had just recently used heroin and cocaine.

Similar to *Bowers*, this new information changed Judge Stokes' typical inclination. She proceeded with sentencing on September 13, 2011, requesting a Post-Sentencing Investigation Report and changing the Journal Entry to reflect that Lehman would not report to the Probation Department for a pre-sentence investigation because of the recent use of illegal substances and having been taken into custody. (Journal Entry of September 13, 2011). The reason for the Post-Sentencing Report was to obtain an alcohol and drug abuse assessment while the defendant was still in custody—Lahman had a long history of DUI convictions, and this matter included an accident. Having this added information was critical to know how to proceed.

City of Cleveland vs. Richard Vargas - Case No. 2011TRD032753

On May 31, 2011, Vargas was arraigned and pled not guilty to charges of Driving Under Suspension, Display Of Plates and Driver Seat Required. The Journal Entry reflects that Defendant had a “felony pending.” (Journal Entry of May 31, 2011).

On July 5, 2011, Vargas withdrew his not guilty plea, entered a no contest plea and consented to a finding of guilty to the Driving Under Suspension charge. This was Vargas’ eleventh Driving Under Suspension conviction.

With the consent of Vargas and his Public Defender, Judge Stokes proceeded with sentencing. Judge Stokes ordered a Post-Sentencing Investigation Report because there was an accident involved in the case that had injured police officers. Judge Stokes requested the Probation Staff to obtain the accident report so that alleged victims/witnesses could be interviewed regarding any restitution issues. Even though Vargas was being held in county jail regarding a felony case, he had an outstanding warrant or hold for the City of Brook Park.

From information in the Post-Sentencing Report, Vargas’ felony case was transferred to the Cuyahoga County Court of Common Pleas Mental Health Court docket. Similarly, for the same reasons, his case before Judge Stokes was transferred to Judge Tarver’s Mental Health Court docket.

Sharon Dennis – 2009 CRB 015822; 2008 TRD003752

The only case referenced in this Tab that was more than a single page entry is Sharon Dennis, a defendant with an extensive criminal record of prostitution and drug-related offenses. We will be addressing her case in more detail in the response that discusses Project Hope. However, for purposes of this response, it suffices to say Judge Stokes had an extensive and well-reasoned rationale for her decisions in this matter. We will address them all in further detail in that response.

It’s otherwise unclear why the grievant claims any of the entries attached to Tab 28 are abusive or improper, but the Judge will happily address any concerns you have.

Proposal

The issues in this response were primarily concerns of being over diligent, although they were couched in terms of competence by the “grievant.” As you’ve likely heard from witnesses in your investigation, Judge Stokes is especially committed and diligent to her work—she works very long hours in an effort to effectively perform her job.

Judge Stokes cares deeply about the welfare of the criminal defendants in her court; the victims of their crimes; the parties to civil litigation; the Clerk’s and Court’s employees; and the attorneys, law enforcement officers, and witnesses who come to her

court. She has an earnest desire to do the best job by each of these individuals as she can. A judge who was not so concerned with doing what was right—and only concerned with doing what was fast—could keep up with her docket with ample time left over to remain timely with all administrative paperwork. She could sentence defendants without the benefit of pre-sentence reports; she could overlook or fail to verify the existence of violations that increase recidivism; and she could send everyone to jail instead of offering treatment—or, when the jail is too crowded, put people back on the streets with minimal controls.

Doing these things would have avoided each of the allegations addressed in this letter, but they would not have been the right things to do, and they would not have improved the administration of justice or done anything more to endear her to her colleagues. Instead, Judge Stokes has endeavored to treat each case individually in a very full docket—double that of smaller municipal courts—without any of the supports or staff of those smaller courts. She has attempted to do this while maintaining a commitment to obtaining the right outcome, in full possession of the necessary information from probation to ensure litigants are treated fairly.

Judge Stokes recognizes that there is always room for professional improvement and development, and she is committed to seeking that. She wants to engage in a discussion of how to fix any problems. We have discussed a number of ideas to make a permanent improvement:

- Judge Stokes is willing to attend any Judicial College or other applicable training on these issues that would improve the administration of her docket. Time management classes or similar courses, whether intended for judges or otherwise, could be used to address any places where she can improve her ability to serve the Cleveland Municipal Court.
- In addition, Judge Stokes would like to pursue a more intensive plan to improve the administration of her docket:
 - Judge Stokes has agreed to seek out and work with one or more mentors to address how she can more expediently process her docket. As you know, the Supreme Court now assigns mentors to new judges as a mandatory practice, but this program was not in effect when Judge Stokes took office. We have discussed several alternatives: Initially, Judge Stokes suggested Akron Municipal Court Judge Annalisa Stubbs-Williams, the Administrative and Presiding Judge of the Akron Municipal Court, but she is amenable to other suggestions. We would submit that anyone from a large urban court would be familiar with these issues.
 - Further, we're aware that the Supreme Court retains retired judges who work on a volunteer basis to assist with Visiting Judges, Mediation, and other endeavors—if a retired judge would have better availability to spend some time observing Judge Stokes' docket, providing her with feedback,

and making recommendations, she would be amenable to this as well and grateful for the opportunity.

- Judge Stokes would like to employ a personal staffer to assist with the administration of her docket as soon as possible. She has already discussed the ideal qualities in a successor with Judge Stubbs-Williams; Judge Stokes would confer with a mentor in selecting, training, and long-term supervision of a candidate to assist her in the administration of her docket.
- Further, if your office believes Judge Stokes' service on the bench could be improved by mediating these matters with Judge Adrine, Department Heads, and/or the Clerk to reach a set of future protocols to follow, she would be amenable to that as well. In addition to working through issues that affect her or that are highlighted in this grievance, she would also seek out improvements in the clerical issues that compromise the administration of all the judges' dockets—such as the issue with the accuracy and completeness of the case files and other documentation provided to the judges before their docket begins. This includes making sure all of the defendants' files and documents are before the correct judge.
- Finally, Judge Stokes is receptive to any further feedback or guidance that may be necessary to resolve these situations. She is willing to engage in any other discussion or protocols to administer her docket in the most timely and competent manner possible.

Conclusion

We are hopeful this addresses your concerns in these matters. Unless we hear from you otherwise that you would like more specific information about any of the allegations or documents discussed in these tabs, we will move to preparing a response to the next set of tabs. Before we do that, we would appreciate at least initial, even if informal, input into the approach we have taken.

We realize there is a lot of information encompassed by these allegations. If a more specific response to a particular issue or a more productive way of responding to this grievance is desired, please let us know and we will address it in whatever format best suits you.

Sincerely,
MONTGOMERY, RENNIE & JONSON

Kim Riley

KIMBERLY VANOVER RILEY

MONTGOMERY, RENNIE & JONSON

A LEGAL PROFESSIONAL ASSOCIATION

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October 5, 2012

Robert Berger, Senior Assistant Disciplinary Counsel
Office of Disciplinary Counsel
250 Civic Center Drive
Suite 325
Columbus, Ohio 43215-7411

Via electronic mail at Robert.Berger@sc.ohio.gov

Re: *Judge Angela Rochelle Stokes*
ODC No. B1-2911J
MR&J Ref: 570-136

Dear Rob:

Thank you for the enlargement of time to respond to your letter of April 5, 2012. We again ask that our response not be shared with the grievants.

NEW OFFENSE / PROBATIONER STATUS REPORTS

As we have discussed at length, the first request within your letter of April 5 required an extensive amount of effort to compile a response. We knew within the first week of beginning the response that it would take a long time; however, several unexpected obstacles delayed our ability to respond in the timeframe we initially anticipated. While we have informed you of some of these obstacles along the way, I wanted to provide you with a more detailed account of that here:

Ex. D

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¹ ALSO ADMITTED IN KENTUCKY
² ALSO ADMITTED IN KENTUCKY
& PENNSYLVANIA
³ ALSO ADMITTED IN KENTUCKY
& TEXAS
⁴ ALSO ADMITTED IN FLORIDA
& NEW YORK
⁵ ALSO ADMITTED IN KENTUCKY &
INDIANA
⁶ ALSO ADMITTED IN KENTUCKY
& WASHINGTON D.C.
⁷ ADMITTED IN KENTUCKY ONLY

DENNIS VAN HOUTEN
(1950-2008)

BACKGROUND INFORMATION

You asked us to provide information about the timeliness of Judge Stokes' responses to New Offense/Probationer Status Reports—also referred to as “blue forms” within the Cleveland Municipal Court. These forms are issued by a probationer's probation officer to make the judge aware of any issues with compliance that may merit further action.

In all instances, the presiding judge maintains discretion whether to respond to these reports or abstain from taking further action. That is, the issuance of a blue form does not compel judges to take any action, although they often do. The reasons they may refrain from further action are somewhat limited: In some cases, the violation is minor; in other cases, the violation occurs so close to the termination of probation that the judge may elect not to proceed; and, in some cases, the violation entails committing an additional crime. (That is, while a judge may proceed on a probation violation within his or her own pending case, they may be just as apt to allow the judge in the other case address the conduct.)

The blue forms have several options for the reviewing judge: they have the option to set a probation violation hearing to determine if a violation has occurred; they may set a conference with the probation officer; they may issue a *capias* for the defendant to be brought to the court (which is common in situations where the probationer has failed to attend regular probation appointments); and they may do nothing. In the event they do nothing, it is ideal for the judge to inform probation of this fact so that the probation officer is made aware; however, the judge's decision to do nothing does not get journalized or otherwise become part of the record. It therefore “should” be communicated to the probation office for their administrative convenience, but it is not a requirement as a matter of law or rule.

It is important to note that, should a probation officer have questions about a particular matter (including a judge's response or lack of response to a blue form), they are free to either issue another blue form or informally approach the judge—probation officers have face-to-face discussions with the judges on a regular basis. While Judge Stokes takes complete responsibility for the small number of errors she identified within this process, it is important to note that the ultimate responsibility of ensuring probationers who violate are brought before the Court falls on the probation officers. If a probation officer issues a blue form and the judge doesn't respond, the probation officers have both the ability and responsibility to issue another form, call her, or talk to her in her office and let her know. While the blue forms are the most efficient and preferred method of streamlining the process, it is not unusual for probation officers to utilize these other measures. While the Judge can and should take some responsibility for these cases, the probation officers bore the ultimate responsibility for determining that, if a judge has not responded to a blue form before probation expired, they should investigate whether that choice was deliberate or an inadvertent omission.

THE PROCESS

As we indicated in the beginning, we knew we would need to review every probationer's report¹, and potentially also their case's docket sheet, to provide you with the information you requested. That process required multiple months because, in addition to the work required in reviewing and summarizing each docket and probationer's report, we had to wait for the Probation Department to provide the reports—which were delivered, on average, no more than five reports each business day.

I prepared the preliminary summaries of information from the docket sheets and probation reports as they came in. When that process was nearing completion, we believed we were close to completing the project because Judge Stokes would only be required to review and revise the summaries, following along with the probation report for reference. However, Judge Stokes discovered those summaries had a variety of significant omissions and errors that needed to be corrected. This was for several reasons:

- First, Jerry Krakowski's chart of delinquent probation files was rife with errors and could not be relied upon in compiling responsive information. There were many examples of supposedly delinquent files that were not actually delinquent, case names were sometimes inaccurate, case numbers were sometimes inaccurate, and in other instances, companion cases with valuable information were omitted from the chart. In short, using this chart as a reference did not always yield accurate information, and finding the correct information often required exploring multiple resources.
- In addition, there were other errors within the Court's departments or with others' work on Court matters: The Central Scheduling Department of the Court sometimes inadvertently assigned a new case involving a probationer on Judge Stokes' docket to another judge. The Court's rules require those matters to be assigned to the judge who is presiding over their probation matters. These errors sometimes caused delays in Judge Stokes' awareness of new violations. The Cleveland Department of Corrections improperly released one of Judge Stokes' probationers from jail *twice*, causing the Judge to issue capiases to address these problems. Further, the Clerk's entry did not always accurately reflect what Judge Stokes had recalled from these cases; in multiple instances, she had to order the physical file or files, and compare her journal entries to the docket to determine what actually transpired.
- However, most importantly, the probation reports themselves (on which Mr. Krakowski's chart was based) were also rife with omissions and errors. There were many instances where Mr. Krakowski's chart indicates the Judge had been provided with a blue form that we can find no evidence ever existed—no copy

¹ The Cleveland Municipal Court refers to the file its Probation Department keeps on every probationer as a "Probation Report." Each report consists of a binder-clipped stack of loose papers that typically measures 1-2 inches thick for each probationer.

exists in the probation report (as it should if it ever actually existed)., no original can be found, and Judge Stokes has no copies in her records. Further still, we found a large number of “draft” or “working copy” blue forms in the probation report that were signed only by the probation officer, never signed by the probation supervisor; in most instances, this means the form was never provided to Judge Stokes at all.² So Mr. Krakowski’s chart repeatedly suggested Judge Stokes was delinquent on a blue form when, in actuality, she was never provided those forms.

It is important to note that the probation reports often had a great deal of inaccurate information in the Closing Summary Reports (which purport to summarize the history of probation violations, hearings, and blue forms in a case during its pendency). However, Judge Stokes did not know this prior to preparing this response—and would not have otherwise had occasion to know of the errors because the Probation staff closes matters and prepares Closing Summaries without copying the Judges. Prior to preparing this response, Judge Stokes had not been provided with Closing Summaries to review; had she been reviewing these matters on a regular basis, she would have discovered the inaccuracies. She has since decided to request these summaries to ensure future misstatements in the probation files are brought to her attention and remedied appropriately. when probation terminates.

- Further still, Judge Stokes could not always correct the summaries I prepared with information in the docket sheet and probation report alone. Instead, she was required in many cases to order the individual case files—or sometimes multiple case files on a single probationer—to correct the inaccuracies. There were also errors within the Clerk’s office that yielded inaccurate information on the docket sheets; sometimes, only pulling the original case file and reading the Judge’s entries provided the requisite information to provide a complete and accurate account of what happened in a case.

This process was not fast; however, it was essential to providing you with accurate responses. We appreciate your patience in this process.

FINDINGS

Your letter sought information in two categories:

- “Old Files”—For all blue forms that were at least four months old by June 29, 2011³, you sought information regarding Judge Stokes’ reason for the

² Probation Department policy requires both a probation officer and Probation Supervisor to sign the blue forms before they are provided to the judges for consideration. Judge Stokes can recall a handful of instances throughout her career where a blue form was delivered to her without the Probation Supervisor’s signature, but this was both rare and a cause for scrutiny within the Department. It has been—and should be—an extremely unusual occurrence for a judge to ever receive a blue form without the Probation Supervisor’s signature.

³ The dates on the blue forms are often going to contain something of a range: The probation officer completes it on one date; it them must be signed by a supervisor before it may be provided to the Judge.

delayed response, as well as the current status of the case. You inquired into whether Judge Stokes completed the form and returned it to probation (providing copies if so, and providing an explanation if not).

- “New Files”—For all blue forms that were submitted on or after February 29, 2011 (within four months of Jerry Krakowski’s June 29, 2011 letter), you ask us to identify all matters for which Judge Stokes has not yet provided a response to probation and, if not, why.]

We found that some probationers had both old and new blue forms at issue, so we could not place them in only one category to provide summary numbers of files that fell in each category. In some matters, we had old files we knew existed, but Mr. Krakowski’s chart complained of delinquencies on new files that we don’t think actually existed. Further, when preparing our summaries, we had to explore each and every file—because we did not know whether it was one of the requests that did not require a response until assembling the information. Therefore, to ensure you have as complete a picture as possible, we will provide all the information we have gathered: *See* the attached summary of all responsive matters as Appendix A, and supporting exhibits for each probationer are also attached. Further, for your convenience, we provide a chart that summarizes each narrative.

After wading through all this inaccurate information to craft accurate summaries of these cases, we found a few things:

Of the 120 files in Jerry Krakowski’s chart (118 and 2 duplicates), we found only *seven* instances where Judge Stokes did not respond to an outstanding blue form before probation expired and, with today’s benefit of hindsight, she can say she wishes she had. The remaining 113 files were addressed and probation violations were adequately addressed, or they did not otherwise need to be addressed. Judge Stokes had issued *capiases*, set probation violation hearings, decided not to take further action, or a subsequent occurrence mooted the form.

- Of those seven files, one (Terry Costner) was not remedied because Jerry Krakowski’s chart was issued on June 29, 2011, and probation expired two days later—July 1, 2011. This was simply the result of an oversight.
- However, the remaining six errors (Willie Banks, Rodney Hughley, Michael Hudson, Jason Greenwade, Charles Green, and Brian Warsheskie) have a single explanation: Judge Stokes obtained the assistance of a clerical volunteer in her office who moved a stack of outstanding blue forms from the Judge’s chambers to a closet in her chambers. She only located them on May 27, 2012, after probation on these six cases had expired. There were more blue forms than these six probationers’ in that stack, but the lion’s share were still adequately addressed because the Judge learned of the violation through another means and promptly

These forms can often take a week from the probation officer’s creation to the judge’s receipt; however, we calculated the four month ranges for this response using the date of the supervisor’s signature, which is the earliest possible date it could have been provided to the Judge.

addressed the problem. Judge Stokes deeply regrets that she was unaware of this error by her clerical assistant until it was too late to remedy that error, but this single mistake is isolated.

CONCLUSION

Rob, we are hopeful that this addresses all your concerns regarding the blue forms issue. If you have any other questions about it, please let us know. Otherwise, Rick Alkire will be taking over the defense of this matter. He will provide you with a response to the remaining questions in your April 5 letter in the next two weeks, and then set up a schedule with you to respond to the remaining tabs in the grievance.

Sincerely,
MONTGOMERY, RENNIE & JONSON

Kim Riley

KIMBERLY VANOVER RILEY

APPENDIX A—NEW OFFENSE / PROBATIONER STATUS REPORTS

THOMAS WHATLEY, III – 2008 TRC 068645

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Thomas Whatley*, Case No. 2008 TRC 068645 is attached as Exhibit 1. Thomas Whatley's case first appeared on Judge Stokes' docket for a pre-trial on November 18, 2008, which he failed to attend. Judge Stokes issued a *capias* and set the bond at \$30,000. On June 28, 2009, Mr. Whatley was arrested on the *capias*, and his case was set on Judge Stokes' docket for a pre-trial on June 30, 2009. On June 30, 2009, Judge Stokes accepted Mr. Whatley's guilty plea to his third DUI conviction within a six year period.

Pursuant to the request of Judge Stokes and Mr. Whatley, the case was referred to the Probation Department in order to have a Pre-Sentencing Investigation (PSI) Report (Exhibit 2) prepared for use at the sentencing date of July 14, 2009. Mr. Whatley remained in custody at the Cleveland House of Corrections (CHC), on a no bond status, pending receipt of the PSI Report which was needed for the following reasons as noted by Judge Stokes on the June 30, 2009, Journal, Entry: Mr. Whatley had a hold or warrant for the Euclid, Ohio Police Department, and due to his admitted substance abuse issues, Judge Stokes wanted to see if Mr. Wallace Green, the Probation Department's Substance Abuse Treatment Coordinator, could have Mr. Whatley's alcohol/substance abuse assessment completed at the CHC and if he would be accepted to enter the substance abuse treatment program that was in existence at the CHC facilitated by Mr. Charles Gordon.

Mr. Whatley admitted to usage of alcohol and PCP on the offense date of October 28, 2008, and Mr. Whatley admitted, at that time, to current use of alcohol and PCP due to a relapse that he stated occurred subsequent to his assessment and substance abuse treatment at ORCA House one year ago. Mr. Whatley also claimed that in the prior two weeks he went back to treatment at the Free Clinic. Judge Stokes wrote on the June 30, 2009, Journal Entry that the Probation staff was to "please have Defendant sign releases for ORCA House and the Free Clinic, in case they could assist with [the] assessment" and verify Mr. Whatley's statements. Judge Stokes also requested the Probation Department to verify the titled owner of the 1997 Cadillac that Mr. Whatley had operated since it would have to be forfeited if he were the titled owner.

The PSI Report verified, *inter alia*, that Mr. Whatley had an outstanding warrant in Euclid, Ohio for a Driver's License Suspension offense, that this DUI conviction was his third DUI conviction within six years and his fifth DUI conviction in his lifetime, that he was assessed and accepted into the six weeks treatment program at the CHC entitled "Office of Mental Health and Substance Abuse Intensive Outpatient Program At the Cleveland House of Correction" facilitated by Mr. Gordon due to Mr. Whatley's PCP

Dependency, Alcohol Dependency and Cannabis Dependency, that Mr. Whatley had been in treatment programs in the past, and that he was not the titled owner of the vehicle involved in this case.

On July 14, 2009, Judge Stokes sentenced Mr. Whatley for his third DUI conviction within a six year period which included the imposition of the mandatory minimum \$850 fine, he was given credit for 17 days served and was ordered to serve the balance of 348 days so that he could successfully complete the first phase of alcohol and substance abuse treatment at the CHC which he agreed to do, and his driver's license was suspended until October 20, 2018. In addition, Judge Stokes placed Mr. Whatley on 5 years of active probation to attend five Mothers' Against Drunk Driving (MADD) Sessions, to continue treatment in the community per Mr. Gordon's discharge summary once the first phase of treatment was completed at the CHC, and substance abuse testing. Mr. Whatley's case was continued at his request for a mitigation hearing on September 1, 2009, to "verify completion of the 1st phase of treatment at the CHC and [for the Probation staff to] attach [the] Discharge Summary Plan by Mr. Gordon" so that Mr. Whatley could petition for his release from the CHC. See the Journal Entry dated July 14, 2009.

On September 1, 2009, Mr. Whatley's motion to mitigate his sentence was granted on the basis that he had completed the first phase of treatment at the CHC, and now was required as part of his probation conditions to continue treatment in the community, to attend 2 AA meetings per week, and have random breathalyzer and urinalysis testing, per Mr. Gordon's Discharge Summary. In addition, Mr. Whatley was given credit for 66 days served and 299 days were suspended with active probation to continue until July 14, 2014. The requirement to attend 5 MADD sessions remained in effect along with the license suspension. Mr. Whatley was given time to pay his fine until December 30, 2009, his court costs were suspended due to his indigent status, and the Time To Pay (TTP) fee was also waived.

Mr. Whatley was instructed to report to his Probation Officer, Mr. David Barker, upon his release from the Euclid, Ohio Police Department and the Maple Heights, Ohio Police Department. Due to Mr. Whatley's indigent status, Judge Stokes also noted on the Journal Entry that "urinalysis testing shall be done by the treatment agency if it agrees to do so" since Mr. Whatley did not have the funds to pay for his urinalysis testing.

On July 30, 2010 (not July 29), Probation Supervisor Burma Stewart signed a blue form that had been generated by Probation Officer David Barker on July 29, 2010. (Exhibit 3) On or shortly after July 30, 2010, Supervisor Stewart forwarded the blue form from the Court's Westside Satellite Probation Office to the Court's Probation Department located in the Justice Center to be submitted to a Probation Deputy Chief

for review who would have the form submitted to Judge Stokes. This blue form indicated that Mr. Whatley was in compliance with the DUI probation conditions (e.g., he was reporting regularly; attending AA meetings; completed substance abuse counseling at the Free Clinic; had negative breathalyzer tests results; and attended 4/5 of his MADD meetings), however; he had been convicted of Felony Trafficking offenses/Possession of Criminal Tools in Cuyahoga County Court of Common Pleas on July 21, 2010. Mr. Whatley had been placed on one year of active probation on the felony matter.

Due to an inadvertent error made by a friend-volunteer who performed clerical support for ~~of~~ Judge Stokes who occasionally helped to organize her office, several a folder of outstanding blue forms were placed in her office closet unbeknownst to Judge Stokes. Judge Stokes discovered this folder of blue forms on May 27, 2012. This is why Judge Stokes did not address the July 30, 2010, blue form submitted by Supervisor Stewart.

Probation Officer Barker issued a second request blue form on December 14, 2010, that was signed by a probation supervisor on December 15, 2010, and forwarded to Judge Stokes. (Exhibit 4) Judge Stokes decided *not* to schedule a probation violation hearing with respect to the December 14, 2010, blue form because Mr. Whatley was in compliance with the conditions of probation on his DUI case, including having attended all 5 MADD sessions, and had been placed on one year of active probation on the felony case. A comparison of the July 2010 and December 2010 blue forms documents that all of the information was the same except that in July 2010 Mr. Whatley had attended 4/5 of MADD sessions and in December 2010 Mr. Whatley had attended 5/5 MADD sessions. Therefore nothing in the December 2010 blue form was substantially different from the July 2010 one—Mr. Whatley was in compliance with his DUI probation in July 2010, which would not have prompted Judge Stokes to have scheduled a probation violation hearing with respect to the July 2010 blue form had she known of it for the same reasons she did not schedule a probation violation hearing with respect to the December 2010 blue form. Thus, Judge Stokes returned the form on July 5, 2011, checking the “no action” box and indicating that, “Per Kim Oxner [a Probation Deputy Chief], Defendant is now in full compliance. Same conditions apply.”

Ultimately, however, on September 9, 2011, Judge Stokes issued a *capias* in this matter—not because of the July 2010 felony conviction or previous blue forms. Rather, Probation Deputy Chief Dean Jenkins signed a third blue form on August 29, 2011, which was issued by Probation Officer Barker on August 25, 2011, (Exhibit 5) indicating that Mr. Whatley now had a second felony case pending in the Cuyahoga County Court of Common Pleas for Trafficking Offenses/Drug Possession/Having Weapons Under Disability/Possession of Criminal Tools, and he had a July 19, 2011, warrant out for his arrest on the new felony charges. Further still, while Mr. Whatley had appeared for his

probation appointments regularly on his DUI case assigned to Judge Stokes—including as recently as July 25, 2011—he had failed to report to his probation officer on August 25, 2011. This was his first failure to appear while on probation for his DUI conviction, and it prompted Judge Stokes to issue the *capias* on September 9, 2011, also taking into consideration that *capiases* had been issued on his felony cases. (See also, Exhibit 6: the Closing Summary Report dated September 21, 2011)

Mr. Whatley was eventually arrested on the all of the *capiases* on or about April 5, 2012. On April 10, 2012, Mr. Whatley's case was scheduled for a probation violation hearing on Judge Stokes' docket. Mr. Whatley waived his right to a probation violation hearing; and he consented to a finding of violation. Judge Stokes noted that active probation was to continue until July 14, 2014, and she gave Mr. Whatley credit for the total of 94 days served, and sentenced him to serve the balance of 271 days incarceration while the case was referred back to the Probation staff to provide an updated report since Mr. Whatley last reported to his probation officer on July 25, 2011, and had felonies pending which prevented Judge Stokes from ordering a new alcohol/drug abuse assessment to be done on the DUI matter. The updated probation report was needed for review by his attorney and Judge Stokes to consider at the mitigation hearing set for May 2, 2012. ⁴ On May 2, 2012, Judge Stokes mitigated Mr. Whatley's sentence, gave him credit for 103 days served, and suspended 262 days with the same conditions remaining in effect while he remains on active probation through July 14, 2014.

In hindsight, the only procedural irregularities in this case were Judge Stokes' failure to return the first blue form with a note that she was not planning to take any action, and her delay in returning the second blue form—also indicating she did not want further action. (The forms have a “no action” box to advise a probation officer that Judge Stokes is not planning to do anything in response to the information on the forms.) Judge Stokes did not return the first form because she was unaware that it had been inadvertently misplaced in her office closet. Judge Stokes does not recall why there was a delay with the second, but it is largely academic because she not did want any further action to occur—there was no rush in advising the probation officer of this decision when there was nothing for him to do other than continue monitoring the conditions of probation.

⁴ In each of these matters, we are attaching the Clerk of Court's Cleveland Municipal Court Journal for your reference. In this matter, it's slightly inaccurate because Judge Stokes noted on the cover of the case file (Exhibit 7) that the matter was held for a probation violation hearing, which was waived, on April 10, 2012 (Exhibit 8), but she neglected to check the “Probation Violation Hearing Waived” box on the Journal Entry. Judge Stokes corrected that Journal Entry on April 24, 2012. (Exhibit 9) We attach both for your reference.

PATRICE MORTON—2008 TRC 042533

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Patrice Morton*, Case No. 2008 TRC 042533 is attached as Exhibit 1. On July 14, 2008, Judge Stokes accepted Patrice Morton's guilty plea to a DUI conviction. This DUI represented Ms. Morton's 5th DUI conviction in her lifetime. Ms. Morton's case was referred to the Probation Department for preparation of a Pre-Sentencing Investigation (PSI) Report at the request of Ms. Morton, the Assistant City Prosecutor, and Judge Stokes for review at the sentencing date of July 29, 2008. As reflected on the July 14, 2008 Journal Entry, a PSI Report was needed for some of the following reasons: Judge Stokes noted that Ms. Morton was to be referred for a formal alcohol/drug abuse assessment as soon as possible, Ms. Morton admitted to consuming 4 cans of beer at least twice a week and also consuming double shots of Tanqueray liquor twice per week, the Probation Department was to obtain the accident report, interview the victim(s), and that Prosecutor Erenberg will contact victim(s) regarding filing any restitution forms. Ms. Morton remained in custody pending receipt of the PSI Report for the sentencing hearing scheduled for July 29, 2008.

On July 29, 2008, the sentencing hearing was continued, at the request of Miss Morton and the Assistant City Prosecutor, until August 6, 2012. This continuance was needed because the victim was not present and Judge Stokes noted on the July 29, 2008, Journal Entry that "Prosecutor Erenberg will subpoena accident victim/witnesses for 8-6-08" and it needed to be determined by Mr. Wallace Green, the Court's Substance Abuse Treatment Coordinator, "if Defendant can begin treatment at the Cleveland House of Corrections (CHC) once sentenced on 8-6-08." Also, Judge Stokes requested the Probation Department to "please correct the Complainant's Statement (in the PSI Report) which lists the Defendant instead of the victim."

On August 6, 2008, Judge Stokes sentenced Ms. Morton for DUI which included the imposition of the mandatory minimum fine of \$250, credit for 35 days, 145 days of incarceration were ordered so that Ms. Morton could complete the alcohol/drug abuse treatment program for women at the CHC, a license suspension from August 6, 2008 to July 3, 2011, and three years of active probation to attend ten (10) MADD sessions, continued aftercare treatment/counseling and random breathalyzer and urinalysis testing. The court costs were suspended based upon a finding of indigency. Judge Stokes noted on the August 6, 2008, Journal Entry that Ms. Morton did not provide proof of insurance for the offense date by marking the FRNS (Financial Responsibility Not Shown) box. In addition, the case was continued at the request of Ms. Morton and the Prosecutor for a restitution hearing on August 27, 2008 because the two victims, Joseph Simmons, Jr. and Lynda McCrimon) who were present on August 6, 2008, needed time "to decide by August 27, 2008 if they will pursue restitution on this case or via civil remedies." In addition, Judge Stokes noted that Ms. Morton "shall begin

treatment with Miss Scott at the CHC in the September class” based upon information provided in the PSI Report.

At the restitution hearing held on August 27, 2008, Mr. Simmons, Jr. stated that he did not want restitution. Ms. McCrimon was present, and requested restitution in the amount of \$ 340.52 for her medical bills which Ms. Morton agreed to pay. See the Journal Entry dated August 27, 2008. Judge Stokes also noted that Ms. Morton “will complete the 1st phase of treatment at CHC with Miss Scott-please attach aftercare plan” to review at the November 3, 2008, mitigation hearing requested by Ms. Morton. The mitigation hearing was set to have the Probation Department verify that Ms. Morton successfully completed Ms. Scott’s treatment class at the CHC, and to review Ms. Scott’s recommendations for aftercare treatment/counseling for Ms. Morton to complete in the community.

On October 31, 2008, Judge Stokes advanced Ms. Morton’s case from November 3, 2008 to mitigate the sentence because Ms. Morton had completed the first phase of treatment at the CHC. Thus, Judge Stokes gave Ms. Morton credit for 121 days served and suspended 59 days with active probation to continue until August 6, 2011 with the same conditions ordered on August 6, 2008, and restitution to Ms. McCrimon as set forth on August 27, 2008, and continued treatment in the community. Judge Stokes noted on the Journal Entry that Ms. Morton was to report to her probation officer on November 4, 2008, at 9:00 a. m., and she was given until December 30, 2008, to pay her mandatory fine.

The “Outstanding Blue Forms” chart submitted by Mr. Krakowski shows reports were outstanding from July 23, 2010, and December 14, 2010—but we found no such reports in the Probation Report. However, on May 27, 2012, Judge Stokes did find a *June 23, 2010* blue form that was signed by Probation Supervisor Burma Stewart in the folder of blue forms that she located in her office closet that had been misplaced there inadvertently, unbeknownst to Judge Stokes, by a friend of Judge Stokes who occasionally helped to organize her office.

On June 23, 2010 (not July 23, 2010), Probation Officer David Barker submitted a blue form that was signed by Probation Supervisor Burma Stewart on June 23, 2010. (Exhibit 2) On or shortly after June 23, 2010, Supervisor Stewart forwarded the blue form from the Westside Probation Satellite Office to the Court’s Probation Department in the Justice Center for review by one of the Probation Department’s Deputy Chiefs who then forwarded the blue form to Judge Stokes by leaving the form on the personal bailiff’s desk which Judge Stokes would have placed in her office. For the reasons previously set forth, Judge Stokes was unaware that the form had been placed in the folder located in her office closet.

The June 23, 2010 blue form indicated Ms. Morton had been found guilty of Disorderly Conduct (a minor misdemeanor on Case No. 2010 CRB 020384 (Exhibit 3)) on June 11, 2010, while on DUI probation. Pursuant to the Court's Single Judge Assignment Case Consolidation Rule, Ms. Morton's Disorderly Conduct charge should have been assigned or consolidated to Judge Stokes' docket, but was not done so by the Court's Central Scheduling Office. Thus, Judge Stokes did not preside over the minor misdemeanor charge which was handled in the Arraignment Room where Ms. Morton was fined \$75.00 which was deemed satisfied based on the two (2) days served for which she was given credit.

However, much like Mr. Whatley, Ms. Morton had been in substantial compliance with the conditions of her DUI probation for a period of one (1) year and eight (8) months: after being released from the Cleveland House of Correction on October 31, 2008, she had completed the first phase of treatment, she had been reporting every two weeks with negative breathalyzer and drug tests. She completed additional substance abuse counseling in the community at the J. Glenn Smith Center. Further, she had attended 10 MADD meetings. With the exception of one violation on February 4, 2009, which will be addressed in the next paragraph, Ms. Morton was in complete compliance at the time of the June 23, 2010, blue form. Consequently, if Judge Stokes had been able to address the misplaced June 23, 2010, blue form, she would not have set this matter for a probation violation hearing. Again, she should have returned it with a "no action" check, but this did not affect the timing of any proceedings because she wanted no action to occur.

We found no blue form in the probation record to suggest Judge Stokes was issued a second blue form on December 14, 2010. However, we did find a blue form in the probation report that was issued on December 19, 2008 (Exhibit 4), to advise Judge Stokes that Ms. Morton had a disorderly conduct minor misdemeanor charge on Case No. 2008 CRB 041535 (Exhibit 5) that the Central Scheduling Office properly assigned to Judge Stokes' docket, per the Single Judge Assignment Case Consolidation Rule, and set for a bench trial on January 7, 2009, along with Ms. Morton's DUI case which was set for review on the same date. Ms. Morton and the officer failed to appear for the trial on January 7, 2009.

Also, on January 7, 2009, Ms. Morton did not appear on the DUI case that the Central Scheduling had set for review. In as much as the DUI file did not reflect that the Central Scheduling Department had notified Ms. Morton, by a summons, to be present on that case, and because the Probation Department does not submit the probation report when a matter is set for review by the Central Scheduling Department, Judge Stokes was not able to ascertain if Ms. Morton had been notified by her Probation Officer to be present on January 7, 2009. Thus, Judge Stokes held both cases to January 8, 2009, to review with Tina Tricarchi, the Public Defender, and Stephanie

Jerlstrom, the Assistant City Prosecutor. The Public Defenders' office had always represented Ms. Morton on the DUI case. The Public Defender does not typically represent defendants on minor misdemeanor cases that are not directly related to the offenses that carry jail time on which they do represent defendants. Thus, it was unusual that Atty. Tricarchi addressed the minor misdemeanor Disorderly Conduct case because it was not related to the DUI case.

Judge Stokes denied Atty. Tricarchi's motion to dismiss the Disorderly Conduct charge for want of prosecution. Judge Stokes noted on the Journal Entry that the "officer did not appear on 1-7-09, however Defendant [who also did not appear] signed a SPW (statutory period waiver) form on 12-15-08." Thus, Judge Stokes did not issue a *capias* on this case, but wrote on the Journal Entry that the "Clerk shall summons Defendant", and "Atty. Tricarchi will also notify Defendant of the 1-28-09 court date". This case was continued at Judge Stokes' request for a bench trial on January 28, 2009. With respect to the DUI probation case, it was continued to January 28, 2009, at Judge Stokes' request, for a probation violation hearing. As noted on the January 7, 2009 Journal Entry, Judge Stokes wrote that the "Clerk shall summons Defendant", that "Atty. Tricarchi shall also notify Defendant of court date of 1-28-09", and that "PO (Probation Officer) David Barker shall also notify Defendant of 1-28-09 court date". In addition, Judge Stokes requested the Probation Department to send an updated report to verify whether Ms. Morton had made any restitution payments, attended her MADD sessions and all other conditions ordered. (Exhibit 6)

On January 28, 2009, the Disorderly Conduct case was continued at the Prosecutor's request to subpoena the officer for a bench trial on February 4, 2009, and the DUI case was continued at the request of Ms. Morton and Judge Stokes for a probation violation/status hearing on February 4, 2009. Judge Stokes noted that due to a journalizer's error, the DUI case was not placed on the January 28, 2009, docket causing undue delays" on that day's docket while the Clerk tried to locate the case file.

On February 4, 2009, Ms. Morton withdrew her not guilty plea and entered a no contest plea consenting to a finding of guilty to the Disorderly Conduct charge. Judge Stokes sentenced Ms. Morton to a fine of \$25.00 with a time to pay date of March 30, 2009. On February 4, 2009, Ms. Morton waived her probation violation hearing on the DUI case and stipulated to being in violation of probation based on the information provided in the updated probation report which was not set forth on the December 19, 2008 blue form: that Ms. Morton had not attended any of her MADD sessions, that she was not doing well in her treatment program and appeared to need residential treatment which would be confirmed in the discharge summary. In addition, Ms. Morton claimed to have attended one MADD session, the documentation of which she failed to provide to her Probation Officer who instructed her to bring the documentation to court on February 4, 2009, which she failed to do. This documentation has been

attached. Judge Stokes ordered Ms. Morton to serve three (3) days at the CHC for these violations with active probation to continue until August 6, 2011 with the same conditions. While the conviction on the minor misdemeanor Disorderly Conduct charge constituted a technical violation of probation, Ms. Morton's penalty was the \$25.00 fine and Judge Stokes did not impose jail time on the DUI case for the conviction on the Disorderly Conduct charge. Judge Stokes returned the December 19, 2008, blue form on February 6, 2009, noting the above actions on the DUI and Disorderly Conduct cases.

On February 4, 2009, Ms. Morton's DUI case was continued to February 25, 2009 for Ms. Morton and the Prosecutor to address the remaining issue concerning Ms. Morton's failure to make any restitution payments which was noted in the updated probation report requested by Judge Stokes but was not listed on the December 19, 2008 blue form. On February 25, 2009, Judge Stokes noted on the Journal Entry that the same conditions of probation applied except that Ms. Morton did not have to pay restitution based upon the Probation Report that documented that Ms. McCrimon no longer desired to be paid for restitution.

Further, we found a blue form dated June 30, 2011 (Exhibit 7), in the Probation Report in which Probation Officer Barker noted Ms. Morton's same disorderly conduct conviction from the June 23, 2010, blue form, and Ms. Morton's conviction for a minor misdemeanor Misconduct on Public Transportation charge (Case No. 2009 CRB 029844 (Exhibit 8)) which was also handled in the Arraignment Room on June 11, 2010, which he failed to note on the June 23, 2010 blue form. On the Misconduct on Public Transportation case, Ms. Morton was given a fine of \$75.00 which was deemed satisfied based on the two (2) days she had served in jail for which she was given credit. The notation "SS" means Sentence Suspended. Thus, the sentence on each of the foregoing minor misdemeanors was satisfied. Unlike the previous request, this blue form noted that Ms. Morton still owed \$75 in fines on each of the minor misdemeanor convictions and owed \$250 on her DUI case. Probation Officer Barker was mistaken about monies owed on the minor misdemeanor cases, but accurate about the fine outstanding on the DUI case. Judge Stokes was not allowed to do anything on those minor misdemeanor cases, per Court rules, because they were never assigned to her or handled by her, even though they should have been assigned to Judge Stokes per the Single Judge Assignment Case Consolidation Rule. The Journal Entries for the minor misdemeanor cases have also been attached. (Exhibits 3, 5 and 8)

At this point, because of the money owed on the DUI case and to clear up Probation Officer Barker's errors on the blue form regarding any outstanding fines still owed on the minor misdemeanor cases, and because probation was about to expire at the time of this notice, Judge Stokes scheduled a probation violation hearing for August 4, 2011, and found a technical violation regarding the outstanding fine on the DUI case,

and a technical violation regarding the convictions on the minor misdemeanor cases. Judge Stokes granted Ms. Morton's to mitigate \$200.00 of the fine based on the 123 days she had served in jail on the DUI case and suspended the court costs based on her indigent status. Ms. Morton agreed to pay the balance of the \$50.00 fine on the DUI case immediately which she did pay on August 4, 2011. Judge Stokes terminated Ms. Morton's probation on August 4, 2011, which was two days earlier than when probation was due to expire on August 6, 2011. It should be noted that had Ms. Morton not paid her fine on the DUI case or any of her cases, the Clerk of Court, pursuant to standard procedure to address any outstanding fines and or court costs, would have had the matter go through the process for there to be a civil judgment against Ms. Morton without any action from any Judge or Magistrate.

Ronald Nettgen—2010 TRC 038581

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Ronald Nettgen*, Case No. 2010 TRC 038581 is attached as Exhibit 1. On June 29, 2010, Ronald Nettgen entered a plea of guilty to the charge of DUI which was his second (2nd) DUI conviction within six (6) years and his fourth (4th) DUI conviction in his lifetime. Mr. Nettgen's case was continued for sentencing on July 19, 2010 so that the Probation Department could prepare a Pre-Sentencing Investigation (PSI) Report. The PSI Report was to include, *inter alia*, an alcohol/substance abuse assessment that was to be done at Community Assessment Treatment Services (CATS) on July 16, 2010, while Mr. Nettgen was confined at the Cleveland House of Corrections (CHC), and grief counseling information that could be used at sentencing.

On July 19, 2010, Judge Stokes sentenced Mr. Nettgen for DUI which included the mandatory fine of \$ 525.00, a license suspension from July 19, 2010 to June 20, 2015, credit for 29 days, to serve the balance of 151 days in jail time while awaiting the Probation Department to provide a date and place for Mr. Nettgen to be transported to a residential treatment facility per the assessment recommendation. In addition, Judge Stokes placed Mr. Nettgen on five years of active probation to attend mandatory grief counseling, 5 MADD sessions, random breathalyzer and urinalysis testing, and residential treatment and aftercare treatment in the community. Mr. Nettgen's case was continued to August 4, 2010, to receive the date and place for Mr. Nettgen to attend residential treatment, and for Mr. Wallace Green, the Court's Substance Abuse Treatment Coordinator, to investigate Mr. Nettgen's complaint that he was not receiving his pain medications at the CHC, and whether his pain medications would be allowed at the residential treatment facility.

Judge Stokes mitigated Mr. Nettgen's sentence on August 26, 2012, so that Mr. Nettgen could be taken into custody by North Ridgeville, Ohio police to address an outstanding warrant which had to be resolved before he could begin residential treatment. Judge Stokes gave Mr. Nettgen credit for 67 days and suspended 113 days, but placed a *capias* on the case with instructions to the North Ridgeville Police Department that Mr. Nettgen was to be picked up by Cleveland Municipal Court bailiffs to be transported for residential treatment once he had resolved his holder in North Ridgeville. On August 27, 2010, Judge Stokes recalled the *capias* and wrote an order for the Court's bailiffs to transport Mr. Nettgen from North Ridgeville Police Department to St. Vincent Charity Hospital's Rosary Hall for detoxification from his pain pills before he could begin residential treatment at Matt Talbot which was to last from 60 to 90 days. Judge Stokes specifically noted on the August 27, 2010, Journal Entry that the probation officer was to carefully monitor Mr. Nettgen's progress. Thus, Judge Stokes wrote: "very close supervision ordered." See Journal Entries and Transport Orders dated August 26, 2010, and August 27, 2010. (Exhibits 2 and 3)

Mr. Krakowski's chart indicates blue forms were issued on February 19, 2011, and April 18, 2011, but neither exist in Judge Stokes' records or the probation record.

On June 29, 2011, Probation Officer David Barker issued a blue form to indicate that Mr. Nettgen had been admitted to the hospital on February 11, 2011, and released without making contact with his probation officer. (Exhibit 4) Mr. Nettgen was sent an appointment reminder for April 8, 2011, and did not report. He had completed residential treatment and was attending aftercare in Lorain, Ohio, and stated he was attending grief counseling at Metro Hospital. All breathalyzers and drug tests had been negative. On the blue form, Probation Officer Barker checked the box that he was requesting Judge Stokes to set Mr. Nettgen's case for a probation violation hearing. On June 30, 2011, Probation Supervisor Burma Stewart signed the blue form and forwarded it from the Westside Satellite Probation Office to the Probation Department at the Justice Center for review by a Probation Deputy Chief. A Deputy Chief would have forwarded the blue form to Judge Stokes.

Judge Stokes returned the blue form on July 5, 2011, stating, "update needed. Please notify Mr. Nettgen of PV Hearing date [on July 20, 2011 at 9am]." Judge Stokes was concerned that Probation Officer Barker had not notified her of these issues prior to June 30, 2011, especially since she had noted on the August 27, 2010 Journal Entry that very close supervision was ordered. In addition to the Probation Officer's notice to Mr. Nettgen (Exhibit 5), Judge Stokes also ordered the case file on July 5, 2011, to assure that Mr. Nettgen would be notified of the July 20, 2011, probation violation hearing by having the Clerk issue a summons to Mr. Nettgen. Judge Stokes noted on the Journal Entry that the "probation officer shall also notify Mr. Nettgen of the PV hearing date" of July 20, 2011. (Exhibit 6) See the Probation Violation Hearing Notice dated July 13, 2011. (Exhibit 5)

On July 20, 2011, Atty. Robert W. Gray appeared on behalf of Mr. Nettgen. Atty. Gray explained that Mr. Nettgen was not present due to his medical issues and residing in a nursing home. Atty. Gray did not have any documentation to verify his representations. Judge Stokes suggested that Atty. Gray meet with Probation Deputy Chief Dean Jenkins who could assist Atty. Gray with respect to the needed documentation. As set forth on the July 20, 2011, Journal Entry, Judge Stokes wrote: "Atty. Gray will meet with Dean Jenkins to review appropriate releases that need to be signed to document Mr. Nettgen is residing in a nursing home & is unable to report to Probation and to Court. Once documented, Court will place case on inactive status." "Mr. Nettgen does not need to report to Probation or Court pending hearing outcome on 8-23-11." "Defendant's appearance has been waived for 8-23-2011 also". The probation violation hearing was continued, at Mr. Nettgen's request, to August 23, 2011 for an updated report. See the Probation Hearing Report dated July 14, 2011, for the July 20, 2011 hearing. (Exhibit 7)

On August 23, 2011, Atty. Gray did not appear and Mr. Nettgen failed to appear even though Probation Officer Barker noted in his updated report (Exhibit 8) that Mr. Nettgen “is capable of traveling independently” and was residing at the Candlewood Park Healthcare Center per letters from the Director of Nursing and Occupational Therapist at Candlewood. The Occupational Therapist’s letter dated August 15, 2011, (Exhibit 9) documented that on February 10, 2011, Mr. Nettgen was admitted to St. Johns Medical Center for medical care due to an accident he had that resulted in frostbite to both hands and feet, and amputation of his little finger and the tip of a tip of his index finger. Mr. Nettgen was in a coma for two weeks and remained at the hospital until March 2, 2011. On March 2, 2011, Mr. Nettgen was transferred to Candlewood where he was receiving hand rehabilitation, medical oversight, and eventually looking forward to independent housing. The Director of Nursing’s letter dated August 17, 2011 documented that Mr. Nettgen was “capable of attending off campus activities independently.” (Exhibit 10)

In view of all of the information and circumstances, Judge Stokes did not issue a probation *capias*, and held the case file until September 23, 2011 to reach Atty. Gray to schedule a new court date, and to check on the status with each of the Probation Deputy Chiefs Kim Oxner and Dean Jenkins. As Judge Stokes set forth on the September 23, 2011 Journal Entry: “awaiting information from Probation Officer Barker per conversation with Deputy Chief Kim Oxner who stated Mr. Barker would give updated report based on 8-17-2011 letter from nursing home. Per 8-17-2011 letter, Mr. Nettgen is able to report to Probation & to Court. As of 9-23-2011, per Dean Jenkins, Defendant is scheduled to report to Mr. Barker on 9-27-11. Thus, Judge Stokes continued the probation violation hearing/status hearing to October 19, 2011, requesting an updated report on all conditions since Mr. Nettgen was able to report to probation. (Exhibit 11) In addition, Judge Stokes noted that, if Mr. Nettgen was in compliance, the probation violation hearing would be cancelled.

On October 19, 2011, Atty. Gray and Mr. Nettgen were present in court. Mr. Nettgen waived his probation violation hearing and Judge Stokes found that Mr. Nettgen was not in violation of the terms and conditions of his probation. Judge Stokes noted that active probation continued to July, 19, 2015 and that Mr. Nettgen had to complete “[an] outpatient treatment program & report to probation on 10-25-11 & then every other month. Upon completion of outpatient treatment, case may be set for motion hearing per Atty. Gray for Court to consider inactive probation. Due to medical issues, Mr. Nettgen does not have to attend the 5 MADD Sessions”. Judge Stokes granted Mr. Nettgen’s motion to suspend the court costs due to his indigent status based on his unemployment status and medical issues. Mr. Nettgen was given time to pay his mandatory fine until December 30, 2011, and Judge Stokes waived the time to pay fee based on his indigent status with a note to the Clerk’s Office that “any amount of

monthly payments are acceptable because Defendant is in a nursing home". Mr. Nettgen remains on active probation through July 19, 2015.

CHARLES HUNTER—2010 TRC 059286

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Charles Hunter*, Case No. 2010 TRC 059286 is attached as Exhibit 1. Judge Stokes sentenced Charles Hunter on his second DUI conviction within a six (6) year period on September 28, 2010, and placed him on five years of active probation, until September 28, 2015. This constituted Mr. Hunter's 4th DUI conviction in his lifetime.

Mr. Krakowski's chart indicates a blue form was issued on March 15, 2011, but we found no such form in the probation record. Only two forms exist in the probation record, and Judge Stokes acted on both.

On October 13, 2010, Officer Barker issued a blue form, signed by Supervisor Burma Stewart on October 13, 2010, (Exhibit 2) that indicated Mr. Hunter had tested positive for cocaine on October 5, 2010, and—in addition—he had a *capias* issued on September 30, 2010, out of the Cleveland Municipal Court's Arraignment Room on a new traffic case (Case No. 2010 TRD 060842) (Exhibit 3). On October 13, 2010, Judge Stokes ordered Mr. Hunter's case file from the Clerk's Office, and issued a probation *capias* with no bond to be set until Mr. Hunter appears before Judge Stokes.

The October 13, 2010, Journal Entry reflects that the journalizer from the Clerk's Office did not journalize Judge Stokes' Journal Entry until October 18, 2010. On October 14, 2010, Judge Stokes signed the blue form on which it was noted that she issued a "*capias* with no bond to be set until Defendant appears before Judge Stokes".

On October 14, 2010, Judge Stokes had the blue form returned to either Deputy Chief Dean Jenkins or Deputy Chief Kim Oxner, pursuant to her usual practice. When Judge Stokes issues a probation *capias* with a no bond status, it has been and is her practice to have the case file returned to her from the Clerk's Office after the Journal Entry has been journalized and the warrant registered so that a copy of the Journal Entry and a copy of the registered warrant can be attached to the blue form when she returns the blue form to one of the Probation Deputy Chiefs for their records and use if the defendant/probationer appears in the Probation Department and needs to be arrested on the warrant. Judge Stokes then has the file returned to the Clerk's Office. There are some occasions when the Clerk's Office does not return the case file to Judge Stokes for her to follow this process. On those occasions, the Deputy Chiefs and other Probation Staff can retrieve a copy of the registered warrant from the Clerk's Office.

On October 21, 2010, Mr. Hunter was taken into custody at the Westside Satellite Probation Office on the aforementioned *capias*/warrant, and the Central Scheduling Department scheduled his case for hearing on Judge Stokes' docket on October 28, 2010. On October 28, 2010, Case No. 2010 TRD 060842 was dismissed. On October 28, 2010, the Public Defender, Tina Tricarchi, left the courtroom for one hour

without notice to Judge Stokes or the Assistant City Prosecutor regarding if or when she would return. Thus, Mr. Hunter's DUI probation case could not be heard on October 28, 2010, and was continued for a probation violation hearing on November 3, 2010 as reflected on the Journal Entry. Judge Stokes noted on the Journal Entry that the positive test result for cocaine was to be sent for further testing per Mr. Hunter's request for the probation violation hearing.

On November 3, 2010, the probation violation hearing was continued to November 5, 2010. On November 5, 2010, Mr. Hunter was represented by another Public Defender, Maialisa Vanyo, who advised Judge Stokes that Mr. Hunter waived his probation violation hearing, and consented to having violated probation due to his admitted use of cocaine. Judge Stokes found Mr. Hunter in violation of probation, but mitigated his sentence to give Mr. Hunter another opportunity on probation and in consideration of his assertion that he was scheduled for a hip replacement surgery. Thus, Judge Stokes gave Mr. Hunter credit for a total of 39 days served, suspended 141 days noting that active probation continued to September 28, 2015. Judge Stokes advised Mr. Wallace Green, the Court's Substance Abuse Treatment Coordinator, and Probation Officer Barker, on the Journal Entry, that Mr. Hunter needed further assessment due to the positive test result for cocaine and his admitted use of cocaine. Judge Stokes also requested Mr. Barker to verify Mr. Hunter's surgery date for a hip replacement.

There is nothing in the probation report or Judge Stokes' records to suggest that Officer Barker issued a March 15, 2011, blue form.

On June 29, 2011, Officer Barker issued a blue form (Exhibit 4) signed by Supervisor Burma Stewart on June 30, 2011, that indicated, that Mr. Hunter has been attending IOP (Intensive Outpatient Treatment), AA meetings, and completed 3 of 5 MADD Sessions; however, due to Mr. Hunter's severe hip and back problems, he was having trouble completing his conditions and attached a letter from his doctor. Also, Mr. Barker noted that Mr. Hunter had a TTP Capias issued by the Clerk's Office regarding Mr. Hunter's outstanding fine and court costs totaling \$ 655.00.

Judge Stokes returned the blue form on July 5, 2011, setting a status/probation violation hearing for July 20, 2011. She indicated, "Possibly case can be placed on inactive status due to medical issues. Notify court if Mr. Hunter cannot come to Court on 7-20-11 due to medical issues. See J.E. for details. Court will advise Public Defender of status on 7-6-2011. Mr. Hunter should seek assistance of Public Defender if he chooses to assist him with probation status and outstanding fines." In addition to completing and returning the blue form on July 5, 2011, Judge Stokes ordered Mr. Hunter's case file from the Clerk's Office and noted the same information on the Journal Entry (Exhibit 5) because sometimes the Probation Department fails to set the hearing

based on the blue form alone. Ultimately, Mr. Hunter came before Judge Stokes on July 20, 2011 for a probation violation/status hearing, represented by Public Defender, James London. Judge Stokes wrote that the probation violation hearing was cancelled, and granted Mr. Hunter's motion for inactive probation status due to his medical issues. Judge Stokes vacated the remaining 2 MADD sessions of Mr. Hunter's sentence. Judge Stokes granted Mr. Hunter's motion to extend his time to pay date to pay his mandatory fine by December 31, 2011, and granted his motion to suspend the court costs based on his indigent status and waived his TTP fee. Mr. Hunter remains on inactive probation status through September 28, 2015.

LEROY TOBIAS—2008 TRC 058779

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Leroy Tobias*, Case No. 2008 TRC 058779 is attached as Exhibit 1. Leroy Tobias' Case No. 2008 TRC 058779 (DUI) was initially assigned, by random lottery, to Judge Joseph Zone for a pre-trial on September 10, 2008. The Central Scheduling Staff had Case No. 2008 TRC 058779 (DUI) transferred to Judge Stokes' docket, per the Single Judge Assignment Case Consolidation (SJACC) Rule, once it discovered that Mr. Tobias had Case No. 2008 TRD 046042 (DUS) (Exhibit 2) already assigned to Judge Stokes.

Judge Stokes sentenced Mr. Tobias on the DUI case on October 2, 2008; which included, inter alia, days of incarceration so that he could complete the first phase of alcohol/substance abuse treatment at the Cleveland House of Corrections (CHC), and placed him on three (3) years of active probation with conditions of 5 MADD sessions, 4-5 AA meetings per week, random breathalyzer and urinalysis testing, and aftercare treatment/counseling once in the community. This was Mr. Tobias' second DUI conviction within two years and his fifth lifetime DUI conviction.

Contrary to Mr. Krakowski's chart, we found no blue form in the probation record from May 5, 2011. The only blue form is dated August 3, 2009, (Exhibit 3) regarding Mr. Tobias blowing a 0.64 on his interlock device on July 26, 2009. This resulted in a capias being issued by Judge Stokes on August 5, 2009 with a no bond to be set until Mr. Tobias appears before Judge Stokes. (See Exhibit 4: Closing Summary Report dated August 6, 2009)

Mr. Tobias was eventually arrested on the August 5, 2009, warrant issued, and his case was scheduled for a probation violation hearing on August 25, 2009. Mr. Tobias waived having a probation violation hearing, and admitted he had violated probation by the positive alcohol reading on his interlock device. Thus, Judge Stokes found Mr. Tobias in violation of probation. Judge Stokes gave Mr. Tobias credit for 89 days he had served on this case, suspended 91 days, noting that active probation was to continue until October 1, 2011, with the same conditions previously ordered. In addition, Judge Stokes wrote that Mr. Tobias was to be referred for a supplemental assessment due to his recent alcohol relapse detected by the interlock device.

There is no blue form dated May 5, 2011, in the Probation Record. However, on April 13, 2011, the Central Scheduling Department Staff placed Mr. Tobias's case file on Judge Stokes' docket for her to review with respect to a pro se Motion For Occupational Driving Privileges filed by Mr. Tobias. The case file was held to June 6, 2011, trying to reach Mr. Tobias by telephone to schedule a hearing date. On June 6, 2011, Mr. Tobias agreed to a court date of June 29, 2011. Thus, Mr. Tobias' case was continued to June 29, 2011, at his request, for hearing on his Motion For Occupational Driving Privileges. Judge Stokes also noted on the Journal Entry that the following information was

required in an updated probation report for her to rule on Mr. Tobias's motion: the status of all of his conditions of probation, including the need for a current urinalysis test for which Mr. Tobias was to pay.

On June 29, 2011, Judge Stokes denied Mr. Tobias' Motion for Occupational Driving Privileges on the basis that Mr. Tobias failed to appear, and that the same conditions of probation continued to October 1, 2011. The updated probation report documented that Mr. Tobias was in compliance with his probation conditions, but had the following new felony charges pending: Ethnic Intimidation/Aggravated Menacing which were set for Arraignment on June 30, 2011. Judge Stokes referred Mr. Tobias' case back to the Probation Department, and wrote that she should be notified if Mr. Tobias received any convictions on the new felony charges.

On August 11, 2011, Mr. Tobias filed another *pro se* Motion for Occupational Driving Privileges which the Central Scheduling Department Staff placed on Judge Stokes' docket for her review on August 23, 2011. On August 23, 2011, Judge Stokes continued the matter at Mr. Tobias' request for a motion hearing on September 15, 2011 and requested an updated probation report with the status of all conditions previously ordered, including results of a current urinalysis test for which Mr. Tobias was to pay. Due to the difficulty in trying to reach Mr. Tobias to schedule his previous Motion for Occupational Driving Privileges, Judge Stokes requested the Clerk's Office to issue a summons to Mr. Tobias, Judge Stokes requested his probation officer to also notify Mr. Tobias, and Judge Stokes requested Deputy Bailiffs to telephone Mr. Tobias to advise him of the September 15, 2011 hearing date. See Journal Entry dated August 23, 2011.

On September 15, 2011, Mr. Tobias appeared and Judge Stokes terminated his license suspension that she had imposed on the sentencing date of October 1, 2008. The license suspension was from October 1, 2008 until September 6, 2013. The termination of the license suspension negated Mr. Tobias' need for the Motion For Driving Privileges.

Based upon the Update Report, (Exhibit 5) Mr. Tobias had completed the first phase of treatment while in the CHC, completed treatment at the J. Glenn Smith Health Center in the community and completed additional treatment at the VA Hospital following his alcohol relapse detected by the interlock device in July, 2009. In addition, with the exception of the July 2009 violation, Mr. Tobias had all negative breathalyzer and urinalysis test results. Mr. Tobias attended all of his MADD sessions and continued attending AA meeting. Based on the foregoing, Judge Stokes terminated Mr. Tobias' license suspension "so that Defendant can obtain a license and improve his employment status as a mechanic". Mr. Tobias' active probation was to continue until October 1, 2011, notwithstanding his notable progress and compliance, because Judge Stokes was

aware of Mr. Tobias' overall DUI history, and that he had a pre-trial scheduled on October 11, 2011, regarding his pending felony cases. Mr. Tobias' probation expired on October 1, 2011. It is important to note that in Probation Officer Barker's comprehensive summary in the updated report for the September 15, 2011, hearing, he did not make any reference to a blue form dated May 5, 2011, or to any issue that would have warranted the issuance of a blue form for that time period. In fact, a review of the Probation Report does not raise or contain any such issues for the same time period.

In fact, the Closing Summary noted that all conditions were met which included, AA/NA meetings, MADD sessions, substance abuse assessment, substance abuse counseling and testing. Probation expired on October 1, 2011, with all conditions having been met, and the Closing Summary Report (Exhibit 6) noted that all conditions were met, which included AA/NA meetings, MADD sessions, substance abuse counseling, and substance abuse testing, and testing.

RANDY CARPENTER—2007 TRD 070016, and Case Nos. 2000 TRC 097868 & 2004 TRD 026318

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Randy Carpenter*, Case No. 2000 TRC 097868, is attached as Exhibit 1. Judge Stokes sentenced Randy Carpenter on June 28, 2007, for DUI (2000 TRC 097868), and Driving Under Suspension (DUS) (2004 TRD 026318) (Exhibit 2). On the DUI charge, Judge Stokes sentenced Mr. Carpenter which included credit for 18 days, 162 days were ordered into execution, a fine of \$250.00, a license suspension from June 28, 2007, to October 9, 2010, and court costs. In addition, Judge Stokes placed Mr. Carpenter on two years of active probation with the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, due to his admitted alcoholism and addictions to vicodin, heroin, and Percocet, substance abuse testing, and 5 MADD Sessions.

With respect to the 2004 Driving Under Suspension charge, Judge Stokes gave Mr. Carpenter credit for 18 days served, ordered 162 days into execution, a fine of \$100.00, and active probation for two years. Mr. Carpenter's case was scheduled for a mitigation hearing on July 10, 2007, and he was to remain in custody pending the Probation Department's verification of Mr. Carpenter's claim that he was in a substance abuse treatment program at the Cleveland Treatment Center. On July 13, 2007, Judge Stokes granted Mr. Carpenter's motion to mitigate his sentence due to overcrowding at the Cleveland House of Corrections, and Mr. Carpenter's medical methadone issues. Judge Stokes noted that active probation continued to June 28, 2009, with the same conditions.

On June 28, 2007, Judge Stokes also sentenced Mr. Carpenter for Driving Under Suspension on Case No. 2007 TRD 070016 which included credit for 18 days served, 162 days ordered into execution, a fine of \$100.00, and court costs. In addition, Judge Stokes placed Mr. Carpenter on one year of active probation with the condition not to drive until valid with insurance. Mr. Carpenter's case was continued for a mitigation hearing on July 10, 2007, and preparation of the Post Sentencing Investigation (PSI) Report which was to include, inter alia, verification that Mr. Carpenter had paid restitution to the victim(s), as he claimed, an interview of the victim(s), and notification to the victim(s) of the hearing date. On July 13, 2007, Judge Stokes mitigated Mr. Carpenter's sentence due to overcrowding at the Cleveland House of Corrections, and Mr. Carpenter's medical methadone issues.

On January 9, 2008, Mr. Carpenter's new Case No. 2007 TRD 070016 (Driving Under Suspension, Display of Plates, and Fictitious Plates) (Exhibit 3) was placed on Judge Stokes' docket by the Central Scheduling staff, along with the two prior DUI and Driving Under Suspension probation cases (Case Nos. 2000 TRC 097868 and 2004

TRD 026318). On January 9, 2008, Judge Stokes issued a probation capias with no bond to be set until Mr. Carpenter appears before Judge Stokes on each of the probation cases. On January 9, 2008, Judge Stokes issued a capias with a \$2500 bond on the new Driving Under Suspension Case No. 2007 TRD 070016.

On or about July 2, 2010, Mr. Carpenter was arrested on the warrants, and appeared before Judge Stokes on all three cases on July 9, 2010. On the DUI and License Required to Operate case, Mr. Carpenter waived his probation violation hearing, and was found in violation of probation. For each charge, Judge Stokes gave Mr. Carpenter credit for 42 days served, suspended 138 days, and continued active probation for one year to July 9, 2011, with the same conditions. On the Driving Under Suspension Case No. 2004 TRD 026318, Mr. Carpenter waived his probation violation hearing, and was found in violation of probation. Judge Stokes gave Mr. Carpenter credit for 42 days, suspended 138 days, and continued active probation to July 9, 2011, with the same conditions.

On Case No. 2007 TRD 070016, Judge Stokes sentenced Mr. Carpenter on July 9, 2010, for Driving Under Suspension which included credit for 9 days served, 171 days were suspended, the \$100.00 fine was satisfied based on the days served, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Carpenter on one year of active probation with the condition not to drive until valid with insurance, a formal alcohol/drug abuse assessment, and substance abuse testing.

Mr. Krakowski's chart indicates that a blue form was issued on June 21, 2011, on Case No. 2007 TRD 070016. Mr. Carpenter's probation report contains a copy of a blue form issued by Probation Officer David Barker on June 17, 2011, that does not list the name of a probation supervisor, nor is it signed or dated by a probation supervisor. (Exhibit 4) This blue form lists all of the above three (3) cases. Each blue form is supposed to be signed by a supervisor or a deputy chief before submitted to a Judge.

This copy of a blue form makes reference to all three of Mr. Carpenter's cases previously addressed. On this copy of a blue form, which is dated just a few weeks before Mr. Carpenter's probation was due to expire, Probation Officer Barker noted that Mr. Carpenter "has been receiving substance abuse treatment at the Cleveland Treatment Center since 11-8-05. He receives methadone medication on a daily basis and receives monthly individual counseling (see attached letter). He plans to continue to receive services at Cleveland Treatment Center. Mr. Carpenter has been reporting on a monthly basis and all breathalyzer tests have been negative. As listed above, Mr. Carpenter has a new Driving Under Suspension charge." Probation Officer Barker noted that Mr. Carpenter received a new Driving Under Suspension charge in Rocky River Municipal Court (Case No. 2011 TRD 008609) for which he was sentenced to a fine of \$366.00.

Judge Stokes does not believe that she received the June 17, 2011, blue form or a copy of this blue form, especially in view of the fact that it does not list the name of a supervisor, nor is it signed or dated by a supervisor. In addition, Judge Stokes does not have any record of this blue form in her files.

Judge Stokes had returned blue forms (dated September 21, 2007 (Exhibit 5), October 25, 2007 (Exhibit 6), November 13, 2007 (Exhibit 7), and November 26, 2007 (Exhibit 8)) in Mr. Carpenter's cases on previous occasions, and had noted the action she deemed appropriate, including approving non-reporting when Mr. Carpenter had medical issues for a spider bite, a MRSA infection, a staph infection, and the issuance of capiases as mentioned above in the past, but Judge Stokes did not receive the June 17, 2011, blue form. Had Judge Stokes received this blue form, she would have decided not to schedule a probation violation hearing in this instance, both in light of the fact that Mr. Carpenter's probation was nearly ready to expire on his Cleveland Municipal Court cases with substantial compliance with the conditions ordered, as well as the fact that he had been sentenced on the Driving under Suspension case in the Rocky River Municipal Court. As set forth in the Closing Summary dated August 4, 2011, Mr. Carpenter's probation expired on July 9, 2011, and he met the conditions of a substance abuse assessment, substance abuse counseling, and substance abuse testing. (Exhibit 9)

WILLIE BANKS—2008 TRC 073214

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Willie Banks*, Case No. 2008 TRC 073214, is attached as Exhibit 1. On February 24, 2009, Judge Stokes sentenced Willie Banks for DUI (Case No. 2008 TRC 073214) by giving him credit for 28 days served with 152 suspended, a fine of \$250.00, court costs, a license suspension from February 25, 2009 until November 11, 1011; and placed him on active probation for three years to complete intensive outpatient treatment per the assessment, 5 MADD sessions, and random breathalyzer and urinalysis testing.

On February 24, 2009, Judge Stokes also sentenced Mr. Banks on Case No. 2005 TRC 026020 for Physical Control of Vehicle Under the Influence, Driving Under Suspension, and Reckless Operation. (Exhibit 2) On the Physical Control of Vehicle Under The Influence charge, Judge Stokes sentenced Mr. Banks by giving him credit for 31 days served, with 149 days suspended, a fine of \$200.00, a license suspension from April 15, 2005 to October 15, 2005, and 3 years of active probation to complete intensive outpatient treatment per the assessment, 5 MADD sessions, random breathalyzer and urinalysis testing. On the Driving Under Suspension charge, Judge Stokes gave Mr. Banks credit for 31 days served with 149 days suspended, a fine of \$100.00 with 3 years of active probation with the conditions previously listed. On the Reckless Operation charge, Mr. Banks received a fine of \$50.00. All fined were deemed satisfied based upon the 31 days served. Mr. Krakowski's chart does not list Case No. 2005 TRC 026020, however this case number is listed on the blue forms.

On December 31, 2009, Officer Shari Howell issued a blue form (Exhibit 3), indicating Mr. Banks had missed two weekly appointments in a row. Further, he had attended 2/5 of his MADD meetings. On April 26, 2010, Probation Officer Howell issued a similar form. (Exhibit 4) Due to an inadvertent error made by a ~~friend~~ volunteer office assistant who organized of Judge Stokes' office ~~who occasionally helped to organize her office, several~~, a folder of blue forms were placed in her office closet unbeknownst to Judge Stokes. Judge Stokes discovered this folder of blue forms on May 27, 2012. This is why Judge Stokes did not address the December 31, 2009, blue form submitted by Probation Officer Shari Howell.

The probation record reflects that Mr. Banks completed substance abuse counseling at Stella Maris, 2 of 5 MADD sessions, and did not receive any new cases. However, after December 2009, he did not report for breathalyzer and urinalysis testing to be done. Mr. Banks' probation expired on February 25, 2012.

KENNETH COOK—2010 TRC 048325

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Kenneth Cook*, Case No. 2010 TRC 048325, is attached as Exhibit 1. Judge Stokes sentenced Kenneth Cook for DUI on December 2, 2010, to 180 days incarceration of which 170 days were suspended, with credit for five days served and five days were ordered into execution. Judge Stokes also placed Mr. Cook on active probation for three years.

Mr. Krakowski's chart indicates Probation Officer Howell issued a blue form on May 11, 2011, but neither the probation report nor Judge Stokes' records contain such a record. However, on July 22, 2011, Probation Officer Howell issued a blue form (Exhibit 2) signed by Supervisor Burma Stewart on July 22, 2011, that indicated Mr. Cook failed to attend MADD sessions in a timely manner. In response, on August 4, 2011, Judge Stokes set a probation violation hearing for August 18, 2011.

On August 18, 2011, Judge Stokes advised Mr. Cook of his right to have an attorney present to represent him at his probation violation hearing. Mr. Cook had previously always been represented by Atty. Joseph Kochis, a private attorney on this case. Mr. Cook's case was continued to September 28, 2011, at his request, so that he could seek legal counsel, and at Judge Stokes' request to give Mr. Cook additional time to attend as many MADD sessions as possible and, if completed or substantially completed by the next hearing date, the probation violation hearing would be cancelled. When Mr. Cook reappeared on September 28, 2011, once again Judge Stokes advised him of his right to have an attorney represent him. Judge Stokes cancelled the probation violation hearing on the basis that Mr. Cook had demonstrated some compliance with the MADD Sessions requirement in that he had attended 1 of the 5 MADD sessions, with the remaining 4 sessions to be completed as a condition of probation.

According to the September 28, 2011 Updated Report (Exhibit 3) by Probation Officer Howell, Mr. Cook had completed an Alternative To Jail (ATJ) education program, a substance abuse assessment and counseling, and had negative breathalyzer tests. Judge Stokes granted Mr. Cook's motion to terminate his driver's license suspension, and suspended the court costs due to his unemployment status. In addition, Judge Stokes granted Mr. Cook's request for time to pay his mandatory fine until October 3, 2011 and waived the time to pay fee. Lastly, Judge Stokes noted on the Journal Entry (Exhibit 4) that Mr. Cook's case was to be transferred from her docket to the Veterans Court docket, by the Central Scheduling Staff, because he is a veteran, and needed assistance with obtaining employment and other wrap around services provided for veterans. His probation was ultimately terminated by Judge Charles Patton who presides over the Veterans Court on March 13, 2012. The Closing Summary Report

reflects that Mr. Cook “completed all terms and conditions of his probation and that on March 13, 2012, Judge Patton terminated the remaining balance of his probation.”
Exhibit 5)

KENNETH SERRANO-2009 TRC 064897

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Kenneth Serrano*, Case No. 2009 TRC 064897, is attached as Exhibit 1. Judge Stokes sentenced Kenneth Serrano on Physical Control Under the Influence of Alcohol/Drugs on June 30, 2010, with 180 days of incarceration, 177 suspended, credit for 3 days served, a fine of \$150.00 which was satisfied based on the days served, a license suspension from October 23, 2009 to April 23, 2010, and a suspension of the court costs due to his indigent status. In addition, Judge Stokes placed Mr. Serrano on active probation for one year with conditions of a formal alcohol/drug abuse assessment, intensive outpatient treatment and aftercare, random breathalyzer and urinalysis testing, 5 MADD sessions, GED classes to obtain a GED, referral to a vocational skills assessment, and to obtain legitimate gainful employment.

Subsequent to the sentencing on June 30, 2010, Judge Stokes scheduled a probation violation hearing for February 10, 2011, which Mr. Serrano waived and admitted to violating probation. The violation was based on Mr. Serrano's new Driving Under Suspension charge that was amended to License Required To Operate (Case No. 2010 TRD 076608) (Exhibit 2) on February 10, 2011, and his non-compliance with various conditions on the Physical Control Under The Influence probation case.

On the License Required To Operate case, Judge Stokes sentenced Mr. Serrano to a fine of \$100.00 and court costs since he had obtained a valid license and had insurance. Judge Stokes found Mr. Serrano in violation of probation and ordered that he serve 177 days in jail. Judge Stokes noted that the imposition of the jail time would be stayed until March 15, 2011 to give Mr. Serrano additional time to comply with the following conditions of probation, and if in compliance on March 15, 2011 the 177 days would be re-suspended. Judge Stokes noted that Mr. Serrano "must attend 2-11-2011 Bridgeway appointment & all treatment appointments as recommended. No more missed probation appointments, urinalysis tests & treatment appointments. Defendant shall pay for all urinalysis tests."

Judge Stokes granted Mr. Serrano's motion to report to his probation officer every two weeks. Judge Stokes noted that Mr. Serrano was to report to Probation Officer Shari Howell on February 16, 2011 as scheduled. Mr. Serrano's case was continued to March 15, 2011, to determine his compliance and to serve 177 days of his sentence if not in compliance. Mr. Serrano represented that he had a job which is why Judge Stokes noted that Mr. Serrano should pay for his urinalysis tests. Mr. Serrano was no longer required to attend GED classes and a vocational skills assessment since he was not interested, and he represented that he had employment.

The probation report update for March 15, 2011, (Exhibit 3) set forth that Mr. Serrano began intensive outpatient treatment on February 17, 2011, had been reporting

to his probation officer every two weeks with negative breathalyzer and urinalysis test results, and he had attended 1 of 5 MADD sessions. Mr. Serrano claimed he had a job and thus was not interested in attending GED classes or a vocational skills assessment which he informed the probation officer were no longer required as of the February 10, 2011, court date which is accurate. Thus, Mr. Serrano did not have to serve any jail time.

On May 13, 2011, Probation Officer Shari Howell issued a blue form (Exhibit 4), noting Mr. Serrano had failed to obtain a vocational skills assessment, and attend GED classes; the form noted that this had been previously discussed in the February 10, 2011, probation violation hearing and March 15, 2011, update. Judge Stokes does not have any record that she received this blue form. In addition, it is not clear why it was issued by Probation Howell since the issues noted on the blue form were addressed on the February 10, 2011, and March 15, 2011, court dates.

On June 15, 2011, another blue form (Exhibit 5) was issued by Probation Officer Howell regarding Mr. Serrano's Open Container charge conviction (Case No. 2011 CRB 018407 (Exhibit 6)) before a Magistrate in the Cleveland Municipal Court's Arraignment Room on June 2, 2011. The Open Container case should have been assigned to Judge Stokes per the Court's Single Judge Assignment Case Consolidation Rule, but was overlooked by the Central Scheduling staff and was also not timely noted by Probation Officer Howell who should have been aware of said charge and timely notified Judge Stokes prior to adjudication in the Arraignment Room so that the case could have been consolidated to Judge Stokes' docket. In response, Judge Stokes issued a *capias* the next day—on June 16, 2011—ordering that no bond was to be set until Mr. Serrano appeared before Judge Stokes. On June 21, 2011, Mr. Serrano was arrested on the *capias* in the Probation Office.

On June 21, 2011, Judge Stokes set a hearing for probation violation, which occurred on June 22, 2011. Mr. Serrano waived the probation violation hearing, admitted to the violation in view of the Open Container conviction, and was found in violation. Judge Stokes ordered into execution 2 additional days and gave Mr. Serrano credit for the 4 days he had served, and suspended 174 days. At that time, Mr. Serrano's probation (which was set to expire in several days on June 30, 2011) was terminated by Judge Stokes.

DEAN STRAUSS—2010 TRC 000953

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Dean Strauss*, Case No. 2010 TRC 000953, is attached as Exhibit 1. On April 7, 2010, Judge Stokes sentenced Dean Strauss for DUI which included a mandatory fine of \$375.00, court costs, 180 days of which 175 days were suspended with credit for 5 days served, a license suspension from April 7, 2010, to January 7, 2013, and a continuous alcohol monitoring device (SCAM) that had to be placed on Mr. Strauss by April 8, 2010, that was to remain on his person while on probation with a hearing set on June 8, 2010, to determine the duration of that device upon review of Mr. Strauss' compliance. Mr. Strauss attended a formal alcohol/substance abuse assessment that recommended that an education class was needed. Mr. Strauss attended an educational Alternative To Jail Program (ATJ) prior to sentencing for which he was given credit at sentencing. Mr. Strauss was placed on two years of active probation with the conditions previously listed, along with 5 MADD sessions, 2 weekly AA meetings, and random breathalyzer and urinalysis testing.

On May 12, 2010, Judge Stokes granted Mr. Strauss' motion for occupational driving privileges from May 12, 2010, through August 22, 2010, and wrote that the SCRAM device was to remain on Mr. Strauss while on probation through April 7, 2012. See the Occupational Driving Privilege Order attached.

The June 8, 2010 hearing had been previously scheduled to review whether the SCRAM device was to be removed. Atty. Edward LaRue and Mr. Strauss were present. However, on June 8, 2010, Probation Officer Shari Howell issued a blue form (Exhibit 2) signed by Supervisor Burma Stewart on June 8, 2010, that was delivered to Judge Stokes on June 8, 2010, with the probation report.

This blue form advised Judge Stokes that on June 4, 2010, there was a tamper event with the SCRAM bracelet, and the SCRAM representative stated there was an obstruction and was not able to get a reading. Judge Stokes signed the blue form on June 8, 2010, scheduling a probation violation hearing for June 10, 2010, noting that that the SCRAM representative and Probation Officer Howell were notified to be present per the request of Mr. Strauss and his counsel. Mr. Strauss was taken into custody pending the June 10, 2010, probation violation hearing.

On June 10, 2010, the SCRAM representative appeared and Mr. Strauss waived the probation violation hearing, and was found in violation of probation. Judge Stokes gave Mr. Strauss credit for the days he served in jail from June 8, 2010, to June 10, 2010, and suspended the balance of the days with the same conditions of probation to remain in effect, including wearing the SCRAM device. The case was continued until July 7, 2010, to review Mr. Strauss' progress to determine if the SCRAM device could be removed. On July 7, 2010, Judge Stokes granted Mr. Strauss' motion to remove the

SCRAM device on the condition that his occupational driving privileges granted on May 12, 2010 were to remain in effect only if Mr. Strauss were to have an interlock device installed on his vehicle to protect him and the community. Mr. Strauss agreed and Judge Stokes granted him driving privileges with an interlock device from July 8, 2010, to August 22, 2010. When there was a lapse in Mr. Strauss' driving privileges from August 23, 2010 to September 16, 2010, he came to court to get permission from Judge Stokes to operate his vehicle to go to the interlock company in order for the Probation Department to obtain the interlock report for Judge Stokes to consider in renewing the privileges. The Probation Update Report (Exhibit 3) confirmed that Mr. Strauss had no violations since the previous reporting period, and he had not operated the vehicle after August 22, 2010, except on September 16, 2010, for which he had received permission from Judge Stokes.

On September 16, 2010, Judge Stokes granted Mr. Strauss' motion to renew his occupational driving privileges with the interlock device from September 16, 2010 to February 22, 2011. See the September 16, 2010 Occupational Driving Privileges Order and Journal Entry attached.

Mr. Krakowski's chart reflects that on May 4, 2011, Probation Officer Howell issued a blue form (Exhibit 4), noting that Mr. Strauss had disconnected the interlock device on his car. Judge Stokes does not have any documentation that she received this blue form. If Judge Stokes had received this blue form she would have set the matter for a probation violation hearing to determine whether Mr. Strauss had been operating his vehicle outside of the dates allowed in the September 16, 2010, Occupational Driving Privileges Order with or without the interlock device.

On February 9, 2012, Probation Officer Howell issued a blue form (Exhibit 5) signed by Supervisor Peter Roche on February 10, 2012, to indicate that Mr. Strauss had failed to attend AA meetings and was requesting a probation violation with respect to the AA meeting issue only; however reference was made to the May 4, 2011 blue form. On March 2, 2012, Judge Stokes set a probation violation hearing for March 13, 2012. Judge Stokes requested an updated probation report for the hearing on all conditions which was to include current urinalysis test results for which Mr. Strauss was to pay, and the interlock company report.

On March 13, 2012, Mr. Strauss waived the probation violation, admitted to and was found in violation of probation. The Probation Hearing Report for the March 13, 2012, Hearing (Exhibit 6) documented that Mr. Strauss had faithfully attended AA meetings in 2010, but only one in 2011 (April 1, 2011) and, none in 2012. All other conditions had been met even though Mr. Strauss had a violation in June 2010, with the SCRAM device obstruction. The interlock device reports were good reports that did not document any alcohol violations. Mr. Strauss asserted that, due to his financial and

medical reasons, he had the interlock device removed because he had not been operating the vehicle since his privileges expired on February 22, 2011. There was no documentation to refute Mr. Strauss' assertions that he had not operated a vehicle since removal of the interlock device, and he had not received any new charges or convictions. Mr. Strauss provided information about medical issues requiring daily radiation treatments for throat cancer that warranted the termination of his probation, which had to some extent impacted his noncompliance with the AA meetings.

In view of all of the circumstances, Judge Stokes did not impose any sanctions, and noted on the Journal Entry that Mr. Strauss had previously served seven days on this case with 173 days suspended and ordered that probation was terminated. In addition, Judge Stokes granted Mr. Strauss' motion to terminate his license suspension and wrote that the sentence was satisfied. It is interesting to note that, prior to the February 9, 2012 blue form, Probation Officer Howell never notified Judge Stokes that Mr. Strauss had not been attending AA meetings as required in 2011, even on the May 4, 2011, blue form which Judge Stokes did not receive.

The Closing Summary Report dated April 18, 2012 reflects that the conditions of substance assessment, counseling sessions and MADD Sessions were met. As noted, the AA/NA meetings were not met because Mr. Strauss was excused from them due to their medical conditions. (Exhibit 7)

JOURNEY SZABO—2009 TRC 058186

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Journey Szabo*, Case No. 2009 TRC 058186, is attached as Exhibit 1. On December 8, 2009, Judge Stokes sentenced Journey Szabo for a first DUI within six years, but this represented his third lifetime DUI conviction.

The sentence imposed by Judge Stokes included credit for six days served, three days ordered into execution, 171 days suspended, a fine of \$375.00 and court costs. In addition, Judge Stokes placed Mr. Szabo on three years of active probation with the following conditions: a formal alcohol/drug abuse assessment, substance abuse testing, five MADD Sessions, a license suspension from December 8, 2009, to September 25, 2012, and a SCRAM device to be placed on Mr. Szabo prior to his release from the Cleveland House of Corrections while on probation. A formal alcohol/drug abuse assessment did not recommend treatment even though this was Mr. Szabo's lifetime conviction, and noted that he was in the middle stages of alcoholism. Mr. Szabo did attend an Alternative To Jail Weekend Education Program.

On May 4, 2011, Probation Officer Shari Howell issued a blue form (Exhibit 2), signed by Supervisor Burma Stewart on May 4, 2011, noting Mr. Szabo's Occupational Driving Privileges had expired; his interlock device was still connected; and he denied driving. The case was set for review on April 12, 2011, but "no information regarding the outcome was available in Courtview."

On March 18, 2011, Mr. Szabo's Motion To Mitigate Sentence/Extend Driving Privileges was filed with the Clerk's Office. On April 12, 2011, the Central Scheduling staff set Mr. Szabo's motion for review on Judge Stokes' docket. The case file was held until May 24, 2011 to try to reach Atty. Justin Weatherly to schedule a hearing date on Mr. Szabo's motion. On May 24, 2011, Atty. Weatherly agreed to the hearing date of June 2, 2011. Judge Stokes referred Mr. Szabo's case to the Probation Department in order to obtain an updated report which was to include current urinalysis test results for which Mr. Szabo would pay and a report from the interlock company. The May 24, 2011, Probation Update is attached as Exhibit 3.

Judge Stokes does not have any documentation that she received the May 4, 2011, blue form. However, the court file documents that Judge Stokes had already set Mr. Szabo's motion hearing for June 2, 2011, so she did not need to take any further action to review these issues. On June 2, 2011, Atty. Weatherly failed to appear and Mr. Szabo waived the appearance of his counsel and represented himself. Judge Stokes wrote: "per the Probation Report and the interlock report, Mr. Szabo has been in total & complete compliance". (Exhibit 4) Thus, Judge Stokes granted Mr. Szabo's motion to remove the interlock device on his vehicle, granted his motion to report to his probation officer every other month, and renewed his motion for occupational driving privileges

from June 2, 2011, to October 10, 2011. On April 3, 2012, Mr. Szabo again waived representation by Atty. Weatherly who did not appear because he was out of the country. Judge Stokes granted Mr. Szabo's motion to terminate his license suspension effective April 11, 2012, and granted his motion to report to his probation officer every 3 months until active probation expires on December 8, 2012.

TANYA SAWYER— 2005 TRD 042314 not 2008 TRD 042314

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Tanya Sawyer*, Case No. 2005 TRD 042314, is attached as Exhibit 1. On December 21, 2005, Judge Stokes sentenced Tanya Sawyer on the charge of License Required To Operate on Case No. 2005 TRD 042314. The Failure To Control charge was dismissed as part of the plea agreement. The sentence included a fine of \$200.00, court costs, credit for 29 days in jail with 151 days suspended and one year of active probation to complete a formal alcohol/drug abuse assessment due to alcohol and marijuana issues, random urinalysis and breathalyzer testing, and not to drive until valid and had insurance. Judge Stokes noted that a restitution hearing would be held on January 31, 2006 if the victims could be located. On January 6, 2006, the victims did not appear so Judge Stokes noted that "restitution will not be imposed as a condition of probation" and that active probation continued until December 21, 2006, with the same conditions previously imposed.

The "Outstanding Blue Forms" chart failed to identify Case No. 2005 TRD 042314. The Case No. on Mr. Krakowski's chart is 2008 TRD 042314 which is a different matter against a defendant Dave Nira whose case was never assigned to Judge Stokes. (Exhibit 2)

On April 7, 2006, Judge Stokes issued a probation *capias* in response to a blue form dated March 6, 2006, (Exhibit 3) submitted by Probation Officer Kevin Patton to advise Judge Stokes that Ms. Sawyer had failed to appear for probation appointments on February 7, 2006 and February 27, 2006. (See also, the Closing Summary Report dated April 7, 2006 Exhibit 4)

On or about August 31, 2010, Ms. Sawyer was arrested on the probation *capias*, and her case was placed on Judge Stokes' docket for a probation violation hearing on September 7, 2010. Ms. Sawyer waived a formal probation violation hearing and admitted to the violations. Judge Stokes found Ms. Sawyer in violation of probation and gave her credit for the additional 9 days she had recently been in custody for a total of 38 days credit with 142 days suspended. In addition, Judge Stokes reinstated Ms. Sawyer's active probation status for one year until September 7, 2011 since she last reported to probation on January 4, 2006. The conditions of probation were not to drive until valid with insurance, and random breathalyzer and urinalysis testing. The fine of \$200.00 was ordered into execution with a time to pay date for the outstanding court costs.

At some point in time, supervision of this case was transferred to Probation Officer Amy Rausch who issued a blue form on November 30, 2010, (Exhibit 5) to advise Judge Stokes that Ms. Sawyer had failed to appear for appointments on September 27, 2010, November 3, 2010 and November 29, 2010. There is only a copy of

this blue form in the probation record which is not signed or dated by a probation supervisor. Subsequently, the supervision of this case was transferred to Probation Officer Tina Janis who issued a blue form on March 2, 2011, (Exhibit 6) to advise Judge Stokes of the same information set forth in the November 30, 2010 blue form, also noting that a Time To Pay (TTP) capias had been issued by the Clerk's Office on February 18, 2011. It is important to note that there is a copy of this blue form in the probation report, but it is also not signed or dated by a probation supervisor. On May 27, 2011, supervision was transferred to Probation Officer Patrick Sunyak who did not issue any blue forms. (Exhibit 7)

Judge Stokes does not have the original blue forms, nor is there a copy of either of these blue forms signed or dated by a probation supervisor in the probation record. Judge Stokes does not believe that blue forms signed and dated by a supervisor or unsigned by a supervisor were ever submitted to her. Based upon the foregoing, Judge Stokes did not take any action because she did not receive these blue forms.

A review of the Clerk's Case File Journal reflects that Ms. Sawyer paid outstanding court costs on October 21, 2011. Probation expired on September 7, 2011.

GARLAND SPENCE—2010 TRD 033729

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Garland Spence*, Case No. 2010 TRD 033729, is attached as Exhibit 1. On September 15, 2010, Judge Stokes sentenced Garland Spence on the charge of Failure To Stop After An Accident On The Street (a first degree misdemeanor) after he was sentenced on August 17, 2010, for felony Drug Possession. Judge Stokes sentenced Mr. Garland to 180 days to await his alcohol/substance abuse assessment and placed him on one year of active probation, noting that the accident victims did not desire restitution. Mr. Spence admitted to nine prescription drug addictions when he changed his plea on the misdemeanor charge on August 17, 2010, and the urinalysis test results in the Pre-Sentencing Investigation Report verified that he had tested positive for heroin and opiates. On October 12, 2010, Judge Stokes mitigated the sentence and gave Mr. Spence credit for 27 days served and suspended 153 days so that Mr. Spence could attend the alcohol/substance abuse assessment that had been scheduled in the community for October 13, 2010. The active probation period of one year remained in effect.

Probation Officer Amy Rausch issued a blue form on December 21, 2010, (Exhibit 2) signed by Supervisor Burma Stewart on December 22, 2010, requesting that a *capias* be issued noting Mr. Spence's failure to appear for scheduled appointments and non-compliance with treatment recommendations. The supervision of Mr. Spence's case was transferred to Probation Officer Tina Janis. On March 29, 2011, Probation Officer Janis issued a blue form, (Exhibit 3) only a copy of which is in the Probation Report, which was not signed by a supervisor. Probation Officer Janis' blue form noted the same information but also explained that Mr. Spence had a new traffic case in the Cleveland Municipal Court (Case No. 2010TRD075650 with a *capias* issued out of the Arraignment Room on December 21, 2010, and that, per his felony probation officer, as of February 23, 2011, a *capias* was to be issued on his felony Drug Possession Case No. CR-09-525588.

In response to correspondence listing outstanding blue forms from Mr. Krakowski dated June 29, 2011, Judge Stokes issued a *capias* on July 5, 2011. Mr. Spence was eventually arrested on all 3 warrants and ultimately brought in for a probation violation hearing on July 27, 2011. Mr. Spence waived the probation violation hearing and admitted to his violation of probation. Judge Stokes noted that Mr. Spence was in County jail on Case No. CR-09-525588, as well as a new felony case. Judge Stokes found Mr. Spence in violation of probation and gave him credit for 36 days served, ordered 34 days to be served, and suspended 110 days. In addition, Judge Stokes granted Mr. Spence's motion to mitigate his sentence, and she terminated the remainder of his probation on July 27, 2011.

DONALD GHENT— 2007 CRB 034554

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Donald Ghent*, Case No. 2007 CRB 034554, is attached as Exhibit 1. On November 19, 2008, Judge Stokes sentenced Donald Ghent for Aggravated Disorderly Conduct Intoxication. Mr. Ghent received a fine of \$100.00 and was given credit for 17 days served with 163 days suspended. The fine was satisfied based on the days served. Judge Stokes ordered one year of active probation during which time Mr. Ghent was to complete intensive outpatient treatment, attend 2-3 AA meetings per week, random breathalyzer and urinalysis testing per the alcohol assessment Judge Stokes had ordered when Mr. Ghent was in jail.

Mr. Krakowski's chart suggests Probation Officer Tina Janis issued a blue form on April 8, 2011, but none exist in either Judge Stokes' records or the probation report. Probation Officer Janis issued a blue form on August 9, 2011, (Exhibit 2) that was signed on August 10, 2011, by Supervisor Burma Stewart. The August 9, 2011, blue form indicated Mr. Ghent failed to report and failed to comply with recommendations to complete outpatient treatment. On August 12, 2011, Judge Stokes issued a capias with no bond to be set until Mr. Ghent appeared before Judge Stokes. (Exhibit 3) The capias issued on August 12, 2011, remains in effect.

ERIN HUFF—2010 TRD 068235

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Erin Huff*, Case No. 2010 TRD 068235, is attached as Exhibit 1. On December 29, 2010, Judge Stokes sentenced Erin Huff on the charge of Refusal to Display License, and ordered five (5) days to be served at the Cleveland House of Corrections, a fine of \$100.00, court costs, and one year of active probation to complete a formal alcohol/drug abuse assessment, treatment and counseling due to her positive test result for marijuana. Judge Stokes noted that Ms. Huff had a DUI conviction on her record also.

Mr. Krakowski's chart indicates that Probation Officer Tina Janis issued a blue form on March 24, 2011, noting Ms. Huff submitted a positive marijuana drug screen on March 8, 2011, but neither Judge Stokes nor the probation report contains that form. In May 2011, the supervision of Ms. Huff's probation was transferred to Probation Officer Patrick Sunyak.

However, on June 7, 2011, Probation Officer Sunyak issued a blue form (which exists in Judge Stokes' records and the probation report), which Judge Stokes signed and returned on August 2, 2011, setting a probation violation hearing to occur on August 18, 2011. (Exhibit 2) At that hearing, Ms. Huff waived the hearing, admitted to the violations of a positive test for marijuana on March 8, 2011 and a too diluted test result on May 5, 2011. Judge Stokes found Ms. Huff in violation and ordered 2 days of her sentence into execution, resulting in 2 days in the Cleveland House of Corrections, with credit for 5 days already served.

In addition, Judge Stokes noted that Ms. Huff's probation would be changed to inactive status until December 29, 2011, because the probation report prepared by Probation Officer Sunyak verified that Ms. Huff submitted negative urinalysis test results for marijuana on June 7, 2011, and July 13, 2011, but positive for an amphetamine which she claimed was due to a medication prescribed by her physician. Further, Probation Officer Sunyak documented that Ms. Huff had attended her formal assessment which recommended an alcohol/drug education class, and that Ms. Huff had completed a three week drug/alcohol education course. Probation Officer Sunyak's thorough probation report summary prepared for the probation violation hearing covered Ms. Huff's probation status from the date of sentencing up to August 9, 2011, and did not mention any blue form allegedly issued by Probation Officer Janis on March 24, 2011. See Probation Hearing Report for the August 18, 2011, Hearing (Exhibit 3), and the Closing Summary Report dated September 15, 2011 (Exhibit 4)

TERRY COSTNER—2006 TRD 017523

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Terry Costner*, Case No. 2006 TRD 017523, is attached as Exhibit 1. Judge Stokes sentenced Terry Costner for Driving Under Suspension and Failure To Stop After An Accident On The Street on June 3, 2008, and placed him on two years of active probation. Mr. Costner was given credit for 45 days he had been at the Cleveland House of Corrections (CHC), and the balance of 145 days of his sentence was ordered into execution while he awaited a date for residential treatment in the community or admittance into the treatment program at the CHC.

On May 20, 2008, the date on which Mr. Costner changed his pleas, Mr. Costner admitted to alcoholism for the past 35 years with binge drinking any time he drank alcohol, and he admitted that he left the scene of the accident because he was intoxicated. Mr. Costner stated he wanted help for his alcoholism and had been attending AA meetings while at the CHC. Thus, Judge Stokes ordered a formal alcohol/drug abuse assessment while Mr. Costner was incarcerated awaiting the Pre-Sentencing Investigation Report which was also to include, inter alia, an interview of the victims and the alcohol assessment. Mr. Costner was also ordered to pay restitution to the accident victim, Suzanne Santillo, along with fines and court costs.

On June 23, 2008, Judge Stokes mitigated Mr. Costner's sentence by giving him credit for 56 days served and suspending 124 days effective June 24, 2008, so that he could be transported from the CHC to the Ed Keating Center on June 24, 2008, to successfully complete 90 days of residential treatment to be followed by aftercare, three to four AA meetings per week, random breathalyzer and urinalysis testing, not to drive until valid and had insurance, and to pay restitution in the amount of \$591.91 to Ms. Santillo while on probation until June 3, 2010. Mr. Costner successfully completed his residential treatment at the Ed Keating Center on September 28, 2008.

On September 1, 2009, Probation Officer Ann Marie Nasr issued a blue form to advise Judge Stokes that Mr. Costner had failed to comply with attending his AA meetings, substance abuse testing and had missed two probation appointments. (Exhibit 2) On September 16, 2009, Judge Stokes issued a probation capias and returned the blue form on the same date to notify the probation officer that a capias had been issued. Mr. Costner was eventually arrested on the capias on or about June 25, 2010, and his case was set on Judge Stokes' docket for a probation violation hearing on July 1, 2010. On July 1, 2010, Mr. Costner waived the hearing and admitted to the violations of probation. Judge Stokes gave Mr. Costner credit for 65 days served, suspended 115 days with active probation to continue to July 1, 2011 to pay restitution and to have another assessment. Judge Stokes suspended Mr. Costner's court costs and mitigated his fines based on his indigent status and days served. On July 8, 2010, Mr.

Costner paid to the Clerk of Court full restitution in the amount of \$519.91 which the Clerk then would forward a check to the victim, Ms. Santillo on the Clerk's Civil Case No.

Probation Officer Amy Rausch issued a blue form on September 9, 2010, (Exhibit 3) indicating, "Mr. Costner missed a scheduled appointment on 8/17/10, and then called in on 8/18/10 to say that his son was recently murdered. The defendant was then rescheduled for 8/26/10. When he failed to appear, a missed appointment letter was sent with an appointment for 9/8/10. The defendant again failed to appear. His whereabouts are currently unknown." Due to an inadvertent error made by a friend of volunteer who performed clerical work in Judge Stokes' ~~who occasionally helped to organize her office, several~~ this blue forms were ~~was~~ placed in her office closet unbeknownst to Judge Stokes. Judge Stokes discovered this folder of blue forms on May 27, 2012. Judge Stokes believes that this is why Judge Stokes did not address the September 9, 2010, blue form submitted by Supervisor Stewart.

Mr. Krakowski's probation chart indicates that Probation Officer Tina Janis sent a second blue form on December 21, 2010, but there is no evidence of this in either Judge Stokes' records or in the probation report. At some point, Mr. Costner's supervision was transferred to Probation Officer Janis, but she never issued a blue form during the time period she supervised Mr. Costner through July, 1, 2011 when probation expired. There is a copy of a blue form in the probation report dated December 21, 2010 issued by Probation Officer Amy Rausch, but it is not signed by a supervisor. Judge Stokes does not have this original blue form, nor is the original blue form in the probation report.

Mr. Costner's probation expired on July 1, 2011. The Closing Summary Report reflects that while Mr. Costner did not complete his aftercare program and continue to report, he substantially complied with the following terms of probation: initial alcohol assessment, 90 days of residential treatment, negative breathalyzer and urinalysis testing while reporting, payment of full restitution to the victim, and no new offenses or convictions.

DANIEL PAJAK—2010 TRD 034655

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Daniel Pajak*, Case No. 2010 TRD 034655, is attached as Exhibit 1. Judge Stokes sentenced Daniel Pajak for Driving Under Suspension on August 5, 2010, and she ordered 6 days to be served at the Cleveland House of Corrections with 174 days suspended, noting that this was a license suspension resulting from an DUI conviction and that Mr. Pajak also had an out of state drug suspension conviction. Judge Stokes suspended the \$1000.00 fine, suspended the court costs due to Mr. Pajak's indigent status, and placed him on one year of active probation. Mr. Pajak's conditions of probation were: not to drive until he was valid and had insurance, to attend an alcohol/drug abuse assessment on August 12, 2010, to follow his mental health treatment plan, and to have random substance abuse testing. On August 12, 2010, Mr. Pajak was given the diagnosis of alcohol dependence with physical dependence and it was recommended he complete Intensive Outpatient (IOP) treatment and Aftercare.

Probation Officer Amy Rausch (*not* Probation Officer Tina Janis), issued a blue form (Exhibit 2) on November 19, 2010, a copy of which is in the probation report that is not signed by a supervisor, noting Mr. Pajak's failure to engage in an IOP program, and he had reportedly been traveling out of county limits for work. On April 15, 2011, Probation Officer Tina Janis issued a blue form, (Exhibit 3) a copy of which is in the probation report that is not signed by a supervisor, noting Mr. Pajak was now in IOP, but still needed to provide written verification; she further advised Judge Stokes of new traffic charges of Driving Under OVI Suspension and OVI 1st Driving While under Suspension in the Lakewood Municipal Court. Judge Stokes does not have any record that she received either of these blue forms.

However, on August 2, 2011, Judge Stokes was notified by the Probation Staff, either by a telephone call or in person, that Mr. Pajak was in the Westside Satellite Probation office, and had a positive breathalyzer test for alcohol. On August 2, 2011, Judge Stokes ordered the case file to schedule a probation violation hearing for August 4, 2011, and ordered the bailiffs to take Mr. Pajak into custody at the Westside Satellite Probation Office to be held at the Cleveland House of Corrections with no bond until he appeared for the hearing. Judge Stokes notified the Probation Staff that an updated report would be needed for the August 4, 2011 probation violation hearing that documented the positive alcohol test. (Exhibit 4)

On August 4, 2012, Judge Stokes was given a copy of Mr. Pajak's Motion To Reassign From The Docket Of Judge Stokes To Another Judge In The Municipal Court that was filed by Atty. Edward S. Wade, Jr. on the basis that he was a candidate running against Judge Stokes in the November, 2011 election. Prior to said motion, Mr. Pajak had been represented by Public Defenders Sandra Harding and Tina Tricarchi. Thus,

Mr. Pajak moved for his probation violation hearing and case to be transferred to another Judge of the Court. On her own motion, Judge Stokes recused herself from Mr. Pajak's case, and noted that Mr. Pajak's case was to be referred to Judge Adrine, as Administrative and Presiding Judge, to determine the judge to whom the case was to be reassigned. On August 4, 2011, Judge Adrine initially kept the no bond status in place, and set the matter for a probation violation hearing on his personal docket on August 8, 2011. On August 8, 2011, Judge Adrine granted Mr. Pajak's motion for a personal bond and referred the case to the Central Scheduling Department for reassignment.

On August 30, 2011, Judge Adrine noted that Mr. Pajak waived the probation violation hearing and was found in violation of probation. The imposition of the sentence for the violation was scheduled for October 18, 2011. (Exhibit 5) The Probation Hearing Update Report for October 18, 2011, is Exhibit 6. On October 18, 2011, Judge Adrine sentenced Mr. Pajak to five (5) years of inactive probation with the condition of no alcohol or drugs of abuse. Mr. Pajak remains on inactive probation until October 10, 2016 on Judge Adrine's docket.

The Closing Summary Report dated October 31, 2011, reflects that Mr. Pajak met the conditions of mental health counseling, substance abuse assessment, substance abuse testing, but did not meet the conditions of substance abuse counseling and treatment. (Exhibit 7) Also, the Closing Summary Report documented that Mr. Pajak had new convictions for OVI/DUS.

BRANDI COLLINS— 2009 CRB 020657

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Brandi Collins*, Case No. 2009 CRB 020657, is attached as Exhibit 1. Judge Stokes sentenced Brandi Collins for Assault on September 30, 2010, and placed her on active probation for two years. Judge Stokes' sentence included giving Ms. Collins credit for six days served, three days were ordered into execution, with 81 days suspended, 20 hours of community work service in lieu of paying the \$200.00 fine, court costs were suspended because she was indigent and two years of active probation. The conditions of probation were: mandatory anger management classes, outpatient alcohol/drug abuse treatment, mental health counseling notwithstanding the fact that Ms. Collins was not eligible for the Mentally Disordered (MDO) or Mental Health Court Docket per the August 18, 2010, Court Psychiatric Report as noted on the August 26, 2010, Journal Entry, and no contact with Brittani Baker and Nicole Dineff while on probation. In addition, Ms. Collins was required to attend two AA meetings per week and have random breathalyzer and urinalysis testing.

Mr. Krakowski's chart indicates that blue forms were sent on December 10, 2010, and April 25, 2011, but neither exists in the probation report. Judge Stokes has a copy of the December 10, 2010, blue form issued by Probation Officer Amy Rausch which noted that Ms. Collins had failed to provide consistent attendance of two AA meetings per week. Judge Stokes returned the blue form on March 2, 2012, after supervision had been transferred to Probation Officer Tina Janis.

Judge Stokes believes that she received a December 10, 2010, blue form when it was faxed to her on March 2, 2012, by Probation Officer Janis. (Exhibit 2, pp. 1-9) Based upon documents faxed by Probation Officer Janis on March 2, 2012, Judge Stokes' own records shed some light on the chronology. Judge Stokes retained a copy of a fax Probation Officer Tina Janis sent her—dated March 2, 2012 which indicates that Ms. Collins was in complete compliance with the exception of her AA meetings. Her substance abuse and blood alcohol tests were negative. The report continued, "Due to the defendant's current situation involving foster parent sexually abusing her 2 children, probation requesting AA's be vacated (no positive BAC tests since placed on probation). Request Ms. Collins to report monthly. [Mental Health] counseling verified."

The fax also included the following documentation: negative urinalysis test results dated February 8, 2012, a letter dated February 24, 2012 from Murtis H. Taylor Human Services System verifying that Ms. Collins was a client with that agency, a Channel 19 news summary that Cuyahoga County Prosecutors indicted Leroy Harlem, Jr. on twenty charges, including rape, gross sexual imposition and child endangering (allegedly 2 of Ms. Collins' sons were victims in that case, and a copy of the Cuyahoga County Common Pleas Court Case Summary on Case No. CR-11-557257-A in reference

to the charges filed against Leroy Harlem , Jr. Consequently, Judge Stokes did not schedule a probation violation hearing. On March 2, 2012, Judge Stokes returned the blue form, and indicated Ms. Collins was in full compliance with all conditions except AA meetings and, due to all negative substance abuse testing and her discomfort in AA group meetings due to a prior sexual assault, the AA meetings requirement was vacated. Monthly reporting was now acceptable due to time the time Ms. Collins needed to assist her children with the alleged sexual assaults against them. Ms. Collins remains on active probation until September 30, 2012, and the Clerk's Journal verifies that all of the community work service hours were completed on January 7, 2011.

DEREK WHITE—2010 CRB 020140

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Derek White*, Case No. 2010 CRB 020140, is attached as Exhibit 1. Judge Stokes sentenced Derek White for Obstructing Official Business on January 20, 2011. The sentence included credit for 6 days served with 84 days suspended, a fine of \$100.00 which was satisfied based on the days served, suspended court costs due to his indigent status, and one year of active probation.

The conditions of probation were to attend the Community Orientation Program "COP", a class which teaches individuals the proper ways to interact with law enforcement officers, to attend a formal alcohol/drug abuse assessment due to marijuana usage, to attend a vocational skills assessment in order to obtain legitimate, gainful employment, and random urinalysis and breathalyzer testing.

Mr. White's case was continued to February 17, 2011 for Judge Stokes to review the Post-Sentencing Investigative (PSI) Report. Judge Stokes reviewed the PSI Report on February 17, 2011 and noted that "upon receipt of the TASC recommendations, to follow said recommendations, attend the 4-6-11 COP class and all conditions remained in effect".

Probation Officer Tina Janis issued a blue form on April 28, 2011, (Exhibit 2) noting Mr. White tested positive for cocaine and marijuana on April 20, 2011, and noted his failure to provide written verification he completed a court-ordered vocational skills assessment. Further, he failed to follow up with TASC's dual diagnoses treatment recommendations for intensive outpatient treatment (IOP) and mental health treatment/counseling. Judge Stokes did not receive this blue form, nor does she have this blue form or a copy of this blue form. The copy of this blue form in the probation report is not signed or dated by a probation supervisor. In addition, the supervision of this case was transferred from Probation Officer Tina Janis to Probation Officer Patrick Sunyak on May 27, 2011. (Exhibit 3) Mr. Sunyak did not issue a blue form on this case.

Mr. White received two new cases that were improperly assigned to Judge Michelle Earley's docket for a pre-trial on June 22, 2011, because the Central Scheduling staff failed to query the cases after arraignment, and assign them to Judge Stokes' docket, per the Single Judge Assignment Case Consolidation (SJACC) Rule. The Central Scheduling staff found their error and had the following cases re-assigned to Judge Stokes' docket for a pre-trial on July 12, 2011: Case No. 2011 CRB 009145 (Open Container) (Exhibit 4) and Case No. 2011 TRD 027310 (Driving Under Suspension (DUS) and Obey Traffic Control Device) (Exhibit 5).

The Central Scheduling Staff also set Case No. 2010CRB020140, the Obstructing Official Business probation case on Judge Stokes' July 12, 2011 docket. Mr. White failed

to appear on any of these three cases on July 12, 2011 and Judge Stokes issued a probation capias with no bond to be set until Mr. White appeared before Judge Stokes on the Obstructing Official Business case, a capias with a \$1500 bond on the DUS case, and a capias on the Open Container Prohibited case.

Mr. White was eventually arrested on all of the warrants or capiases, and appeared before Judge Stokes on August 18, 2011. On August 18, 2011, Mr. White withdrew his not guilty pleas, entered a no contest plea stipulating to a finding of guilty to the DUS and the Open Container Prohibited charges. The Obey Traffic Control charge was dismissed. Both cases were continued to receive a Pre-Sentencing Investigation (PSI) Report and a Psychiatric Report for the sentencing date of September 7, 2011.

With respect to the Obstructing Official Business case, Mr. White waived his probation violation hearing, admitted his violations and was found in violation of probation. Mr. White's request for a psychiatric evaluation on the probation case was also made. The basis for the psychiatric referral was to determine Mr. White's eligibility for the Mental Health Court based upon the representation made by Atty. James London, the Public Defender, to Judge Stokes that Mr. White had a diagnosis of Paranoid Schizophrenia and that he was not linked with a local mental health agency. The PSI Report on the two new cases, and the updated probation report on the third case file were needed to verify Mr. White's address, to determine the status of a new pending felony case, a note not to order the alcohol/drug abuse assessment if there was a pending felony per Court rules, and to receive recommendations from the psychiatric report.

On September 7, 2011, Mr. White was represented by a private attorney, Mr. DeAngelo Little. The August 29, 2011 Psychiatric Report set forth that Mr. White was incompetent to stand trial, and needed to go to Northcoast Hospital for competency restoration on the misdemeanor cases. However, Judge Stokes was not able to write the order for transport to Northcoast Hospital because Mr. White was in county jail awaiting the Cuyahoga County Common Pleas Court's Psychiatric Clinic's Report regarding the pending felony case. Judge Stokes granted Mr. White's motion to vacate the pleas he entered on August 18, 2011 and reinstated his not guilty pleas. With respect to the probation case, Judge Stokes vacated the probation violation hearing finding on August 18, 2011. On September 19, 2011, Judge Stokes transferred all 3 cases to Judge Pauline Tarver's Mental Health Court docket scheduled for October 5, 2011 noting that Mr. White was incompetent, needed to go to Northcoast Hospital for competency restoration, but could not due to the county hold on his felony case.

Mr. White was eventually restored to competency. On January 12, 2012, Judge Tarver sentenced Mr. White on the DUS charge to credit for 159 days served with 21

days suspended, the fine of \$200.00 was ordered into execution with the court costs suspended because he was indigent. On the same date, Judge Tarver noted that the Open Container Prohibited and Obstructing Official Business charges were dismissed.

STACEY ZUBAL—2007 TRD 074735 & 2011 TRD 017514

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Stacey Zubal*, Case No. 2007 TRD 074735, is attached as Exhibit 1. On April 15, 2009, Judge Stokes sentenced Stacy Zubal for Driving Under Suspension (DUS) on Case No. 2007 TRD 074735. Judge Stokes gave Ms. Zubal credit for ten days served and ordered 170 days into execution, with a fine of \$200.00 which was mitigated with the court costs due to her indigent status.

Judge Stokes placed Ms. Zubal on two years of active probation with the conditions of an alcohol/drug abuse assessment due to her heroin addiction and not to drive until she was valid with insurance. Ms. Zubal's case was continued until April 23, 2009 for a mitigation hearing based upon the alcohol/drug abuse assessment recommendations which were to be included in the Post-Sentencing Investigation (PSI) Report.

On April 23, 2009, the PSI Report revealed that Ms. Zubal had warrants for the Parma, Ohio and North Olmsted, Ohio Police Departments (Rocky River Municipal Court), and her assessment recommended residential treatment. Ms. Zubal's case was continued until April 28, 2009, to mitigate the sentence so that she could be returned to court with her personal clothing and belongings in order to be picked up by either Parma or North Olmsted Police Departments. On April 28, 2009, Judge Stokes mitigated Ms. Zubal's sentence, noting that she had to clear up her warrants with Parma and North Olmsted and then get into residential treatment as soon as possible.

The residential treatment agencies do not admit clients who have outstanding warrants. Due to Ms. Zubal's non-compliance with the conditions of probation, Judge Stokes issued a *capias* on May 21, 2009 which resulted in a probation violation when she was arrested and brought to court on February 11, 2010. Ms. Zubal was released from jail on March 16, 2010, with the conditions of treatment and not to drive until valid with insurance through her 1 year of active probation through February 11, 2011. On April 13, 2010, Judge Stokes issued another probation *capias* due to Ms. Zubal's non-compliance.

On March 24, 2011, Ms. Zubal appeared before Judge Stokes on the 2007 TRD 074735 DUS probation case, and she also had a new DUS charge on Case No. 2011 TRD 017514. (Exhibit 2) Judge Stokes sentenced Ms. Zubal for the new DUS charge on Case No. 2011 TRD 017514. Ms. Zubal was given credit for eight days served with 172 days and a \$200.00 fine ordered into execution while she awaited a formal alcohol/drug assessment to be done at the Cleveland House of Corrections (CHC). Judge Stokes also placed Ms. Zubal on one year of active probation to accomplish the assessment and not to drive until valid with insurance. On the 2007 DUS probation case, Ms. Zubal waived the probation violation hearing, admitted to the violations and was found in violation of probation by Judge Stokes.

Judge Stokes ordered 112 days of Ms. Zubal's sentence into execution, imposed one year of active probation, and ordered a new alcohol/drug abuse assessment based upon the representations of Ms. Zubal and her attorney that she stopped using methadone, heroin and suboxone, but now needed to be weaned off of Xanax. On May 2, 2011, Judge Stokes mitigated both sentences and released Ms. Zubal from the CHC to continue on active probation until March 24, 2012 to complete intensive outpatient treatment, per the assessment recommendations, and not to drive until valid with insurance.

Mr. Krakowski's chart indicates that Probation Officer Tina Janis issued a blue form on May 12, 2011, noting that Ms. Zubal was sent for a substance abuse test on May 5, 2011 and she failed to go the Drug Lab on May 5, 2011, but appeared on the wrong date of May 6, 2011. Thus, a urinalysis test was not done. In addition, Ms. Zubal claimed to have been at Parma Hospital on May 5, 2011 but had not provided any documentation she was in the Emergency Room. Also, Ms. Zubal had not reported to probation since May 12, 2011.

However, the only blue form in the probation report suggests the blue form was dictated on May 12, 2011, (Exhibit 3) but not actually signed by Probation Supervisor Burma Stewart until July 28, 2011—which means it arrived to Judge Stokes sometime thereafter. It should be noted that the blue form is dated May 12, 2011 from Probation Officer Janis, the form states that Ms. Zubal did not report to Probation Officer on May 19, 2011 and June 2, 2011. Thus, it is clear that the blue form was not sent to Supervisor Stewart on May 12, 2011. There was obviously a delay in Probation Officer Janis getting the blue form to Supervisor Stewart from June 2, 2011 to July 28, 2011, and it also is not clear why the issue date of May 12, 2011 is on the blue form.

On August 4, 2011, Judge Stokes signed and returned the blue form noting that she had issued a probation *capias* with no bond to be set until Ms. Zubal appears before Judge Stokes on both of her cases (2007TRD074735 and 2011TRD017514) in response to the blue form signed by Supervisor Stewart on July 28, 2011. These warrants still remain in effect.

RODNEY OCHS—2010 CRB 031817 and 2010 CRB 028801

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Rodney Ochs*, Case No. 2010 CRB 028801, is attached as Exhibit 1. On Case No. 2010 CRB 028801, Judge Stokes sentenced Rodney Ochs for Open Container Prohibited and Criminal Trespass on January 4, 2011. Judge Stokes gave Mr. Ochs credit for seven days served and suspended 23 days with respect to each count. Judge Stokes placed Mr. Ochs on one year of active probation to have an alcohol assessment because he admitted to alcoholism, two to three AA meetings per week, breathalyzer testing and to stay off of all abandoned properties.

On January 4, 2011, Judge Stokes also sentenced Mr. Ochs on another Open Container Prohibited charge on Case No. 2010 CRB 031817. (Exhibit 2) Mr. Ochs received credit for seven days served, with 23 days suspended, and one year of active probation for an alcohol assessment, breathalyzer testing, and to stay off of the property noted on the citation.

Both cases were continued until January 26, 2011 for Judge Stokes to review the Post-Sentencing Investigation (PSI) Reports. Judge Stokes noted that the Probation staff was to provide Mr. Ochs with two bus tickets so that he had a way home, and the means to report to his probation officer for his next appointment. Judge Stokes noted that Mr. Ochs did not have to be present in court on January 26, 2011 as long as he was in compliance.

On January 26, 2011, Judge Stokes issued a probation *capias* on each case because Mr. Ochs failed to report to his scheduled probation appointment on January 11, 2011. See the Closing Summary Report dated February 11, 2011. (Exhibit 3) Mr. Ochs was eventually arrested on the warrants and his cases were placed on Judge Stokes' April 14, 2011 docket. On April 14, 2011, Mr. Ochs waived his probation violation hearings, admitted to the violations and was found in violation of probation. Judge Stokes gave Mr. Ochs credit for eight days served, and suspended 22 days on each case noting that active probation was to continue until January 4, 2012 with the same conditions previously ordered.

Mr. Krakowski's chart indicates that Probation Officer Tina Janis issued a blue form on May 18, 2011, but it is not contained in the Probation Report, and Judge Stokes does not have any record of this blue form. A Closing Summary Report dated January 31, 2012 (Exhibit 4) indicates that probation sent blue forms on May 18, and October 7, noting Mr. Ochs' failure to report, but the probation report does not contain them, nor does Judge Stokes have a copy. On January 4, 2012, Mr. Ochs' probation expired.

DOMINIQUE HALL NOT HULL — 2010 CRB 008003

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Dominique Hall*, Case No. 2010 CRB 008003, is attached as Exhibit 1. On May 25, 2010, Judge Stokes sentenced Dominique Hall for Underage Possession of Alcohol by giving him credit for eight days served, with 172 days, the fine of \$100.00 was mitigated based on the days served, and the court costs were suspended based upon his indigent status. Judge Stokes ordered active probation for one year with the following conditions: an alcohol/drug abuse assessment for alcohol and marijuana issues, random urinalysis and breathalyzer testing, to stay enrolled in John Marshall High School, and to obtain his diploma.

Mr. Hall's case was continued to June 30, 2010 for Judge Stokes to review the Post-Sentencing Report requested on May 25, 2010. Mr. Hall was not required to be present on June 30, 2010 as long as he was in compliance. On June 30, 2010, Judge Stokes wrote that she reviewed the PSI Report (which noted Mr. Hall was scheduled for an assessment on July 2, 2010), and that active probation was to continue with the same conditions.

Mr. Krakowski's chart reflects that Probation Officer Tina Janis issued a blue form on March 2, 2011, (Exhibit 2) and May 18, 2011. (Exhibit 3) There are copies of these blue forms in the probation report noting Mr. Hall's failure to report to his probation officer on February 1, 2011, and February 15, 2011, and thus Probation Officer Janis not being able to verify Mr. Hall's enrollment at John Marshall High School. The copies of these blue forms in the probation report are not signed by a probation supervisor. Judge Stokes does not have the original blue forms, nor does she have a copy of these blue forms signed or unsigned by a supervisor. Judge Stokes did not take any action because she did not receive these blue forms. On May 25, 2011, Mr. Hall's probation expired. Had Judge Stokes received these blue forms she would have checked the "no action box" because she has never violated a person who failed to verify attendance in school.

STEVEN TERRELL—2010 CRB 046479 & 2011 TRD 018043

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Steven Terrell*, Case No. 2010 CRB 046479, is attached as Exhibit 1. On April 13, 2011, Judge Stokes sentenced Steven Terrell for Attempted Petty Theft (Case No. 2010 CRB 046479) and ordered one year of active probation to attend a petty theft class, no more thefts, and to stay off of the property of all Giant Eagle Stores. Mr. Terrell was given credit for 25 days that he had served in county jail, with 65 days suspended, the fine and court costs were suspended based on his indigent status.

On April 13, 2011, Judge Stokes also sentenced Mr. Terrell on a Driving Under Suspension charge on Case No. 2011 TRD 018043. (Exhibit 2) Mr. Terrell was given credit for 25 days served, with 155 days suspended, the fine was mitigated and the court costs suspended based on his indigent status. Judge Stokes placed Mr. Terrell on 1 year of active probation with the condition not to drive until valid with insurance.

Judge Stokes continued both cases to May 25, 2011, to review the Post-Sentencing Investigation (PSI) Report. Upon reviewing the PSI Report, as reflected on the May 25, 2011, Journal Entry, Judge Stokes wrote that Mr. Terrell was to report to the Probation Department upon his release from county jail, and that his probation officer was to notify Judge Stokes if there were a conviction on his pending felony.

Mr. Krakowski's chart indicates that a blue form was issued on June 10, 2011, and lists only Case No. 2010 CRB 046479. However, the record will reflect that Probation Officer Tina Janis issued a blue form on June 7, 2011, (Exhibit 3) with respect to both cases listed above, which was signed by Probation Supervisor Burma Stewart on June 8, 2011.

The blue form noted that it had been submitted to Judge Stokes per the request of Judge Stokes on her May 25, 2011 Journal Entry so she could be advised of the status of Mr. Terrell's felony on both cases. Probation Officer Janis wrote that Mr. Terrell had been placed on 12 months of active probation on Cuyahoga County Case No. CR-11-548485 (Attempted Receiving Stolen Property), and that Mr. Terrell's supervision on his felony case was to be done by the Mentally Disordered Offenders' Unit with intensive outpatient treatment, TASC case management, three AA/NA/CA meetings weekly, random substance abuse testing, verifiable employment, community work service hours, and mental health counseling.

In response, Judge Stokes, on her motion, on August 5, 2011, ordered that Mr. Terrell's cases be placed on inactive probation, and Judge Stokes transferred his cases to Judge Pauline Tarver's Mental Health Court docket, per Court rules. Defendants who are on active probation with the Cuyahoga County Court of Common Pleas' Mental Health Court cannot be on active probation with the Cleveland Municipal Court's

Mental Health Court so that resources are not duplicated. On August 24, 2011, Judge Tarver noted that inactive probation was to continue on each of the misdemeanor cases. See the Closing Summary Report dated August 8, 2011. (Exhibit 4)

ROXIE BLACK—2009 CRB 031750

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Roxie Black*, Case No. 2009 CRB 031750, is attached as Exhibit 1. On December 1, 2009, Judge Stokes sentenced Roxie Black for Petty Theft which included that she was to serve five days, with 175 days suspended, the \$1000 fine was suspended and court costs were suspended based on her indigent status. Judge Stokes ordered one year of active probation with the following conditions: outpatient treatment with random urinalysis and breathalyzer testing, per the assessment recommendations, enroll in GED classes and obtain a GED, attend a vocational skills assessment, obtain legitimate, gainful employment, and no more thefts.

On June 15, 2010, Ms. Black was found in violation of probation when she failed to attend treatment at the Free Clinic in the community. Thus, Judge Stokes ordered 175 days into execution and noted that Ms. Black would attend the treatment program for women at the Cleveland House of Corrections (CHC) beginning on June 22, 2010. On August 26, 2010, Judge Stokes mitigated Ms. Black's sentence by giving her credit for 78 days served, with 102 days suspended, and released her from the CHC noting that Ms. Black completed the first phase of treatment at the CHC, and that active probation continued until December 1, 2010 to complete aftercare and all conditions ordered.

On November 2, 2010, Judge Stokes issued a probation *capias* when Ms. Black failed to appear at a scheduled probation violation hearing on that date for non-compliance. Ms. Black was arrested on the warrant and appeared before Judge Stokes for a probation violation hearing on May 11, 2011. Ms. Black waived the probation violation hearing, admitted to continued use of marijuana but claimed she had recently stopped use two and one-half weeks ago due to her pregnancy.

Judge Stokes gave Ms. Black credit for the additional 6 days she had just spent in jail, suspended 96 days, and continued active probation for one year until May 11, 2012. Judge Stokes ordered that Ms. Black be referred for another alcohol/drug abuse assessment with substance abuse testing.

Mr. Krakowski's chart indicates that Probation Officer Tina Janis issued a blue form on June 21, 2011. (Exhibit 2) A review of the blue form issued by Probation Officer Janis is dated June 20, 2011, not June 21, 2011. Probation Officer Janis noted on the blue form that Ms. Black tested positive for marijuana on June 14, 2011, that in court on May 11, 2011, Ms. Black claims her last use of marijuana was in April, 2011 due to her pregnancy, two and one-half weeks prior to May 11, 2011, and that the assessment was scheduled for June 30, 2011.

On August 2, 2011, Judge Stokes signed and returned this blue form on which Judge Stokes noted that she scheduled a probation violation hearing to occur on August

18, 2011, to allow Ms. Black time to attend the June 30, 2011, assessment, get into treatment, and an opportunity to submit a negative urinalysis test. The probation violation hearing was continued from August 18, 2011, to August 22, 2011. (Exhibit 3) On August 22, 2011, Ms. Black waived her probation violation hearing and admitted to her violations. Judge Stokes found Ms. Black in violation and ordered two days of the sentence into execution with active probation to continue until May 11, 2012. Ms. Black was required to complete substance abuse treatment in the community at the Women's Center and to attend grief counseling with respect to the July 21, 2011 death of her baby.

Judge Stokes continued the matter until September 26, 2011, to verify compliance with all of the conditions. On September 26, 2011, Judge Stokes reviewed the updated report (Exhibit 4) which documented that Ms. Black was in compliance with substance abuse treatment, substance abuse test results, individual counseling, and Judge Stokes noted that Ms. Black provided documentation that she had enrolled in grief counseling classes. Judge Stokes requested the probation officer to verify actual attendance at the grief counseling classes and to monitor all conditions ordered with active probation to continue to May 11, 2012. The overall summary of Ms. Black's probation period is in the Tracking Sheet. (Exhibit 5) Ms. Black met her conditions of probation, and probation expired on May 11, 2012.

Tammi Hill—2007 TRD 054906 & 2007 TRD 025256

The Clerk of Court's Cleveland Municipal Court Journals for *City of Cleveland vs. Tammi Hill, Case No. 2009 TRD 081479*, and *Case No. 2007 TRD 025256*, are respectively attached as Exhibit 1, and Exhibit 2.

Judge Stokes sentenced Tammi Hill on August 5, 2008, for Wrongful Entrustment and two counts of Fictitious Plates. On the Wrongful Entrustment charge, Judge Stokes gave Ms. Hill credit for 14 days served, suspended 166 days, a fine of \$100.00 fine, and court costs. Judge Stokes placed Ms. Hill on one year of active probation with the following conditions: not to allow Terrell Hill or anyone to operate her motor vehicle that does not have a legal right to do so, a substance abuse assessment and random drug abuse testing. Judge Stokes noted that Ms. Hill had an active warrant for the Beachwood, Ohio Police Department. On each of the minor misdemeanor Fictitious Plates charges, Judge Stokes imposed a \$25.00 fine that was satisfied based on the days served. Ms. Hill's cases were continued to August 28, 2008 for Judge Stokes to review the Post-Sentencing Investigation (PSI) Report

Based on Judge Stokes monitoring of Ms. Hill's case subsequent to receiving the PSI Report, Judge Stokes continued Ms. Hill's probation violation hearing dates numerous times to give her an opportunity to get into compliance before October 29, 2008. On October 29, 2008, Ms. Hill waived her probation violation hearing, admitted to not complying with the condition of outpatient treatment. Judge Stokes found Ms. Hill in violation of probation, ordered 10 days into execution, noted that Ms. Hill was to begin outpatient treatment upon release from the Cleveland House of Corrections with active probation to continue until August 5, 2009.

On October 29, 2008, Judge Stokes sentenced Ms. Hill for DUS, which included credit for 14 days served, 10 days ordered into execution, 156 suspended, a fine of \$200.00, and Court costs.

In addition, Judge Stokes placed Ms. Hill on one-year of active probation with the following conditions: not to drive until valid with insurance, a formal alcohol/drug assessment, and substance abuse testing.

Mr. Krakowski's chart only lists Case No. 2007 TRD 054906, and not Case No. 2007 TRD 025256, and indicates that an unidentified probation officer who was supervised by Probation Supervisor Susan Little issued a blue form on December 6, 2010, but none exists in either the probation report or Judge Stokes' records. Judge Stokes did not respond because she did not receive this blue form.

The only blue form in the probation report was issued on January 20, 2009, by Probation Officer Rhoda Cantrell, and signed by Supervisor Susan Little on January 21,

2009. (Exhibit 3) This blue form advised Judge Stokes that Ms. Hill's December 11, 2008 drug test was too diluted and, upon further testing, that sample proved positive for marijuana on December 30, 2008. On February 6, 2009, Judge Stokes returned the January 21, 2009 blue form, and scheduled a probation violation hearing for February 24, 2009. On February 24, 2009, Judge Stokes granted Ms. Hill's request to continue the probation violation hearing to March 25, 2009. On March 25, 2009, Judge Stokes issued a probation capias with a no bond status because Ms. Hill failed to appear. Ms. Hill was eventually arrested on that warrant and her case was placed on Judge Stokes' docket for a probation violation hearing on January 21, 2010. Ms. Hill waived her probation violation hearing and admitted to her violations. On January 21, 2010, Judge Stokes gave Ms. Hill credit for 31 days served, suspended 149 days and continued active probation for one year to January 21, 2011 with the same conditions. Ms. Hill's probation expired on January 11, 2011.

The Closing Summary Report (Exhibit 4) dated January 26, 2011, references that two blue forms dated March 18, 2010, and December 6, 2010, and were sent to Judge Stokes. Neither the originals nor copies of these blue forms are contained in the probation report. Judge Stokes does not have the originals or copies, and did not receive these blue forms.

Lindey Okuly—2008 TRD 040426

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Lindey Okuly, Case No. 2008 TRD 040426*, is attached as Exhibit 1.

Judge Stokes sentenced Lindey Okuly on January 13, 2010, for Following Too Closely which included a fine of \$100.00. Judge Stokes also sentenced Ms. Okuly for Refusal to Display a License which included credit for 8 days, 172 days were suspended, a fine of \$100.00, and court costs. In addition, Judge Stokes placed Ms. Okuly on two years of active probation with the following conditions: no further submissions of false urinalysis test samples, random substance abuse testing, pay restitution to the victim, Mr. Charles Toles, in the amount of \$643.15, with payments of \$50.00 each month.

Mr. Krakowski's chart indicates that a blue form was issued on January 3, 2011. On January 3, 2011, Probation Officers Rhoda Cantrell and Morton Smith issued a blue form (Exhibit 2) noting that Ms. Okuly had only made one restitution payment since being placed on probation on January 13, 2010, and that Ms. Okuly frequently missed probation appointments without good cause. Probation Officer Rhoda Cantrell's name is typed on the blue form, and Probation Officer Morton Smith's name is handwritten above the name of Probation Officer Rhoda Cantrell. Due to an unintentional oversight, Judge Stokes did not sign and return this blue form until July 5, 2011, noting that a probation violation hearing was to be scheduled on July 20, 2011. Judge Stokes was reminded of this blue when Mr. Krakowski submitted a letter dated June 29, 2011, regarding outstanding blue forms.

In addition, Judge Stokes ordered the case file to also note the probation violation hearing date. On July 20, 2011, Ms. Okuly appeared without counsel. Judge Stokes advised Ms. Okuly of her right to have legal counsel, and granted Ms. Okuly's motion for continuance of the probation violation hearing to August 4, 2011, so she could retain counsel. In addition, Judge Stokes noted that an updated report would be needed on all conditions ordered, including restitution, and the results of a urinalysis test that was to be conducted on July 20, 2011. In addition, Judge Stokes noted that active probation continued to January 13, 2012.

On August 4, 2012, Ms. Okuly waived her probation violation hearing, admitted to her violations, and was found in violation of probation. Judge Stokes noted the non-compliance, and noted that Ms. Okuly had paid restitution in full and had a negative urinalysis test on July 20, 2011. Judge Stokes noted that Ms. Okuly had previously served 8 days, and re-suspended 172 days. In view of the fact that Ms. Okuly had paid restitution in full, paid her fine and court costs, and had a current negative substance abuse test result, Judge Stokes terminated her probation approximately five (5) months early, and noted that Ms. Okuly's sentence was satisfied.

This is also reflected in the Closing Summary Report (Exhibit 3) dated August 4, 2011, that Judge Stokes terminated probation at the probation violation hearing on August 4, 2011, when verification was presented by the Clerk of Court that restitution was paid in full, and that Ms. Okuly had a substance abuse test on July 20, 2011, that was negative for cocaine, opiates, marijuana, and heroin.

Richard White—2008 TRD 023110

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Richard White, Case No. 2008 TRD 023110*, is attached as Exhibit 1.

Judge Stokes sentenced Richard White, Jr., for Presenting False Name or Information, Driving Under Suspension (DUS), 2 counts of Failure to Display Plates, Driver Seat Required, and Muffler Excess Smoke on April 23, 2008. On the minor misdemeanor charges, Judge Stokes imposed on each a \$25.00 fine. On the Presenting False Name or Information and DUS charges, Judge Stokes gave Mr. White credit for 9 days served, suspended 171 days, a fine of \$200.00 and \$300.00 respectively, and court costs. In addition, Judge Stokes placed Mr. White on one year of active probation with the following conditions: not to provide false information, not to drive until valid with insurance, an alcohol/substance abuse assessment due to alcohol and marijuana issues, random drug screens and weekly breathalyzer testing.

Judge Stokes continued Mr. White's case to May 28, 2008, to review the Post-Sentencing Investigation (PSI) Report. (Exhibit 2) The PSI Report noted that Mr. White admitted to consuming alcohol every other day, but denied the use of marijuana and cocaine for the past 6 years. However, his urinalysis test from April 24, 2008, was positive for cocaine. Thus, on May 28, 2008, Judge Stokes issued a probation *capias* with no bond to be set until Mr. White appeared before Judge Stokes. Probation Officer Morton Smith signed the Closing Summary Report on August 4, 2008. However, the Closing Summary Report is dated May 29, 2008, and reflects that Judge Stokes issued the probation *capias* for non-compliance and a positive test for cocaine on April 24, 2008. (Exhibit 3)

On or about September 29, 2010, Mr. White was arrested on the warrant and his case was placed on Judge Stokes' docket for a probation violation hearing on October 5, 2010. Mr. White waived his probation violation hearing, admitted to the continued use of cocaine and alcohol and claimed he wanted help of these issues. Judge Stokes found Mr. White in violation of probation, gave Mr. White credit for 16 days served, suspended 164 days, and imposed one year of active probation to October 5, 2011 with the same conditions previously ordered.

Probation Officer Rhoda Cantrell issued a blue form (Exhibit 4) on January 3, 2011, that was signed by Supervisor Susan Little on January 7, 2011, to advise Judge Stokes that Mr. White failed to report to the probation department. Judge Stokes signed and returned the blue form on August 2, 2011, noting that she issued a probation *capias* with no bond to be set until Mr. White appears before Judge Stokes. Judge Stokes is not sure of why this delay occurred. A Closing Summary Report for the case assigned to Judge Stokes (2008 TRD 023110) is dated August 11, 2011, and reflects that Judge

Stokes discussed the blue form with Probation Officer Risel Maldonado prior to issuing the probation capias on August 2, 2011. (Exhibit 5)

It should be noted that Mr. White appeared before Judge Ronald B. Adrine on Case No. 2011 TRC 023899 (Exhibit 6), and was sentenced for DUI and Endangering Children on May 2, 2011 which included credit for 10 days, 170 days suspended, a license suspension from May 2, 2011 to May 2, 2012, and a suspension of court costs due to his indigent status. In addition, Judge Adrine placed Mr. White on two years of active probation with the following conditions: substance abuse assessment with substance abuse counseling as required, substance abuse testing, and 5 MADD sessions. On September 26, 2011, Judge Adrine issued a probation capias with no bond to be set until Mr. White appears before Judge Adrine which still remains in effect.

The Probation Department has two original probation reports for Mr. White relative to each of the cases. The Clerk's Office, Central Scheduling Department, and the Probation Department failed to query all of Mr. White's cases to determine which judge should be assigned to all of Mr. White's cases. This possibly explains why there are two original probation reports. Mr. White had a case assigned to Judge Stokes and another case assigned to Judge Adrine.

Judge Stokes has advised the appropriate court personnel of these issues, so that proper reassignment of the cases can be done, and the two original probation reports dedicated to each case can be consolidated.

Hannibal Yarbo—2009 CRB 000158

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Hannibal Yarbo, Case No. 2008 TRD 000158*, is attached as Exhibit 1.

Judge Stokes sentenced Hannibal Yarbo on March 3, 2009, for Consumption of Liquor in Parks which included credit for 4 days served, 176 days suspended, the \$100 fine was mitigated based on the days served, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Yarbo on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment due to his alcohol and marijuana issues for which he stated he desired help, and random substance abuse testing.

Based upon the Post-Sentencing Investigation (PSI) Report and subsequent updated probation reports requested by Judge Stokes, Judge Stokes set a probation violation hearing for May 5, 2009, noting that Mr. Yarbo had to attend his TASC assessment and not to miss any other appointments. On May 5, 2009, Judge Stokes cancelled the probation violation hearing on the basis that Mr. Yarbo was in compliance per the updated report submitted by Probation Officer Fred Turner.

Mr. Yarbo's probation record does contain the original blue form (Exhibit 2) issued by Probation Officer Turner on December 11, 2009, that was signed by Supervisor Deborah McDonald on December 14, 2009, to advise Judge Stokes that Mr. Yarbo missed TASC appointments and probation appointments on July 7, 2009, and August 5, 2009, and was discharged from TASC on December 1, 2009. On December 14, 2009, Judge Stokes signed and returned this blue form noting that she issued a probation *capias* on December 14, 2009, with no bond to be set until Mr. Yarbo appeared before Judge Stokes.

On or about August 31, 2010, Mr. Yarbo was arrested on the warrant, and his case was placed on Judge Stokes' docket for a probation violation hearing on September 7, 2010. Mr. Yarbo waived his probation violation hearing on September 7, 2010, admitted to his violations and was found in violation of probation. Judge Stokes gave Mr. Yarbo credit for 13 days served, ordered 10 days into execution, suspended 157 days, and extended active probation for one year until September 7, 2011, to be re-referred for another assessment due to continued marijuana usage, a vocational skills assessment, obtain legitimate, gainful employment, and random substance abuse testing. Mr. Yarbo's case appeared on Judge Stokes' docket five (5) more times between September 30, 2010, and December 8, 2010, before she was finally able to note that Mr. Yarbo was in compliance. Mr. Yarbo's probation expired on September 7, 2011.

Mr. Krakowski's chart indicates that Supervisor Little submitted a blue form on February 7, 2011. A copy of this blue form (Exhibit 3) is in the probation report dated

February 7, 2011, by Probation Officer Mignon Cook; however, it is not signed or dated by a supervisor. The copy noted that Mr. Yarbo completed the TASC assessment in October 2010, was referred to J. Glen Smith Center for intensive outpatient treatment which he started but failed to complete. On January 14, 2011, Mr. Yarbo was terminated from the TASC program. The original blue form dated February 7, 2011, is not in the probation report, nor does Judge Stokes have the original blue form or a copy of it in her records. Accordingly, Judge Stokes did not take any action because she did not receive this blue form, or a copy of it. The only blue form in the probation report is the one dated December 11, 2009, that Judge Stokes acted upon, as stated above, on December 14, 2009.

Mark Bregy—2010 TRD 016881

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Mark Bregy, Case No. 2010 TRD 016881*, is attached as Exhibit 1.

Judge Stokes sentenced Mark Bregy on April 20, 2010, for the amended charge of License Required To Operate which included a \$50.00 fine, 180 days suspended, and court costs suspended based on his indigent status. In addition, Judge Stokes placed Mr. Bregy on one year of active probation with the following conditions: alcohol/drug abuse assessment due to admitted marijuana usage with respect to this case and the companion Case No. 2010 CRB 007787, a Possession Drug Abuse Instruments charge for which he received a \$50.00 fine. (Exhibit 2) Also, Mr. Bregy was to have random substance abuse testing.

According to Mr. Krakowski's chart, an unidentified probation officer supervised by Susan Little issued a blue form on February 9, 2011. The probation report contains a copy of a blue form by Probation Officer Rhoda Cantrell dated February 9, 2011. (Exhibit 3) This copy of the blue form is not signed or dated by a supervisor. The copy of the blue form noted that Mr. Bregy failed to report to his probation officer on January 4, 2011, and January 14, 2011; failed to obtain drug treatment as recommended by TASC, tested positive for marijuana on May 26, 2010, and picked up a new OVI offense for which he was convicted in Shaker Heights Municipal Court on August 5, 2010. Judge Stokes did not receive the original or a copy of this blue form and thus did not take any action.

The probation report also contained original blue forms respectively dated July 15, 2010, and August 4, 2010, which were never sent to Judge Stokes. The July 15, 2010, blue form (Exhibit 4, pp. 1 & 2) prepared by Probation Officer Rhoda Cantrell was signed by Supervisor Susan Little on July 15, 2010. This blue form noted an OVI charge in Shaker Heights Municipal Court set for appearance for August 15, 2010, and a positive test result for marijuana on May 26, 2010. This original blue form has an original post-it note on it with the following handwritten note: "*Deft's phone not working. PO unable to reach him to come in for a drug test before 8-03-2010.*" This blue form and the post-it note were never submitted to Judge Stokes.

The original of the August 4, 2010 blue form (Exhibit 5) is also contained in the probation report and was never sent to Judge Stokes. This blue form was prepared by Probation Officer Rhoda Cantrell and signed by Supervisor Susan Little on August 5, 2010 noting the OVI Shaker Heights Municipal Court case scheduled for August 5, 2010, positive test results for marijuana on May 26, 2010, and August 3, 2010, and that Mr. Bregy had been referred for intensive outpatient treatment.

Judge Stokes did not receive these blue forms or copies of them, and accordingly probation expired on April 20, 2011.

Donna Cook—2009 CRB 023924

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Donna Cook, Case No. 2009 CRB 023924*, is attached as Exhibit 1.

Judge Stokes sentenced Donna Cook on March 22, 2010, for Criminal Damaging/Endangering which included credit for 2 days served, 2 days ordered into execution, 86 days suspended, all of the \$750.00 fine suspended, and suspended court costs due to her indigent status. Judge Stokes placed Ms. Cook on one year of active probation with the following conditions: anger management classes, no contact with the victim, and payment of restitution to the victim in the amount of \$1,097.91 regarding his damaged vehicle.

Mr. Krakowski's chart indicates that a blue form was issued on February 10, 2011. The probation report does contain a copy of Probation Officer Morton Smith's blue form dated February 10, 2011, that is not signed or dated by a supervisor. (Exhibit 2) The copy of this blue form noted that Ms. Cook completed anger management classes, but did not make restitution payments. The probation report does not contain the original blue form, and Judge Stokes' records reflect that she does not have the original blue form or a copy of it. Judge Stokes does not believe that she received this blue form, and thus did not take any action. The probation report also contains a copy of the blue form dated July 21, 2010, by Probation Officer Morton Smith that is not signed or dated by a supervisor. (Exhibit 3) This blue form noted that Ms. Smith had not made any restitution payment and had not provided verification of attending an anger management program. This form is not noted in Mr. Krakowski's chart. Judge Stokes does not have the original or a copy of the blue form. Ms. Cook's probation expired on March 22, 2011.

Darryl Hawkins—2010 CRB 021353 & 2010 CRB 012083

The Clerk of Court's Cleveland Municipal Court Journals for *City of Cleveland vs. Darryl Hawkins*, Case No. 2010 CRB 021353, and Case No. 2010 CRB 012083, are respectively attached as Exhibit 1, and Exhibit 2.

Judge Stokes sentenced Darryl Hawkins on January 6, 2011, for Open Container Prohibited (Case No. 2010 CRB 021353) which included credit for 5 days served, 25 days suspended, all of the \$250.00 was suspended, and the court costs were suspended based on his indigent status. Judge Stokes placed Mr. Hawkins on one year of active probation with the following conditions: an alcohol assessment if one had not already been completed so that there would not be any duplication of services, to continue with the treatment program at the Salvation Army's Residential Program, 3 to 4 AA meetings per week, and breathalyzer testing only.

Judge Stokes noted that Mr. Hawkins was homeless, and requested the Probation Staff to review Mr. Hawkins' documents from the Salvation Army dated December 29, 2010, which included AA verification. Judge Stokes requested the preparation of a Post-Sentencing Investigation (PSI) Report (Exhibit 3), and continued Mr. Hawkins' case to January 26, 2011, to review the PSI Report, and noted that Mr. Hawkins did not have to be present on January 26, 2011, if in full compliance.

On January 6, 2011, Judge Stokes also sentenced Mr. Hawkins for Criminal Trespass on Case No. 2010CRB012083 (Exhibit 2) which is not mentioned in Mr. Krakowski's chart. On the Criminal Trespass case, Judge Stokes gave Mr. Hawkins credit for 5 days served, suspended 25 days, imposed a \$50.00 fine which was deemed satisfied based on the days served, and the court costs were suspended based on his indigent status. Judge Stokes placed Mr. Hawkins on one year of active probation with the following conditions: an alcohol/substance abuse assessment, but not to duplicate this requirement if one had already been done, to successfully complete the treatment program at the Salvation Army, random substance abuse testing, 3 to 4 AA meetings per week, and to stay off of the property of Cleveland State University unless there for legitimate reasons.

Judge Stokes noted that Mr. Hawkins was homeless, and that the Probation Staff should review Mr. Hawkins' letter from the Salvation Army dated December 29, 2010, in preparation of the PSI Report. Judge Stokes continued Mr. Hawkins' case to January 26, 2011, to review his PSI Report, and noted that Mr. Hawkins did not need to be present if in full compliance.

On January 26, 2011, Judge Stokes reviewed the PSI Report (Exhibit 3) which stated that Mr. Hawkins was arrested on his first probation office visit by Cuyahoga County deputy sheriffs due to an outstanding warrant for failing to notify a change of

address with the sex crimes unit regarding Case No. CR-10-544419-A, and that Mr. Hawkins was in the Cuyahoga County Jail on that felony warrant. This felony case was set for a court hearing on January 26, 2011. The first page of the PSI Report fails to list Judge Stokes' name as it should, and incorrectly lists the terminology of "ADMINISTRATIVE-GENERAL." This terminology is used when a case has been adjudicated in the Arraignment Room.

On January 26, 2011, Judge Stokes referred Mr. Hawkins' cases back to the Probation Department, and wrote on each Journal Entry that the "*same conditions apply upon release from county jail. Notify [the] Court if Defendant is not released & remains in county jail via a blue form asap (as soon as possible)*". Upon receipt of a blue form with the information requested by Judge Stokes, it was Judge Stokes' intention to terminate probation on Mr. Hawkins' cases depending on the outcome of the felony case, and/or depending on the number of days he remained in county jail since 25 days had been suspended on the misdemeanor cases, and Mr. Hawkins would have to be given credit for any additional days served while in county jail or a state prison.

Mr. Krakowski's chart indicates that a blue form was issued on February 22, 2011. The probation report contains the original blue form issued by Probation Officer Rhoda Cantrell on February 17, 2011, not February 22, 2011, that was signed by Supervisor Susan Little on February 17, 2011. (Exhibit 4) Probation Officer Cantrell issued this blue form to notify Judge Stokes that "on or about 2-4-11, Mr. Hawkins was sent to LCI (the Lorain Correctional Institution) for 6 months for 'notice of change of address', a pending felony which occurred prior to this case." This blue form also incorrectly has typed in the terminology "ADMINISTRATIVE-GENERAL" instead of the name of Judge Stokes just as was done on the first page of the PSI Report. However, at some point in time, someone in the probation department drew a line through the "ADMINISTRATIVE-GENERAL" terminology, and handwrote "STOKES" above in its place.

Judge Stokes did not receive this blue form, the original of which is still attached to the probation report. If Judge Stokes had received this blue form, she would have terminated probation at that time, and noted that the sentence was satisfied on each misdemeanor case based on Mr. Hawkins time served in county jail, and his incarceration at LCI. Probation terminated on each case on January 6, 2012.

The Closing Summary Report dated October 18, 2011, was dictated by Supervisor Little based on information "obtained from the notes of P. O. Cantrell." (Exhibit 5) The Closing Summary Report reflects that the probation staff placed Mr. Hawkins' cases on inactive probation based on the information that "*on or about 2-4-11, Mr. Hawkins was sent to LCI for six months for 'notice of change of address', a pending felony which*

occurred prior to this case.” Supervisor Little also noted that probation expired on January 6, 2012, and that “a status report was forwarded to Judge Stokes on 2-17-11, however, and as of this date [October 18, 2011] there has been no response.” The assertion that this blue form was forwarded to Judge Stokes is clearly incorrect because the original blue form with Supervisor Little’s signature is contained in the probation report.

Corey Simpson—2010CRB042529

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Corey Simpson, Case No. 2010 CRB 042529*, is attached as Exhibit 1.

Judge Stokes sentenced Corey Simpson on November 16, 2010, for Aggravated Disorderly Conduct which included credit for 4 days served, 176 days suspended, a \$200.00 fine, and a suspension of court costs based on his indigent status. Judge Stokes placed Mr. Simpson on one year of active probation with the following conditions: due to his admitted use of marijuana, a formal alcohol/drug abuse assessment with treatment/counseling as warranted, random substance abuse testing, attend the December 1, 2010 Community Orientation Program "COP" (a program that teaches individuals how to properly interact with law enforcement personnel), enroll in GED classes and obtain a GED, attend a vocational skills assessment, and obtain legitimate, gainful employment. Judge Stokes continued Mr. Simpson's case to December 15, 2010 to review the Post-Sentencing Investigation (PSI) Report that she requested be prepared.

On December 15, 2010, Judge Stokes reviewed the PSI Report and granted Mr. Simpson's motion to mitigate the balance of his fine based on the 4 days served. In addition, Judge Stokes scheduled a probation violation hearing for January 26, 2011, on the basis that the PSI report did not verify that Mr. Simpson had attended the December 1, 2010 COP class. Judge Stokes requested an updated report on all conditions ordered, including Mr. Simpson's attendance at his substance abuse assessment scheduled for January 11, 2011.

On January 26, 2011, Mr. Simpson's probation violation hearing was continued to February 22, 2011. On February 22, 2011, the updated probation report (Exhibit 2) reflected that Mr. Simpson attended the December 1, 2010, COP class, attended the January 11, 2011, substance abuse assessment at TASC, and that he was scheduled to begin non-intensive outpatient treatment on February 2, 2011, for eight weeks. Based upon the updated report, Judge Stokes cancelled the probation violation hearing because Mr. Simpson "is in compliance now." In addition, Judge Stokes noted on the February 22, 2011, Journal Entry that active probation continued until November 16, 2011, with the same conditions. Judge Stokes ordered close supervision, and noted a February 22, 2011, letter from TRI-C regarding Mr. Simpson's attendance at literacy classes scheduled from January 19, 2011 to March 17, 2011.

Mr. Krakowski's chart indicates that an unidentified probation officer who reports to Supervisor Little issued a blue form on February 24, 2011, (which was 2 days after the probation violation hearing was cancelled due to compliance); however, none exists in the probation report or Judge Stokes' records. A further review of the probation report reflects that Mr. Simpson and Probation Officer Risel Maldonado were

notified, via a letter from TASC (Exhibit 3) dated May 17, 2011, that Mr. Simpson was discharged from the TASC non-intensive treatment program based on non-compliance with self-help meetings after his final TASC group session on March 23, 2011.

Although, Probation Officer Risel Maldonado's Closing Summary Report (Exhibit 4) dated January 12, 2012, indicates that Mr. Simpson failed to comply with all conditions ordered and that he sent Judge Stokes a status report, such status report is not in the probation report. Judge Stokes never received any correspondence from Probation Officer Maldonado or any probation staff after the February 22, 2011, probation violation hearing was cancelled. Probation Officer Maldonado never informed Judge Stokes of the May 17, 2011, letter from TASC, the positive test results for marijuana in March 2011, or the status of any other conditions after February 22, 2011. Probation Officer Maldonado should have informed Judge Stokes of these matters. Probation terminated on Mr. Simpson's case on November 16, 2011.

Rodney Hughley—2010 CRB 047650

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Rodney Highly*, Case No. 2010 CRB 047650, is attached as Exhibit 1.

Judge Stokes sentenced Rodney Hughley on January 12, 2011, for Open Container Prohibited which included suspending 30 days of jail time, suspending the court costs due to his indigent status, and the imposition of 5 hours of community work service to be completed by February 22, 2011, in lieu of the \$50.00 fine. In addition, Judge Stokes placed Mr. Hughley on one year of active probation with the following condition: no alcohol consumption. Mr. Hughley's case was continued, at his request, until February 22, 2011, on a motion for inactive probation. Judge Stokes noted on the Journal Entry that a Post-Sentencing Investigation (PSI) Report was needed on February 22, 2011, to verify that "per Defendant, he had an alcohol/drug assessment at the 2100 Lakeside Shelter & does not need treatment/counseling." In addition, Judge Stokes requested the Probation staff to verify "*per Defendant that he was trying to obtain employment at the 2100 Lakeside Shelter re: teaching GED & computer issues.*" Judge Stokes also noted that Mr. Hughley may need bus tickets.

Mr. Hughley's case file was not submitted or placed on Judge Stokes' February 22, 2011, docket due to an error by the Clerk's Journalizer who journalized the January 12, 2011, Journal Entry on January 13, 2011. In addition, the Probation Department also failed to submit the PSI Report for February 22, 2011. Thus, there was no action taken on February 22, 2011, and Mr. Hughley did not appear on February 22, 2011, for his motion hearing. Judge Stokes would have been alerted that the case file was due in court on February 22, 2011, had Mr. Hughley appeared, or if the case had been listed on the docket sheet, but was missing, or if the Probation Department had sent the PSI Report. The case file covers also reflect that Mr. Hughley's case was not in court on February 22, 2011. (Exhibit 2)

Mr. Krakowski's chart indicates that an unidentified probation officer issued a blue form on March 15, 2011, but neither the probation report nor Judge Stokes' records contain the original blue form or a copy.

Probation Officer Bryant Muhammad issued a blue form on August 9, 2011 (Exhibit 3), signed by Supervisor Susan Little on August 10, 2011, indicating that Mr. Hughley failed to report since April 27, 2011, but that his 5 hours of community work service had been completed. This blue form and the probation report never verified whether Mr. Hughley had an assessment at the 2100 Lakeside Shelter and the recommendations of said assessment or any of the information Judge Stokes requested to be verified for the February 22, 2011, court date. If the probation officer had verified whether Mr. Hughley had an assessment and treatment was not recommended, then Judge Stokes would have either terminated probation or made it inactive probation

eliminating the reporting status thereby granting Mr. Hughley's motion for inactive probation except the case file was not in court on February 22, 2011, due to the Clerk's staff's error. However, the probation officer never verified that information for the February 22, 2011, PSI Report or thereafter.

In addition, Judge Stokes found this original blue form in the folder of blue forms that had been mistakenly placed in her office closet. A copy of the August 9, 2011, blue form is in the probation report. The Closing Summary Report, dated January 13, 2012, reflects that Mr. Hughley completed his community service hours, did not receive any new cases, and probation expired on January 13, 2012. (Exhibit 4)

Anthony Stanton—2009 CRB 035981

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Anthony Stanton, Case No. 2009 CRB 035981*, is attached as Exhibit 1.

Judge Stokes sentenced Anthony Stanton on April 12, 2010, for Obstruct Official Business which included 90 days suspended, 10 hours of community work service to be completed by April 28, 2010, in lieu of the \$100.00 fine, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Stanton on one year of active probation with the following conditions: mandatory anger management classes, random substance abuse testing, to stay enrolled in Promise Academy and to obtain a diploma.

Mr. Stanton's case was continued to May 5, 2010, for Judge Stokes to review the Post-Sentencing Investigation (PSI) Report, and Mr. Stanton was not required to be present if in compliance. On May 5, 2010, Judge Stokes continued the case to June 8, 2010, because the Probation Department failed to prepare the PSI Report. Judge Stokes referred Mr. Stanton's case back to the Probation Department, and noted "2nd request for PSI Report" and that "Supervisor Brian Siggers stated that he would assist in getting the PSI Report prepared as [Judge Stokes] 1st requested on April 12, 2010." On June 10, 2010, Judge Stokes received the PSI Report and noted that active probation continued to April 12, 2011, with the same conditions.

Mr. Krakowski's chart indicates that blue form was issued on March 17, 2011. The probation report has a copy of a blue form (Exhibit 2) issued by Probation Officer Rhoda Cantrell on March 17, 2011; however, it is not signed by a supervisor. This copy stated that on March 17, 2011, Mr. Stanton informed Supervisor Little that he had been kicked out of Promise Academy. Judge Stokes does not have the original blue form or a copy of the blue form in her records. Judge Stokes does not believe that she ever received this blue form, and her last information received from the Probation Department was the PSI Report submitted for the June 8, 2010, court date.

Had Judge Stokes received a copy of this form, she would have noted that no action was to be taken, and would not have set the matter for a probation violation hearing as the condition to stay in school to obtain a diploma was to help Mr. Stanton further his education. Judge Stokes has never violated a person on probation who failed to obtain a GED or diploma.

The Closing Summary Report (Exhibit 3), dated May 20, 2011, reflects that Mr. Stanton was "kicked out of Promise Academy," but complied with meeting the conditions of mandatory anger management classes, random substance abuse testing, and completed his community work service hours. Mr. Stanton's probation expired on April 12, 2011.

Taccora Gay—2009 CRB 043164

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Taccora Gay, Case No. 2009 CRB 043164*, is attached as Exhibit 1.

Judge Stokes sentenced Taccora Gay on August 4, 2010 for Criminal Damaging/Endangering which included credit for 3 days served, 2 days ordered into execution, 85 days suspended, all of the \$750.00 fine was suspended, and the court cost were suspended based on her indigent status. In addition, Judge Stokes placed Ms. Gay on one year of active probation with the following conditions: mandatory anger management classes, mandatory attendance in the Community Orientation Program "COP," random substance abuse testing. Judge Stokes specifically noted that "*if Miss Gay is attending anger management classes on her felony probation case, she does not need to duplicate anger management classes on this case.*" Ms. Gay's case was continued to August 26, 2010, at the request of Ms. Gay and the Assistant City Prosecutor for a restitution hearing. Judge Stokes requested a Post-sentencing Investigation (PSI) Report for August 26, 2010. (Exhibit 2) The PSI Report also documented that Ms. Gay was placed on five years of probation on March 9, 2009 for a felony AGGRAVATED ASSAULT CONVICTION (Case No. CR 517263), and that she was in compliance on her felony probation.

On August 26, 2010, Ms. Gay failed to appear for the restitution hearing, and Judge Stokes issued a probation capias with no bond to be set until Ms. Gay appeared before Judge Stokes. On or about October 25, 2010, Ms. Gay was arrested on the August 26, 2010, warrant, and her case was placed on Judge Stokes' docket for a probation violation hearing on October 28, 2010, which had to be continued to November 3, 2010, due to the Public Defender, Tina Tricarchi, who left the courtroom without notice to Judge Stokes or Assistant City Prosecutor Nathanson as to if or when she would return. The probation violation hearing was waived by Ms. Gay on November 10, 2010, and she was found in violation of probation. Judge Stokes gave Ms. Gay credit for 26 days served, suspended 64 days, and noted that active probation continued to August 4, 2011, with the same conditions. Judge Stokes noted that Ms. Gay was to attend the Community Orientation Program (COP Class) class on December 1, 2010. The COP Class teaches individuals how to properly interact with law enforcement personnel. Ms. Gay's case was continued for a restitution hearing on December 9, 2010.

On December 9, 2010, Prosecutor Nathanson stated that the victim would not be pursuing restitution on this case so the restitution hearing was cancelled. Judge Stokes continued Ms. Gay's case to January 18, 2011, for a status hearing to verify that the COP class was attended on December 1, 2010, and if in full compliance, Ms. Gay did not have to be present. Probation Officer Mignon Cook failed to submit an updated report for January 18, 2011. Judge Stokes held the case file until she could review the matter with

Probation Officer Cook on February 2, 2011. As reflected on the February 2, 2011, Journal Entry, Judge Stokes noted that, per her discussion with Probation Officer Mignon Cook, Ms. Gay completed the COP class, that due to her homeless status the week of January 31, 2011, Ms. Gay shall be given additional time to complete anger management classes by April 29, 2011. In addition, Judge Stokes requested to be notified upon completion of anger management classes, and noted that Judge Stokes would determine if probation would be made inactive or possibly terminated due to Ms. Gay's felony probation status.

Mr. Krakowski's chart indicates that a blue form (Exhibit 3) was issued on March 30, 2011. The probation report has a copy of a blue form, not the original blue form, issued by Probation Officer Cook on March 30, 2011; however, the copy is not signed by a supervisor. The copy reflects that Ms. Gay failed to report for appointments after January 2011, and failed to complete anger management classes, but completed the COP class. Judge Stokes does not have the original blue form or a copy of it in her records. Judge Stokes does not believe that the original or a copy of this blue form was ever sent to her. Accordingly, Judge Stokes did not take any action. Ms. Gay's probation expired on August 4, 2011. However, Ms. Gay remains on felony probation until March 9, 2014.

Alonzo Hill—2010 TRD 022988 & 2010 TRD 030210

The Clerk of Court's Cleveland Municipal Court Journals for *City of Cleveland vs. Alonzo Hill, Case Nos. 2010 TRD 022988*, and *Case No. 2010 TRD 030210*, are respectively attached as Exhibit 1, and Exhibit 2.

On *Case No. 2010 TRD 022988*, Judge Stokes sentenced Alonzo Hill on June 16, 2010, for Driving Under Suspension which included credit for 1 day served, 170 days suspended, a fine of \$100.00 and court costs. In addition, Judge Stokes placed Mr. Hill on one year of active probation with the following conditions: not to drive until valid with insurance. Mr. Hill was given until August 30, 2010 to pay on his fine and court costs. Judge Stokes noted that Mr. Hill did not have insurance on the offense date.

On *Case No. 2010 TRD 030210*, Judge Stokes also sentenced Mr. Hill for Driving Under Suspension (DUS) on June 16, 2010 which included credit for 1 day served, 179 days ordered into execution, a \$200.00 fine and court costs. The Failure To Control and Full Time And Attention charges were dismissed as part of the plea agreement. The companion Open Container Prohibited case was also dismissed as part of the plea agreement. In addition, Judge Stokes placed Mr. Hill on one year of active probation on this DUS case with the following conditions: not to drive until valid with insurance, an alcohol/drug abuse assessment to be completed while incarcerated at the Cleveland House of Corrections (CHC) due to his consumption of three (3) 40 ounce containers of beer per week and marijuana usage, and random substance abuse testing.

Judge Stokes noted that Mr. Hill did not have insurance, and that the victim, Terry Joyce, had property damage, but did not need restitution because her car had been repaired. Mr. Hill's case was continued several times in order to transport him for an assessment that had to be done at Orianna House, to await the recommendations, and for Mr. Hill to complete the first phase of treatment at the CHC.

On August 24, 2010, Judge Stokes mitigated Mr. Hill's sentence, and gave him credit for 70 days served, suspended 110 days, suspended the court costs due to his indigent status. Mr. Hill was given time to pay his fine until December 30, 2010. Judge Stokes noted that Mr. Hill completed the first phase of treatment at the CHC, and now needed to complete aftercare at the J. Glen Smith Center, in addition to the other conditions while on probation until June 16, 2011.

Mr. Krakowski's chart indicates that a blue form was issued on March 30, 2011. Probation Officer Mignon Cook's Closing Summary Report indicates she issued a status report to Judge Stokes on March 30, 2011, but that no response was received and the case was permitted to expire. However, neither the probation report nor Judge Stokes has the original blue form or a copy of this status report. In addition, it should be noted that Probation Officer Cook indicates in the Closing Summary Report that Mr. Hill

received a new DUS/Right of Way/Public Safety case which was issued a capias on February 11, 2011. Contrary to court rules, Probation Officer Cook failed to send a case consolidation form to the Central Scheduling Department so that Mr. Hill's new case could be consolidated to Judge Stokes' docket. Judge Stokes did not receive this March 30, 2011, blue form. Probation expired on each case on June 16, 2011.

In addition, a thorough search of Defendant Hill's name reflects that while on probation with Judge Stokes from June 16, 2010 to June 16, 2011, Mr. Hill received the following cases: an Open Container charge on *Case No. 2010 CRB 016213 (Exhibit 3)*, that was heard on the Fugitive Safe Surrender docket on September 25, 2010; and a Driving Under Suspension charge on *Case No. 2011 TRD 008595 (Exhibit 4)*, which received a capias out of the Arraignment Room on February 16, 2011.

The Closing Summary Report, dated July 18, 2011, reflects that Mr. Hill successfully completed a six-week treatment program at the CHC, and that he received a new charge regarding a new suspension on February 11, 2011. He still has a capias in effect since February 11, 2011. As previously stated, Probation Officer Cook did not issue a case consolidation form, and Judge Stokes did not receive the March 30, 2011, blue form. (Exhibit 5)

Howard Morman—2010 TRD 021527

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Howard Morman, Case No. 2010 TRD 021527*, is attached as Exhibit 1.

This case was originally assigned to Judge Stokes by the random lottery process on April 27, 2010. The charges included License Required To Operate and Failure To Stop; Accident On Street. Mr. Morman failed to appear on April 27, 2010, and Judge Stokes issued a *capias* with a bond of \$10,000.

On October 4, 2010, this case was reassigned to Judge Lauren Moore who presided over Mr. Morman's case when he participated in the Fugitive Safe Surrender docket held at Mt. Zion Church in Oakwood Village, Ohio. Due to the large number of defendants who participated in the Fugitive Safe Surrender docket, the cases were randomly assigned or reassigned to the judges who volunteered to preside over those cases.

Judge Moore recalled the *capias* issued by Judge Stokes, and continued Mr. Morman's case to November 9, 2010, on Judge Moore's docket. On November 10, 2010, Mr. Morman withdrew his not guilty pleas, entered pleas of no contest, and stipulated to a finding of guilty to each charge. Judge Moore continued the case for sentencing on her personal docket until November 30, 2010, and requested a Pre-Sentencing Investigation (PSI) Report. On November 30, 2010, Mr. Morman's case was continued to December 21, 2010, for sentencing on Judge Moore's docket, and Judge Moore noted that "\$100.00 restitution needed for good faith (payment) pmnt".

On December 21, 2010, Judge Moore sentenced Mr. Morman for the License Required To Operate which included a suspension of 180 days and a suspension of the \$1000.00 fine. On the Failure To Stop; Accident On Street charge, Judge Moore suspended 180 days and imposed a fine of \$100.00 and court costs. In addition, Judge Moore placed Mr. Morman on one year of active probation with the condition to pay restitution. Judge Moore noted that "*Defendant (Mr. Morman) made \$100.00 good faith payment to Alfred Jones sent to his address from court*". Judge Moore gave Mr. Morman until January 31, 2011 to pay on his fine and court costs.

Mr. Krakowski's chart indicates that a blue form was issued on April 5, 2011. A review of the probation report reflects that there is a copy of a blue form (Exhibit 2) that was issued by Probation Officer Morton Smith on April 5, 2011 to Judge Lauren C. Moore, not to Judge Stokes. The copy of this blue form is not signed by a supervisor, and it noted that Mr. Morman had not reported or called Probation Officer Smith. In addition, the copy of the blue form noted that Mr. Morman had not made any additional restitution payments, and that he had a new case for License Required To Operate, *Case No. 2011 TRD 017629* dated March 22, 2011, that was referred to the Traffic

Intervention Program docket for July 26, 2011. (Exhibit 3) This case was removed from the Traffic Intervention Program, and randomly assigned Judge Michelle Denise Early on July 26, 2011, while Mr. Morman was still on probation to Judge Moore.

On October 18, 2011, Judge Early sentenced Mr. Morman on the License to Required to Operate charge, which concluded a fine of \$200 and court costs. Mr. Morman was given a Time to Pay (TTP) date January 18, 2012 to pay his fine and court costs, which he failed to do. Thus, the Clerk of Courts staff issued a TTP capias on January 20, 2012, which remains in effect.

A review of the probation report reflects Probation Officer Smith never advised Central Scheduling of a need for case consolidation, and never issued a case consolidation form. In addition, the clerk on Central Scheduling never queried the docket which would have resulted in the cases being consolidated to Judge Moore's docket.

A review of the case file reflects that probation expired on December 21, 2011. Probation Officer Smith's Closing Summary Report, dated December 21, 2011 (Exhibit 4), indicates that a status report, or a blue form was sent to Judge Moore, but a probation violation hearing was not set. The Closing Summary Report also notes that Mr. Morman gave a restitution payment of \$100.00, leaving a balance of \$500.00, and that the Clerk's Office did not setup a restitution file. The Closing Summary Report fails to reference the case that was assigned to Judge Early while on probation to Judge Moore. The Closing Summary Report incorrectly lists Judge Stokes and not Judge Moore. The Whiteface/Tracking Sheet correctly reflects that Mr. Morman's case (*Case No. 2010 TRD 021527*) was reassigned from Judge Stokes to Judge Moore. (Exhibit 5)

Any questions regarding this case should be directed to Judge Lauren C. Moore, and not to Judge Stokes. The original blue form is not in the probation report, and Judge Stokes does not have the original blue form or a copy of it in her records as it was never sent to Judge Stokes.

Terrell Clayton—2010 TRC 071557

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Terrell Clayton, Case No. 2010 TRC 071557*, is attached as Exhibit 1.

Judge Stokes sentenced Terrell Clayton on January 3, 2011, for DUI which included credit for 5 days served, 175 days suspended, a license suspension from January 3, 2011 to November 8, 2013, a \$375.00 fine, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Clayton on two years of active probation with the following conditions: a formal alcohol/drug abuse assessment noting his admitted marijuana usage, treatment and counseling as warranted, random substance abuse testing, and 5 MADD sessions.

Mr. Clayton appeared in the Felony Arraignment Courtroom on February 22, 2012, due to a new felony case. At that time, the Central Scheduling staff had Mr. Clayton's new misdemeanor Drug Abuse Marijuana charge (*Case No. 2012 CRB 006008*) (Exhibit 2) placed on Judge Stokes' March 13, 2012, docket for a trial, per the Single Judge Assignment Case Consolidation (SJACC) Rule. In addition, the Central Scheduling staff placed Mr. Clayton's DUI case that was already assigned to Judge Stokes on her March 13, 2012, docket for a probation violation hearing.

The updated probation report (Exhibit 3) submitted for the March 13, 2012, probation violation hearing was prepared by Supervisor Susan Little who wrote that the information was based upon "*notes of P.O. Hlavaty and dictated by Supervisor Little.*" Specifically, Supervisor Little wrote that Probation Officer Hlavaty initiated a blue form on April 28, 2011, to note that Mr. Clayton attended 2 of 5 MADD sessions, per the assessment an alcohol education class was recommended, that Mr. Clayton refused to submit to substance abuse testing on March 31, 2011, and failed to return for supervision. Probation Officer Hlavaty's notes indicated that Judge Stokes had not responded to the April 28, 2011 blue form as of March 9, 2012.

Judge Stokes first learned of Mr. Clayton's non-compliance when she reviewed the updated report for the March 13, 2012, court date. The April 28, 2011, blue form is not in the probation report, nor is a copy of it in the probation report. Mr. Krakowski's chart indicates that a blue form was issued on April 28, 2011. Judge Stokes does not have the original blue form or a copy of it in her records.

On March 13, 2012, Mr. Clayton withdrew his not guilty plea, entered a no contest plea, and consented to a finding of guilty to the Drug Abuse Marijuana charge. Judge Stokes sentenced Mr. Clayton on the same date to a fine of \$100.00 which was deemed satisfied based on the 3 days served, and suspended the court costs based on his indigent status. On March 13, 2012, Mr. Clayton also waived his probation violation hearing and admitted to violating probation on the DUI case. Judge Stokes gave

Mr. Clayton credit for 8 days served, suspended 172 days with active probation to continue to January 3, 2013. Judge Stokes noted that all conditions remained in effect, except that Mr. Clayton needed a new alcohol/drug abuse assessment due to admitted continued use of marijuana, noting the March 13, 2012 conviction on *Case No. 2012 CRB 006008* (Drug Abuse Marijuana) also on her docket. Judge Stokes noted that services were not to be duplicated due to the pending felony.

On May 9, 2012, Probation Officer Hlavaty issued a blue form (Exhibit 4), signed by Supervisor Little on May 10, 2012, that was submitted to Judge Stokes on May 17, 2012, to advise Judge Stokes that Mr. Clayton had not verified the MADD sessions he claimed to have attended, none of the other conditions had been verified, and he had an unpaid fine. In addition, on April 25, 2012, Mr. Clayton was convicted on a felony Trafficking Offense, *Case No. CR-12-559883*, and placed on 2 years of probation. Judge Stokes signed and returned the blue form on May 17, 2012, and noted that a probation violation hearing was scheduled for May 30, 2012. On May 30, 2012, Mr. Clayton failed to appear, and Judge Stokes issued a probation capias with no bond to be set until Mr. Clayton appears before Judge Stokes. The capias remains in effect.

Jerrell Jackson—2006 TRD 068297

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Jerrell Jackson, Case No. 2006 TRD 068297*, is attached as Exhibit 1.

Jerrell Jackson's case first appeared on Judge Stokes' docket on October 22, 2008, and was continued for pre-trials until Mr. Jackson failed to appear on November 26, 2008, at which time Judge Stokes issued a *capias* with a bond of \$15,000.00. Mr. Jackson's case was reactivated on Judge Stokes' docket October 21, 2010.

Judge Stokes sentenced Mr. Jackson on December 29, 2010, for Driving Under Suspension/Revocation (DUS) which included 5 days ordered into execution, 175 days suspended, a fine of \$100.00, and court costs to be paid by February 28, 2011. In addition, Judge Stokes placed Mr. Jackson on one year of active probation with the following conditions: not to drive until valid with insurance, an alcohol/drug abuse assessment with treatment/counseling as warranted due to Mr. Jackson's admitted use of marijuana and alcohol usage, and information in the Pre-Sentencing Investigation (PSI) Report (Exhibit 2) that police officers suspected he had used PCP on the offense date, and the victim also thought Mr. Jackson had substance abuse issues on the offense date, and random substance abuse testing. Judge Stokes noted that the victim did not desire restitution even though he suffered personal injuries, and his vehicle was totaled because the victim's insurance carrier provided him with funds to purchase a new vehicle.

Mr. Krakowski's chart indicates that a blue form was issued on May 4, 2011. The probation report contains a copy of a blue form (Exhibit 3) issued by Probation Officer Morton Smith on May 4, 2011, noting that Mr. Jackson failed to submit to a substance abuse test on April 13, 2011, and at his May 4, 2011 appointment, he claimed to have lost the form for a substance abuse test. The copy of the May 4, 2011, blue form is not signed by a supervisor. Judge Stokes does not have the original blue form or a copy of it in her records. Judge Stokes does not believe that she received this blue form which explains why she did not take any action.

In addition, Probation Officer Smith's Closing Summary Report (Exhibit 4), dated January 27, 2012, indicates that Mr. Jackson complied with the condition not to drive without a valid license, and that he reported to his probation appointment. However, per an Administrative Order, by the Administrative & Presiding Judge, as of July, 2011, substance abuse testing and an assessment would not be done on a DUS case. Probation Officer Smith's comment was not correct, because as long as a traffic offense is substance abuse related, as on this case, substance abuse assessment and testing are permissible. Probation terminated on December 28, 2011.

Michael Nowak—2010 TRD 080633

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Michael Nowak*, Case No. 2010 CRB 080633, is attached as Exhibit 1.

Judge Stokes sentenced Michael Nowak on April 14, 2011, for Failure to Stop; Accident On The Street which included two days ordered into execution, 178 days suspended, a fine of \$100.00, and the court costs were suspended due to Mr. Nowak's indigent status. Mr. Nowak was given time to pay his fine until June 30, 2011. In addition, Judge Stokes placed Mr. Nowak on one year of active probation with the following conditions: an alcohol/drug abuse assessment with treatment/counseling as warranted due to admitted cocaine usage and a positive test result for cocaine, random substance abuse testing, and not to leave the scene of an accident again. Judge Stokes noted that the Prosecutor's office could not locate the accident victim/witnesses.

Mr. Krakowski's chart indicates that a blue form was issued on May 5, 2011. Probation Officer Bryant Muhammad issued a blue form on May 5, 2011 (Exhibit 2), signed by Supervisor Susan Little on May 5, 2011, noting Mr. Nowak's failure to report. On March 23, 2012, Judge Stokes signed and returned the blue form noting that she issued a probation capias with no bond to be set until Mr. Nowak appears before Judge Stokes that remains in effect. Judge Stokes explains that the delay was due to an oversight on her behalf.

The Closing Summary Report (Exhibit 3), dated March 29, 2012, reflects that Judge Stokes issued a capias due to Mr. Nowak's failure to report.

Len'nard Hubbard—2011 TRD 003606

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Len'nard Hubbard, Case No. 2011 TRD 003606*, is attached as Exhibit 1.

Judge Stokes sentenced Len'nard Hubbard on February 10, 2011, for Driving Under Suspension and Fleeing/Eluding which included the following for each charge: credit for two days served, 178 days suspended, 20 hours of community work service in lieu of paying the \$100.00 fine on each charge, and the court costs were suspended based on his indigent status. Judge Stokes placed Mr. Hubbard on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling as warranted, random substance abuse testing, and not to drive until valid with insurance. Per the plea agreement, Mr. Hubbard agreed to have a formal alcohol/drug abuse assessment on the foregoing traffic case due to his case of Drug Abuse Marijuana (*Case No. 2010 CRB 047793*) (Exhibit 2) which was nolle or dismissed on January 31, 2011.

Mr. Krakowski's chart reflects that a blue form was issued on May 5, 2011. The original probation report could not be located by the Probation Department. A copy of Mr. Hubbard's probation report contains a copy of a blue form (Exhibit 3) issued by Probation Officer Bryant Muhammad on May 5, 2011, which note the following: Mr. Hubbard had a drug assessment and was found eligible for counseling/treatment at TASC, a drug test on March 23, 2011, was negative, the 20 hours of community work service hours were completed on March 10, 2011. However, Mr. Hubbard had failed to report for any scheduled appointments since March 23, 2011. This copy of a blue form is not signed or dated by a supervisor. Judge Stokes does not have the original or a copy of this blue form and thus, did not take any action.

On October 13, 2011, ordered Mr. Hubbard's case file noting that the Clerk's Office and the Central Scheduling Staff failed to query the docket, and this case file was needed because Mr. Hubbard was present. On October 13, 2011, Mr. Hubbard waived his probation violation hearing and was found in violation of probation. Judge Stokes gave Mr. Hubbard credit for 13 days served, suspended 167 days, and terminated probation noting that Mr. Hubbard was at that time in county jail. Judge Stokes also noted that this case file was not on her docket "*in court on past court date either.*"

On October 13, 2011, Judge Stokes also sentenced Mr. Hubbard for Drug Abuse Marijuana (*Case No. 2011 TRD 027717*) (Exhibit 4) which included credit for ten days served, and the court costs were mitigated based upon his indigent status. On October 13, 2011, Judge Stokes also sentenced Mr. Hubbard for Obstructing Official Business (*Case No. 2011 CRB 027849*) (Exhibit 5) which included credit for ten days served, 40 days ordered into execution, and the court costs were suspended based upon his indigent status.

The Closing Summary Report (Exhibit 6), dated July 31, 2012, reflects that Mr. Hubbard was in County Jail on a Carrying Concealed Weapon charge, and that Judge Stokes terminated Mr. Hubbard's probation on October 13, 2011. Probation Office Muhammad failed to make any reference to the Drug Abuse Marijuana and Obstructing Official Business convictions for which Mr. Hubbard was sentenced on October 13, 2011.

Gregory Thomas—2010 TRD 081552

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Gregory Thomas, Case No. 2010 TRD 081552*, is attached as Exhibit 1.

Judge Stokes sentenced Gregory Thomas on February 28, 2011, for Driving Under Suspension (DUS) which included 2 days ordered into execution, 178 days suspended, a \$200.00 fine and court costs. In addition, Judge Stokes placed Mr. Thomas on one year of active probation with the following conditions: not to drive until valid with insurance, per the plea agreement, a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, due to admitted marijuana usage and the companion Drug Abuse Marijuana (*Case No. 2010 CRB 049365*) (Exhibit 2), and random substance abuse testing.

Mr. Krakowski's chart indicates that a blue form was issued on June 16, 2011. A review of the probation report reflects that Probation Officer Mignon Cook issued a blue form (Exhibit 3) on June 14, 2011, not June 16, 2011, that was signed by Supervisor Susan Little on June 15, 2011. Probation Officer Cook's blue form noted that Mr. Thomas reported for his assigned office appointments, completed his TASC assessment on May 25, 2011, which did not recommend treatment due to a lack of a diagnosis, and that Mr. Thomas had a new charge of Bottle Clubs, *Case No. 2011 CRB 015755* (Exhibit 4), that was set on Judge Lauren Moore's docket for June 20, 2011.

However, Probation Officer Cook noted that she forwarded a case consolidation form to the Central Scheduling staff to have the new case consolidated to Judge Stokes' docket, per the Single Judge Assignment Case Consolidation (SJACC) Rule. On June 15, 2011, the Central Scheduling staff consolidated the Bottle Clubs case to Judge Stokes' docket, and set the case for a pre-trial on June 29, 2011, along with the DUS case which was set for review. The Probation Department submitted Mr. Thomas' probation report for the June 29, 2011, court date.

On June 29, 2011, the Bottle Clubs case was continued for a pre-trial on July 7, 2011, and the DUS case was set for a status/probation violation hearing on July 7, 2011. On July 7, 2011, the Bottle Clubs charge was amended to Disorderly Conduct to which Mr. Thomas withdrew his not guilty plea, entered a no contest plea, and consented to a finding of guilty. On July 7, 2011, Judge Stokes sentenced Mr. Thomas for Disorderly Conduct, and imposed a fine of \$100.00 and court costs.

On July 7, 2011, Mr. Thomas waived his probation violation hearing, and admitted to violating probation based on the Disorderly Conduct conviction. Judge Stokes found Mr. Thomas in violation, and took into consideration that, notwithstanding the new conviction, Mr. Thomas was in compliance with all of the conditions she had ordered when he was sentenced on the DUS case on February 28,

2011. Mr. Hubbard had obtained a valid Ohio driver's license, as reflected on his Driver's License History & Evaluation Form, (Exhibit 5) dated July 7, 2011. Thus, Judge Stokes terminated probation, noted that Mr. Thomas had previously served two days, and that 178 days remained suspended. Accordingly, Judge Stokes did not impose any additional penalties on the DUS case. The Closing Summary Report (Exhibit 6), dated July 29, 2011, also reflects that Mr. Hubbard successfully completed all of his conditions of probation.

With respect to the June 14, 2011, blue form, Judge Stokes responded on August 1, 2011, referencing her Journal Entry of July 7, 2011, in which probation was terminated after Mr. Thomas waived his probation violation hearing, and was found in violation. Judge Stokes returned the blue form on August 1, 2011, stating "*See Journal Entry dated 7-7-2011 where probation was terminated.*"

Rivera Golphin—2010 TRC 038343

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Rivera Golphin, Case No. 2010 TRC 038343*, is attached as Exhibit 1.

Judge Stokes sentenced Rivera Golphin on August 25, 2010, for DUI which included credit for four days, 176 days into execution, a \$375.00 fine, suspended court costs due to her indigent status, a license suspension from August 25, 2010, to June 20, 2013, and two years of active probation. The conditions of probation were: a formal alcohol/drug abuse assessment, random substance abuse testing, 5 MADD sessions, and a psychiatric evaluation to determine her eligibility for the Mental Health Court.

Judge Stokes' referral for the psychiatric evaluation was based on information in the Pre-Sentencing Investigation (PSI) Report (Exhibit 2) that Ms. Golphin had displayed "*bizarre behavior by urinating on the Drug Lab floor, pouring her urine on the floor out of a cup, and then dropped water on the urinalysis form intentionally,*" her defiance in court, and her response to Judge Stokes' question as to how long she had been using marijuana when she stated: "*forever*" and then stated "*3 years*". On October 27, 2010, Judge Stokes mitigated Ms. Golphin's sentence with credit for 67 days, 113 days suspended, time to pay her fine until December 30, 2010, and probation to continue with the previous conditions noted and mandatory parenting skills classes.

Mr. Krakowski's chart indicates that a blue form was issued on June 15, 2011. Probation Officer Anthony Hlavaty issued a blue form on June 13, 2011 (Exhibit 3), not June 15, 2011, that was signed by Supervisor Susan Little on June 13, 2011. This blue form noted Ms. Golphin's failure to submit a urine sample on May 31, 2011, a prior dilute screen on April 26, 2011; and attendance at only one MADD meeting. Ms. Golphin had attended an alcohol education class and paid her fine in full. Judge Stokes issued a *capias* on August 2, 2011. On August 2, 2011, Judge Stokes signed and returned the blue form noting that she had issued the probation *capias* with no bond to be set until Ms. Rivera appeared before Judge Stokes.

On June 8, 2012, Ms. Golphin was arrested on the *capias* when she received a new Driving Under Suspension (DUS) charge (*Case No. 2012 TRD 034539*) (Exhibit 4). On June 15, 2012, the DUS case was set for a pre-trial on Judge Stokes' docket and the DUI case was also set on the docket for a probation violation hearing. On June 15, 2012, Judge Stokes sentenced Ms. Rivera on the DUS case with credit for 8 days served, 172 days ordered into execution, and one year of active probation. On June 15, 2012, Ms. Golphin waived her probation violation hearing on the DUI case, and admitted to her violations. Judge Stokes gave her credit for 75 days and ordered 105 days into execution.

Judge Stokes requested the probation staff to provide an Updated Report since Ms. Golphin had not reported to her probation appointments over the past 14 months. See the Updated Report, dated July 3, 2012, and attachments which reflected a negative urinalysis test from June 27, 2012, that Ms. Golphin could reside with her mother, Ms. LaKeitha Golphin, and Ms. LaKeitha Golphin's letter dated July 13, 2012, verifying that Ms. Golphin could reside in her home. (Exhibit 5) On July 3, 2012, Judge Stokes mitigated the sentence on both of Ms. Golphin's cases, and released her from jail to continue with active probation on both cases until June 15, 2013.

Dean Jones—2010 CRB 018005

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Dean Jones, Case No. 2010 CRB 018005*, is attached as Exhibit 1.

Judge Stokes sentenced Dean Jones on September 14, 2010, for Attempted Criminal Damaging/Endangering which included 60 days suspended, the \$500.00 fine was suspended, and the court costs were partially suspended. In addition, Judge Stokes placed Mr. Jones on one year of active probation with the following conditions: anger management classes, no contact with the victims, Aaron Knuckles and Regina Wilson, and \$209.00 in restitution for repair of a car window which Mr. Jones paid in court on September 12, 2010.

Mr. Krakowski's chart indicates that a blue form was issued on June 8, 2011. However, a review of the probation report reflects that Probation Officer Morton Smith issued a blue form on June 6, 2011, not June 8, 2011 (Exhibit 2), that was signed by Supervisor Susan Little on June 7, 2011, noting compliance with the no contact order. However, Mr. Jones had failed to attend an anger management program. Judge Stokes returned the blue form on August 2, 2011, setting a probation violation hearing for August 18, 2011, and noting "*Please notify Mr. Jones of PVH date. Try to get him to enroll in anger management classes before 8-18-11.*"

On August 18, 2011, the probation violation hearing was continued to September 13, 2011, so that Mr. Jones could seek legal counsel. On September 13, 2011, Judge Stokes cancelled the probation violation hearing because Mr. Jones presented to Judge Stokes in court a certificate that he had been awarded on September 12, 2011, that verified he had completed all of his anger management classes. Judge Stokes terminated probation on September 13, 2011 as set forth on the Journal Entry which the Clerk's office journalized on September 19, 2011. See also, the Closing Summary Report, (Exhibit 3) dated September 13, 2011, which reflects that Judge Stokes terminated probation on September 13, 2011, and all conditions were met.

Antwan Smith - Case No. 2011 TRD 011779

On August 18, 2009, Judge Stokes was assigned a 2009 matter involving defendant Antwan Smith for Criminal Damaging/Endangering (*Case No. 2009 CRB 028346*) (Exhibit 1). On August 18, 2009, Mr. Smith withdrew his not guilty plea, entered a no contest plea consenting to a finding of guilty to the Criminal Damaging/Endangering charge. Judge Stokes referred Mr. Smith's case to the Probation Department for preparation of the Pre-Sentencing (PSI) Report, and scheduled the sentencing for September 1, 2009. On September 1, 2009, Mr. Smith failed to appear, and Judge Stokes issued a probation *capias* with no bond to be set until Mr. Smith appears before Judge Stokes.

Earlier that year on July 9, 2009, Judge Charles Patton also had a matter with Mr. Smith for Menacing; Intimidation Victim/Witness; Making False Alarms (*Case No. 2009 CRB 002929*) (Exhibit 2). On July 21, 2009, Judge Mabel Jasper, sitting for Judge Patton, sentenced Mr. Smith for the Intimidation Victim/Witness and amended Menacing charges which included one year of active probation. On August 25, 2009, Judge Patton issued a probation *capias*.

On November 11, 2009, Mr. Smith was arrested on the *capiases* issued by Judge Stokes and Judge Patton. These cases were reviewed for consolidation (Exhibit 3), and Judge Stokes' case was reassigned to Judge Patton's docket by the Central Scheduling staff, per the Single Judge Assignment Case Consolidation (SJACC) Rule. On November 18, 2009, Judge Patton sentenced Mr. Smith on the Criminal Damaging case which included 180 days ordered into execution, and Judge Patton ordered 180 days into execution on the Intimidation Victim/Witness case. On December 17, 2009, Judge Patton mitigated each sentence, and placed Mr. Smith on one year of active probation on each case.

On March 30, 2010, Judge Patton issued a probation *capias* on each case. On April 28, 2010, Mr. Smith waived his probation violation hearing on each case, and was found in violation of probation. Judge Patton ordered 150 days into execution on each case. On June 17, 2010, Judge Patton mitigated the sentence on each case when he gave Mr. Smith credit for 82 days, suspended the balance of days, and noted that active probation continued to December 17, 2010, on each case. However, the blue form issued by Probation Officer India George on May 10, 2010, reflects that Judge Patton noted on the blue form on May 18, 2010, that he terminated probation due to Mr. Smith's "*new county charges of Robbery, Assault, Intimidation of Crime Victim/Witness, and Agg. Menacing #CR-10536490.*" The blue forms issued by Probation Officer George in reference to the above cases were dated March 30, 2010 (Exhibit 4), and May 10, 2010 (Exhibit 5), and were submitted to Judge Patton. Judge Patton returned these blue forms, and they are attached.

While on probation to Judge Patton, Mr. Smith received a new charge of Drug Abuse, (*Case No. 2010 CRB 004813*) (Exhibit 6), which was noted on the March 30, 2010, and May 10, 2010, blue form. However, this case was not assigned to Judge Patton's docket as it should have been per the SJACC Rule. However, it was adjudicated in the Arraignment Room when Judge Lauren Moore sentenced Mr. Smith to a fine of \$100.00 and court costs, and the fine was deemed satisfied by the two days served.

Judge Stokes sentenced Mr. Smith on January 31, 2011, for the amended charge of Negligent Assault (*Case No. 2011 CRB 001007*) (Exhibit 7) which included credit for 25 days served, 35 days suspended, a fine of \$100.00, and court costs. In addition, Judge Stokes placed Mr. Smith on one year of active probation with the following conditions: to attend the D.I.E.T. Domestic Violence counseling classes, and no contact with the victim Tiffany Leonard.

On March 9, 2011, Mr. Smith appeared before Judge Stokes on the following two new cases: *Case No. 2011 TRD 011779* (Driving Under Suspension) (Exhibit 8), and *Case No. 2011 CRB 005778* (Open Container Prohibited) (Exhibit 9), and the Negligent Assault probation case. See Request for Case Consolidation form, dated March 1, 2011 (Exhibit 10) Judge Stokes sentenced Mr. Smith on March 9, 2011, for Driving Under Suspension which included credit for seven days, 173 days ordered into execution, a fine of \$100.00, and court costs.

In addition, Judge Stokes placed Mr. Smith on one year of active probation with the following conditions: do not drive until valid with insurance, a formal alcohol/drug abuse assessment which was not to be done until Mr. Smith's felony case had been resolved, and substance abuse testing. The companion Open Container Prohibited case was dismissed. On March 9, 2011, Mr. Smith waived his probation violation hearing on the Negligent Assault case, and was found in violation of probation. Judge Stokes gave Mr. Smith credit for 32 days served, ordered 28 days into execution, and continued active probation to January 31, 2012, with the same conditions.

On March 30, 2011, with respect to the Negligent Assault case, Judge Stokes gave Mr. Smith credit for 54 days served, ordered the balance of six days to serve to remain in effect, and mitigated the fine and court costs based on Mr. Smith's indigent status. In addition, Judge Stokes terminated probation because Mr. Smith had to serve all of the days on this case. With respect to the Driving Under Suspension case, Judge Stokes mitigated the sentence on March 30, 2011, and gave Mr. Smith credit for 28 days served, suspended 152 days, and noted that active probation continued to March 9, 2012, with the same conditions. Judge Stokes mitigated the court costs based on Mr. Smith's indigent status, and assigned 10 hours of Community Work Service in lieu of paying the \$100.00 fine.

Mr. Krakowski's chart indicates that a blue form was issued on May 25, 2011. The Probation Department is only supposed to keep one probation record for each individual probationer. We received Mr. Smith's first probation report, and then received another probation report for him several weeks later. Neither of Mr. Smith's probation reports contains a blue form dated May 25, 2011.

Probation Officer Kevin McGlynn issued a blue form on February 29, 2012 (Exhibit 11), noting that Mr. Smith had failed to report since April 8, 2011, and received a new conviction for Passenger Seat Belt (*Case No. 2012 TRD 011575*) that was adjudicated in the Arraignment Room on February 29, 2012, and that Mr. Smith received a new felony Drug Possession case for which he was incarcerated in county jail on a \$5,000 bond. Judge Stokes signed and returned this blue form on March 6, 2012, noting that, per Assistant Chief Bailiff Gregory Sims, Mr. Smith had been released from County jail as of February 29, 2012. Thus, Judge Stokes noted on the blue form that she issued a probation capias with no bond to be set until Mr. Smith appears before Judge Stokes. This capias remains in effect.

Lathisa Reynolds — 2010 CRB 035461

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Lathisa Reynolds, Case No. 2010 CRB 035461*, is attached as Exhibit 1.

Judge Stokes sentenced Lathisa Reynolds on February 22, 2011, for Petty Theft which included credit for four days served, 176 days were suspended, the \$100.00 fine was mitigated based on the days served, and the court costs were suspended based on her indigent status. In addition, Judge Stokes placed Ms. Reynolds on one year of active probation with the following conditions: to attend a petty theft class, to stay off of the property of all Wal-Mart Stores, and no more thefts.

Mr. Krakowski's chart reflects that a blue form was issued on May 20, 2011. Ms. Reynolds' probation report contains a copy of a blue form, dated May 20, 2011 (Exhibit 2), by Probation Officer Fred Turner that noted Ms. Reynolds failed to report to scheduled probation appointments on March 8, 2011 and May 20, 2011, and failed to comply with any conditions of probation. Supervisor Debbie McDonald's name is typed on this form and dated May 20, 2011, however, her signature does not appear on the form. In addition, Probation Officer Turner noted that Ms. Reynolds had a new Wrongful Entrustment charge dated February 27, 2011 on *Case No. 2011 TRD 015334* (Exhibit 3) that was issued a *capias* with a \$1000 bond in the Arraignment Room on March 14, 2011. This warrant is still in effect.

Judge Stokes never received the May 20, 2011, blue form, and does not have the original blue form or a copy of it in her records. Thus, Judge Stokes did not take any action after the date of sentencing on February 22, 2011. Probation expired on the Petty Theft case on February 22, 2012. However, it should be noted that, contrary to standard procedure, Probation Officer Turner did not forward a Case Consolidation Form to the Central Scheduling staff to have the Wrongful Entrustment case transferred to Judge Stokes' docket. In addition, the Central Scheduling staff failed to query Ms. Reynolds' Wrongful Entrustment case when it was in the Arraignment Room to have it consolidated to Judge Stokes' docket. The *capias* on the Wrongful Entrustment charge issued on March 14, 2011, is still in effect.

Although not mentioned in Mr. Krakowski's chart, Ms. Reynolds' probation report has a copy of a blue form dated October 7, 2011 (Exhibit 4), by Probation Officer Tina Janis that does not mention the name of a supervisor, nor is it dated or signed by a supervisor that set forth the same information in the copy of the May 20, 2011 blue form. Judge Stokes did not receive this blue form, or a copy of it either. Contrary to the information set forth in the Closing Summary Report, dated March 1, 2012, Judge Stokes did not receive this blue form, or a copy of it. Probation expired on February 22, 2012.

Jason Roberts — ~~2010CRB40325~~ — 2010 CRB 033451

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Jason Roberts, Case No. 2010 CRB 033451*, is attached as Exhibit 1.

Judge Stokes sentenced Jason Roberts on September 8, 2010, for Domestic Violence which included credit for 13 days, 167 days ordered into execution, a \$200.00 fine, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Roberts on two years of active probation with the following conditions: an alcohol/drug abuse assessment with treatment/counseling, as warranted, because the incident was alcohol related, substance abuse testing, to attend the Domestic Violence (D.I.E.T.) classes, no contact with the victim, and close supervision.

Judge Stokes ordered a Post Sentencing Investigation (PSI) Report that was due in court on September 16, 2010, for Mr. Robert's mitigation hearing, at which the victim was to be present. The PSI Report was to include, inter alia, an interview of the victim. On September 16, 2010, Mr. Robert's case was continued to September 20, 2010, for the mitigation hearing because the PSI Report would not be prepared and available until September 20, 2010. On September 20, 2010, Judge Stokes granted Mr. Robert's motion to mitigate his sentence, and gave him credit for 25 days served, 155 days suspended, with the same conditions of probation. Judge Stokes noted that the victim attended by telephone, and did not object to Mr. Robert's release from the Cleveland House of Corrections.

Mr. Krakowski's chart has Mr. Roberts' name listed two times. The first listing of Mr. Roberts' name is incorrectly associated with *Case No. 2010 CBR 040325* (which belongs to Olga Salazar-Colliton) and is not applicable. (Exhibit 2) The second listing of Mr. Roberts' name is correctly associated with his *Case No. 2010 CRB 033451*; however there are errors regarding a blue form allegedly issued on May 19, 2011.

Mr. Roberts' probation record reflects that a blue form was issued by Probation Officer India George on January 3, 2012 (Exhibit 3), not on May 19, 2011. Supervisor Debbie McDonald signed this blue form on January 11, 2012. The date of May 19, 2011, is typed next to Supervisor McDonald's signature with the date of *1/11*. Obviously the May 19, 2011, date is an error. Probation Officer George noted on the blue form dated January 3, 2012, that Mr. Roberts last reported to see her on December 9, 2011, and that he had "*been discharged from DIET and TASC due to not reporting to the DIET groups or substance abuse treatment facility assigned. This is the Defendant's fourth blue form. Please advise.*"

The probation report does not have any record of any blue forms issued prior to the blue form dated January 3, 2012, nor does Judge Stokes have any record of any blue forms issued prior to January 3, 2012.

On January 16, 2012, Judge Stokes signed and returned the blue form noting that a probation violation hearing was to be held on January 26, 2012, which was in response to the January 3, 2012, blue form that was signed by Supervisor McDonald on January 11, 2012. Judge Stokes also noted on this blue form that Probation Officer George was to notify Mr. Roberts of the Probation Violation Hearing and to provide an updated report for the hearing. The Journal Entry dated January 17, 2012, reflects that Judge Stokes also ordered the case file to note that Mr. Roberts' case was scheduled for a probation violation hearing, an updated report was needed, and that the Clerk's office was to summons Mr. Roberts for the January 26, 2012, court date. See also, the Probation Violation Hearing (PVH) Notice. (Exhibit 4)

On January 26, 2012, Mr. Roberts waived his Probation Violation Hearing, and was found in violation of probation. Judge Stokes ordered five days into execution, suspended 150 days, and continued active probation with the same conditions to September 20, 2012. Judge Stokes resubmitted the blue form after the hearing on January 26, 2012, noting that the Probation Violation Hearing was waived, that Mr. Roberts found in violation, and that probation to continue to September 20, 2012. In addition, Judge Stokes noted to refer to January 26, 2012 Journal Entry for details. (Exhibit 5)

On May 18, 2012, Probation Officer George issued a blue form (Exhibit 6) that was signed and dated by Supervisor Debbie McDonald on May 18, 2012. This blue form noted that Mr. Roberts was threatening and harassing the victim at her place of employment and her home. On May 18, 2012, Judge Stokes issued a probation capias with no bond to be set until Mr. Roberts appears before Judge Stokes. See the Journal Entry dated May 18, 2012 (Exhibit 7), and the Warrant Registry Form, dated May 18, 2012 (Exhibit 8). Mr. Roberts was arrested on or about May 22, 2012, and appeared before Judge Stokes for a probation violation hearing on May 29, 2012. On May 29, 2012, Mr. Roberts waived his probation violation hearing, and was found in violation of probation. Judge Stokes ordered 142 days into execution and terminated probation noting that Mr. Roberts was totally non-compliant based on his failure to complete the DIET (Domestic Violence) Program, failure to complete Intensive Outpatient Treatment, and his violation of the no contact order.

Judge Stokes requested the Probation staff to notify the victim of the outcome of the May 29, 2012, Probation Violation Hearing, and that the no contact order would only remain in effect while Mr. Roberts finished serving his sentence at the Cleveland House of Corrections. On July 2, 2012, Mr. Roberts filed a motion to mitigate his

sentence so that he could maintain his employment. Due to overcrowding at the Cleveland House of Corrections and to allow Mr. Roberts to keep his employment, Judge Stokes mitigated his sentence on July 6, 2012, and noted that the sentence was satisfied having served 76 days at the Cleveland House of Corrections.

Olga Salazar-Colliton – 2010 CRB 040325

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Olga Salazar-Colliton, Case No. 2010 CRB 040325*, is attached as Exhibit 1.

Judge Stokes sentenced Olga Salazar-Colliton on December 29, 2010, for Petty Theft which included credit for two days served, two days ordered into execution, 176 days suspended, a fine of \$100.00 and court costs. In addition, Judge Stokes placed Ms. Salazar-Colliton on one year of active probation with the following conditions: attend a petty theft class, stay off of the property of all Target stores, and no more thefts. Ms. Salazar-Colliton was represented by a private attorney.

Mr. Krakowski's chart lists the incorrect name of *Olga Salazar-Clinton*, and an incorrect *Case No. 2010 CRB 011226* that cannot be identified. With respect to *Case No. 2010 CRB 040325*, Probation Officer Fred Turner issued a blue form on May 10, 2011 (Exhibit 2), signed by Supervisor Deborah McDonald on May 10, 2011, that was forwarded to Judge Stokes on May 17, 2011. Probation Officer Turner noted that Ms. Salazar-Colliton completed all conditions, reported as required, and all fines/costs were paid. Probation Officer Turner requested a conference noting that on June 8, 2011, Ms. Salazar-Colliton would have been on probation for six months, and that she was requesting that her active probation become inactive probation until probation expired on December 29, 2011.

On September 27, 2011, the Central Scheduling staff placed Ms. Salazar-Colliton's case on Judge Stokes' docket for review of a Motion To Terminate Probation or For Inactive Probation that was filed by the Public Defenders' Office, on behalf of Ms. Salazar-Colliton, on September 7, 2011. On September 27, 2011, Judge Stokes referred Ms. Salazar-Colliton's case to the Probation Department to obtain an Updated Report (Exhibit 3) on all conditions ordered for the motion hearing which was scheduled for October 18, 2011.

At some point in time, the supervision of this case was transferred from Probation Officer Turner to Probation Officer Tina Janis. On October 18, 2011, Judge Stokes reviewed the updated probation report submitted by Probation Officer Tina Janis that reflected that Ms. Salazar-Colliton had been in compliance with all conditions. Thus, Judge Stokes granted Ms. Salazar-Colliton's motion to terminate probation instead of making it inactive, and noted that the sentence was satisfied which the Clerk's office journalized on October 21, 2011. This information was also set forth in the Closing Summary Report, dated October 31, 2011. (Exhibit 4) Judge Stokes has the original blue form with her handwritten note that "*probation terminated 10-21-11.*" Judge Stokes located this blue form in a folder that had been inadvertently placed in her office closet prior to Ms. Salazar-Colliton's case being heard on October 18, 2011.

Stanley Thornton—2010 CRB 011226

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Stanley Thornton, Case No. 2010 CRB 011226*, is attached as Exhibit 1.

Judge Stokes sentenced Stanley Thornton on October 7, 2010, for Petty Theft (*Case No. 2010 CRB 011226*) which included credit for four days, 176 days suspended, ten hours of community work service to be completed by October 27, 2010, in lieu of the \$100.00 fine, and partial court costs. In addition, Judge Stokes placed Mr. Thornton on one year of active probation with the following conditions: attend a petty theft class, stay off of the property of all Rite-Aid stores; a formal alcohol/drug abuse assessment for treatment/counseling as warranted, and random substance abuse testing. Judge Stokes requested that a Post-Sentencing Investigation (PSI) Report be prepared for review on the next court date of October 27, 2010.

Mr. Thornton was required to report to the Probation Department on October 7, 2010 to be interviewed for the PSI Report, and he was required to be present in court on October 27, 2010. On October 7, 2010, Shamus Normile, the PSI Probation Officer, notified Judge Stokes that Mr. Thornton failed to report to the Probation Department on that date, and Judge Stokes issued a probation *capias* with no bond to be set until Mr. Thornton appeared before Judge Stokes.

Mr. Thornton was arrested on the warrant and appeared in court on October 21, 2010, at which time he was found in violation of probation and ordered to serve 170 days pending preparation of the PSI Report. On November 5, 2010, Judge Stokes granted the Cleveland House of Corrections' (CHC) motion to mitigate Mr. Thornton's sentence on the basis that he was transported from the CHC to South Pointe Hospital for medical reasons. Judge Stokes gave Mr. Thornton credit for 24 days, suspended 156 days, and continued probation with to October 7, 2011. Judge Stokes requested that the CHC staff serve Mr. Thornton with a copy of the Journal Entry so that he would have notice of his next court date on November 23, 2010.

Mr. Thornton failed to appear on November 23, 2010, and Judge Stokes issued a probation *capias* with no bond to be set until he appeared before Judge Stokes based upon the probation report that verified that Mr. Thornton had been released from the hospital and was at home, but never reported to the Probation Department. On or about February 3, 2011, Mr. Thornton was arrested on the warrant, and Judge Stokes released him from the CHC on February 8, 2011, when she was informed that Mr. Thornton had been hospitalized again while at the CHC. Judge Stokes continued the probation violation hearing to February 23, 2011. On February 23, 2011, Judge Stokes issued a probation *capias* with no bond to be set until Mr. Thornton appeared before Judge Stokes on the basis that Mr. Thornton failed to appear for probation appointments and court after having been released from the hospital. In addition, Mr.

Thornton also had a warrant from Lakewood Court for noncompliance with probation, and he had a new License Required To Operate charge on *Case No. 2010 TRD 023217* (Exhibit 2) with an outstanding capias from the Arraignment Room.

On or about March 21, 2011, Mr. Thornton was arrested on the warrant, and appeared on Judge Stokes' docket for a probation violation hearing on March 24, 2011. On March 24, 2011, Mr. Thornton waived his probation violation hearing, and was found in violation of probation. Judge Stokes gave Mr. Thornton credit for 29 days served, suspended 151 days, and continued active probation to February 8, 2012 with the same conditions.

On May 5, 2011, Probation Officer Fred Turner issued a blue form, signed by Supervisor Deborah McDonald on May 6, 2011 (Exhibit 3), to notify Judge Stokes that Mr. Thornton had an appointment scheduled for April 5, 2011, which he did not attend, but called to re-schedule for April 12, 2011. Mr. Thornton failed to report to Probation Officer Turner on April 12, 2011. Probation Officer also noted that he sent a notice to Mr. Thornton at his last known address which was returned as "no such number, unable to forward." On May 18, 2011, in response to the May 5, 2011, blue form, Judge Stokes issued another probation capias with no bond to be set until Mr. Thornton appeared before Judge Stokes for his failure not to report to his probation officer again. Judge Stokes issued the probation capias, but inadvertently failed to return the blue form to the Probation Department which she has in her records with her handwritten note that another "PVH was on 8-18-2011, found in violation, prob terminated 8-11-2011", as set forth below.

Mr. Thornton was arrested on the May 18, 2011 warrant, and appeared before Judge Stokes for a probation violation hearing on May 27, 2011. On May 27, 2011, Mr. Thornton waived his probation violation hearing and was found in violation of probation. Judge Stokes gave Mr. Thornton credit for 39 days, suspended 141 days, and continued probation to December 8, 2012.

On July 20, 2011, Probation Officer Tina Janis issued a blue form (Exhibit 4), signed by Supervisor Burma Stewart on July 20, 2011, to advise Judge Stokes that Mr. Thornton failed to report for scheduled appointments on June 23, 2011, and July 14, 2011, and that he received a new charge of Disorderly Conduct on July 5, 2011 (*Case No. 2011 CRB 023073*) (Exhibit 5) which had a capias issued on July 11, 2011, out of the Arraignment Room. Probation Officer Janis issued a Request for Case Consolidation form, dated July 20, 2011. (Exhibit 6) On August 3, 2011, in response to this blue form, Judge Stokes issued a probation capias with no bond to be set until Mr. Thornton appears before Judge Stokes. Judge Stokes did sign and return this blue form to the Probation Department on August 3, 2011.

Mr. Thornton was eventually arrested, and appeared on Judge Stokes' docket for a probation violation hearing on August 18, 2011. On August 16, 2011, Mr. Thornton waived his probation violation hearing, and was found in violation of probation. Judge Stokes gave Mr. Thornton credit for 48 days served, suspended 132 days, and granted Mr. Thornton's motion to terminate probation on August 18, 2011. Judge Stokes also noted Mr. Thornton's medical issues and that the sentence was satisfied. See also, the Closing Summary Report, dated September 1, 2011 (Exhibit 7) noting the same information.

Oplee (not Oploe) Robinson — (not Case No. 2009CRB25136) Case No. 2008 CRB 025136 & 2010 TRD 023827. See also 2010 TRD 056619, 2010 CRB 029297, and 2012 TRD 028069

Judge Stokes sentenced Oplee Robinson on May 19, 2009, for Domestic Violence (*Case No. 2008 CRB 025136*) (Exhibit 1) which included credit for 12 days, 168 days suspended, 25 hours of Community Work Service ((CWS) to be completed by June 30, 2009, in lieu of paying a \$200.00 fine, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Robinson on one year of active probation with the following conditions: a formal alcohol/substance abuse assessment with treatment and/or counseling, as recommended, due to his admitted alcohol and marijuana usage, substance abuse testing, and mandatory participation in the D.I.E.T. Domestic Violence Program. The Temporary Protection Order was terminated, as a matter of law upon sentencing, and by agreement of Assistant City Prosecutor Brian Fritz and Public Defender David Eidenmiller, the parties did not need a no contact order while Mr. Robinson was on probation. Judge Stokes continued Mr. Robinson's case to June 30, 2009, to review the Post-Sentencing (PSI) Report.

On June 30, 2009, Judge Stokes reviewed the PSI Report which reflected that Mr. Robinson completed 25 CWS hours and was in compliance with the conditions of probation. Thus, Judge Stokes noted on the Journal Entry that the CWS hours were completed and that active probation was to continue with the same conditions to May 19, 2010.

On December 29, 2009, Probation Officer Tina Janis issued a blue form (Exhibit 2) to notify Judge Stokes that Mr. Robinson was discharged from the D.I.E.T. Program on December 15, 2009, for missing group sessions on September 8, 2009, October 27, 2009, and December 15, 2009. Also, Mr. Robinson was discharged from TASC, his substance abuse treatment program, on December 17, 2009. This blue form was not signed by a supervisor until February 22, 2010, whose signature is not legible. This blue form was forwarded to Judge Stokes sometime after February 22 2010. On March 11, 2010, in response to this blue form, Judge Stokes issued a probation *capias* with no bond to be set until Mr. Robinson appears before Judge Stokes.

On April 18, 2010, Mr. Robinson was arrested on the aforementioned warrant when he received a traffic citation for the following new charges: Driving Under Suspension (DUS) and Sunscreen/Reflect Materials (*Case No. 2010 TRD 023827*) (Exhibit 3). Mr. Robinson appeared before Judge Stokes on April 23, 2010, for a pretrial on the DUS case and for a probation violation hearing on the Domestic Violence case.

Judge Stokes sentenced Mr. Robinson on April 23, 2010, for DUS which included credit for 10 days served, 174 days ordered into execution, a \$200.00 fine, and court

costs. In addition, Judge Stokes placed Mr. Robinson on one year of active probation with the condition of not to drive until valid with insurance. The DUS case was continued at Mr. Robinson's request for a mitigation hearing, and for review of the PSI Report on May 11, 2010. The Sunscreen charge was dismissed per the plea agreement.

On April 23, 2010, Mr. Robinson waived his probation violation hearing on the Domestic Violence case, admitted to his violations, and was found in violation of probation. Judge Stokes gave Mr. Robinson credit for 18 days served, ordered 162 days into execution, and imposed one year of active probation until April 23, 2011, with the same conditions initially ordered on May 19, 2009. Judge Stokes requested Mr. Wallace Green, the Court's Substance Abuse Treatment Coordinator, to research whether Mr. Robinson needed a new alcohol/substance abuse assessment, or whether he could continue intensive outpatient treatment at TASC or another agency once released, due to his admitted continued use of marijuana and failure to report to TASC as previously required. Mr. Robinson was to remain incarcerated pending the updated probation report needed.

In addition, Judge Stokes imposed a no contact order due to all of Mr. Robinson's non-compliance, and noted that the victim, Tiffany Robinson, was not to visit Mr. Robinson at the Cleveland House of Corrections (CHC). Mr. Robinson's Domestic Violence case was continued to May 11, 2010, for a mitigation hearing based upon the updated report needed from the Probation Department.

On May 11, 2010, Judge Stokes mitigated the sentence on the DUS case and gave Mr. Robinson credit for 25 days served, suspended 155 days, and noted that active probation continued with the same conditions. On May 11, 2010, Judge Stokes also mitigated the sentence on the Domestic Violence case, and gave Mr. Robinson credit for 37 days served, suspended 143 days, and noted that active probation continued to April 23, 2011, with the same conditions. Mr. Robinson was required to contact Mr. Green to schedule a TASC appointment prior to June 1, 2010.

Probation Officer Tina Janis issued a blue form on July 10, 2010 (Exhibit 4), that is not signed or dated by a supervisor. Probation Officer Janis noted on this blue form that Mr. Robinson entered into substance abuse treatment with the C.A.T.S. Program on May 17, 2010, that he had a positive test result for marijuana on June 14, 2010, and that C.A.T.S. did add one week of treatment to Mr. Robinson's treatment plan for relapsing. Judge Stokes has the original of this blue form that is not signed or dated by a probation supervisor, and the probation report does not have the original or a copy of the blue form that was signed by a probation supervisor.

Although Judge Stokes did not return this blue form, she was in communication with Probation Officer Janis who knew that Mr. Robinson's cases were to be set for a Probation Violation Hearing on August 10, 2010. (Exhibit 5) This is clear based on the

August 4, 2010, Probation Update Report that was prepared for the August 10, 2010, probation to address the positive urinalysis test on June 14, 2010. The August 4, 2010 Probation Update Report does not make any reference to the July 13, 2010, blue form; however, it does note that a hearing was scheduled for August 10, 2010, to address the positive test result for marijuana on June 14, 2010, that C.A.T.S. added one week of treatment due to Mr. Robinson's relapse. In addition, Probation Officer noted in the August 4, 2010, Probation Update Report that on July 29, 2010, she received a fax from C.A.T.S. documenting that Mr. Robinson had a successful discharge, a certificate of achievement, and termination of treatment dated July 29, 2010, from C.A.T.S. Probation Officer Janis also noted that Mr. Robinson would be referred to the D.I.E.T. Program at his next scheduled appointment on August 17, 2010, and that there had been no complaints from the victim as of August 4, 2010.

On August 10, 2010, Judge Stokes continued the probation violation hearings to August 12, 2010, because it was brought to Judge Stokes' attention that Mr. Robinson was in custody, and had to be brought to court from the 6th Floor Cleveland Police Department (CPD) jail. In addition, Judge Stokes noted that no bond was to be set on either case until Mr. Robinson appeared before Judge Stokes on August 12, 2010.

On August 12, 2010, Mr. Robinson waived his probation violation hearing on both cases, admitted to his violations, and was found in violation of probation. On August 12, 2010, Judge Stokes gave Mr. Robinson credit for the additional days served, suspended the balance of the remaining days, and noted that active probation continued to April 23, 2011, with the same conditions on each case.

On September 28, 2010, Probation Officer Janis issued a blue form (Exhibit 6) which was signed on September 30, 2010, by a supervisor whose signature is not legible. This blue form was issued to notify Judge Stokes that Mr. Robinson failed to report for probation appointments on August 17, 2010, September 9, 2010, and that Mr. Robinson had received the following new charges: Drug Abuse Marijuana (*Case No. 2010 CRB 029297*) (Exhibit 7) and DUS; Driver's Seat Belt (*Case No. 2010 TRD 056619*) (Exhibit 8) each of which respectively had a *capias* issued in the Arraignment Room on August 13, 2010, and September 13, 2010. On October 14, 2010, Judge Stokes issued a probation *capias* with no bond to be set until Mr. Robinson appears before Judge Stokes with respect to the Domestic Violence and DUS probation cases.

On or about March 28, 2011, Mr. Robinson was arrested on his outstanding warrants. On March 30, 2011, Judge Stokes sentenced Mr. Robinson for Drug Abuse Marijuana, which included credit for five days served, and a fine for \$150.00 which was deemed satisfied based upon the days served. On March 30, 2011, Judge Stokes also sentenced Mr. Robinson for DUS which included credit for five days served, 175 days ordered for execution, and a fine of \$200.00. In addition, Judge Stokes placed Mr.

Robinson on one year of active probation, with the condition not to drive until valid with insurance. This case was set for a Mitigation Hearing on April 13, 2011.

In addition, on March 30, 2011, Mr. Robinson appeared before Judge Stokes for a probation violation hearing on the Domestic Violence case, waived his probation violation hearing and admitted to his violations. Judge Stokes gave Mr. Robinson credit for 44 days served, ordered 136 days into execution and noted that one year of probation was imposed to March 30, 2012, for Mr. Robinson for to complete the conditions originally ordered on May 19, 2009. Mr. Robinson's case was continued for a mitigation hearing on April 13, 2011, for an updated probation report on all conditions ordered, including the alcohol/drug abuse assessment still needed because of Mr. Robinson's admitted continued marijuana usage. On the probation DUS *Case No. 2010 TRD 023827*, Mr. Robinson also waived his probation violation hearing on March 30, 2011, and was found in violation of probation. Judge Stokes gave Mr. Robinson credit for 32 days served, ordered 158 days into execution, with the same conditions of probation to March 30, 2012. This case was also scheduled for a mitigation hearing on April 13, 2011.

On March 30, 2011, Judge Stokes sentenced Mr. Robinson for Driving Under Suspension on *Case No. 2010 TRD 056619* which included credit for five days served, 175 days ordered into execution, a fine of \$200.00 and court costs. In addition, Judge Stokes placed Mr. Robinson on one year of active probation with the condition not to drive until valid with insurance. This case was continued for a mitigation hearing and review of the PSI Report on April 11, 2011. On March 30, 2011, Judge Stokes also sentenced Mr. Robinson on the Drug Abuse *Case No. 2010 CRB 029297* which included a fine of \$150.00 that was satisfied based on the five days served, and court costs. This case was set for a mitigation hearing regarding the court costs on April 13, 2011.

On April 13, 2011, Judge Stokes mitigated each sentence as follows: on the Domestic Violence case, Judge Stokes gave Mr. Robinson credit for 58 days served, suspended 122 days, and noted that active probation continued to March 30, 2012, with the original conditions still to be completed. On the Domestic Violence case, Mr. Robinson was also required to attend his TASC assessment on April 25, 2011. On the Driving under Suspension *Case No. 2010 TRD 023827*, Judge Stokes gave Mr. Robinson credit for 46 days served, suspended 134 days, mitigated the court costs based on his indigent status, and noted that active probation continued to March 30, 2012, with the same conditions. On the new Driving Under Suspension *Case No. 2010 TRD 056619*, Judge Stokes gave Mr. Robinson credit for 18 days served, suspended 162 days, mitigated the fine based on the days served, suspended the court costs based on his indigent status, and noted that active probation continued to March 30, 2012, with the same conditions. On the Drug Abuse *Case No. 2010 CRB 029297*, Judge Stokes suspended the court costs based on Mr. Robinson's indigent status.

Mr. Krakowski's chart indicates that a blue form was issued on May 6, 2011. However, the May 6, 2011, blue form is not contained in the probation report, nor is a copy of it in the probation report. Judge Stokes does not have this original blue form or a copy of it in her records. In addition, Mr. Krakowski's chart incorrectly lists *Case No. 2009 CRB 25136* which should be *Case No. 2008 CRB 025136*. It is important to note that all of Mr. Robinson's case numbers will be addressed (*Case Nos. 2008 CRB 0255136, 2010 TRD 056619, 2010 CRB 029297, and 2012 TRD 028069*).

On January 12, 2012, Probation Officer Lisa Banks issued a blue form (Exhibit 9) that was signed by a supervisor on January 19, 2012, whose signature is not legible. This blue form noted that Mr. Robinson's probation was due to expire on March 30, 2012, and that he was to start the D.I.E.T. Domestic Violence program on January 26, 2012, which is a 16 week program, and that his probation period needed "*to be extended in order to ensure he completes the program.*" Judge Stokes received this blue form on January 23, 2012, and scheduled a probation violation hearing for February 8, 2012. Judge Stokes signed and returned this blue form on January 23, 2012.

On February 8, 2012, Mr. Robinson waived legal representation, and the probation violation hearing was cancelled. On February 8, 2012, Judge Stokes granted Mr. Robinson's motion to extend probation until May 30, 2012, so that he could complete Domestic Violence (D.I.E.T.) classes. With respect to both of Mr. Robinson's probation Driving Under Suspension cases, Judge Stokes noted that active probation continued on each case until March 30, 2012. Probation expired on each of the Driving Under Suspension Cases on March 30, 2012.

On May 22, 2012, Probation Officer Banks issued a blue form (Exhibit 10), to notify Judge Stokes that Mr. Robinson received a new License Required To Operate citation on May 2, 2012, (*Case No. 2012 TRD 028069*), that was referred to the Traffic Intervention Program (TIP) for an August 13, 2012, court date, instead of being consolidated to Judge Stokes' docket. On May 24, 2012, Judge Stokes signed and returned this blue form on May 24, 2012, noting that the Domestic Violence case was scheduled for a probation violation/status hearing on June 12, 2012, and "per [the Single Judge Assignment Case Consolidation Rule] SJACC Rule, Central Scheduling [staff] will add *Case No. 2012 TRD 028069* (Exhibit 11) to Judge Stokes' docket."

In addition, Judge Stokes noted on the blue form that "probation will be extended for 30 days again so that D.I.E.T. classes can be attended in full per [Deputy Chief] Kim Oxner's permission and agreement." As a precautionary action, on May 29, 2012, Judge Stokes ordered Mr. Robinson's Domestic Violence case file to also note that the probation violation/status hearing was scheduled for June 12, 2012, that active probation was extended to June 30, 2012 so that Mr. Robinson could complete all of his D.I.E.T. Domestic Violence classes, referencing the blue form dated May 22, 2012.

In addition, Judge Stokes noted "See also, *Case No. 2012 TRD 028069* set for pretrial on June 12, 2012, on Judge Stokes' docket per SJACC Rule so that the Probation Department would have the blue form and the May 29, 2012, Journal Entry.

On June 12, 2012, Judge Stokes sentenced Mr. Robinson for License Required To Operate which included 180 days suspended, a fine of \$200.00, and court costs. In addition, Judge Stokes placed Mr. Robinson on one year of inactive probation with the condition not to drive until valid with insurance. Mr. Robinson remains on inactive probation on this case to June 22, 2013.

On June 12, 2012, Mr. Robinson also waived his probation violation hearing on the Domestic Violence case, admitted to his violation based on the new conviction for License Required To Operate, and was found in violation for that reason. Judge Stokes sentenced Mr. Robinson for one year active probation on the License Required to Operate violation. Judge Stokes re-suspended Mr. Robinson's days on the Domestic Violence case, and granted Mr. Robinson's motion to terminate to terminate probation on the basis that Mr. Robinson completed all Domestic Violence classes verified by his Certificate dated May 24, 2012, and all other conditions were successfully completed.

In summary, Judge Stokes received the following blue forms regarding Mr. Robinson, all of which she timely addressed and/or returned:

- (1) A blue form issued on December 29, 2009, that was not signed by a supervisor until approximately two months later on February 22, 2010, which Judge Stokes signed and returned on March 11, 2010;
- (2) A blue form issued on July 13, 2010, that was never signed or dated by a supervisor that Judge Stokes addressed by scheduling a probation violation hearing on August 10, 2010, that was continued to and addressed on August 12, 2010;
- (3) A blue form issued on September 28, 2010, signed by a supervisor on September 30, 2010, that Judge Stokes signed and returned on October 14, 2010;
- (4) A blue form issued on January 12, 2012, signed by a supervisor on January 19, 2012, that Judge Stokes signed and returned on January 23, 2012; and
- (5) A blue form issued on May 22, 2012, signed by Deputy Chief Dean Jenkins on May 22, 2012, that Judge Stokes signed and returned on May 24, 2012.

The blue form dated May 6, 2011, indicated in Mr. Krakowski's chart is an error.

Michael Hudson—2010 CRB 041315⁵

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Michael Hudson, Case No. 2010 CRB 041315*, is attached as Exhibit 1.

Judge Stokes sentenced Michael Hudson on January 25, 2011, for Petty Theft which included credit for seven days served, 173 days ordered into execution, a fine of \$100.00 that was mitigated by the days served, and court costs that were suspended based upon his indigent status. Mr. Hudson's case was continued to February 8, 2011, in order to receive the Post-Sentencing Investigation (PSI) Report which was to verify, inter alia, Mr. Hudson's correct address, if possible, and for a mitigation hearing for his possible release upon verification of a residential address. In addition, Judge Stokes placed Mr. Hudson on one year of active probation with the following conditions: attend a petty theft class, no more thefts, and to stay off of the property of all Giant Eagle stores.

On February 8, 2011, Judge Stokes granted Mr. Hudson's motion to mitigate, and gave Mr. Hudson credit for 21 days served, suspended 159 days, and continued active probation to January 25, 2012, with the same conditions noting that Mr. Hudson's photograph was to be taken that day for inclusion in the PSI Report, and that he needed two bus tickets from the Probation Department to get home and to return to the Probation Department for his next appointment.

Mr. Krakowski's chart indicates that a blue form was issued on May 6, 2011, for a Michael Hundson, and a blue form issued May 9, 2011, for a Michael Hudson. The probation report contains a copy of a blue form issued by Probation Officer Fred Turner on May 4, 2011, (Exhibit 2) not May 6, 2011, regarding Michael Hudson that was not signed by a supervisor but has the name of Supervisor Deborah McDonald typed on it with the date of May 4, 2011. Probation Officer Turner noted that Mr. Hudson failed to appear for probation appointments on March 10, 2011, April 19, 2011, and that he was given the Petty Theft Class, but failed to complete it.

Judge Stokes never received the original blue form dated May 4, 2011, or a copy of it. Judge Stokes does have the original blue form dated October 7, 2011, by Probation Officer Tina Janis to whom the case was transferred from Probation Officer Turner for supervision. This blue form is signed by Supervisor Pete Roche who crossed out the typed name of Supervisor Deborah McDonald, but Mr. Roche did not date his signature. Probation Officer Janis' blue form set forth the same information. Judge Stokes did not act on this blue form because it was one of those inadvertently placed in her office closet by a friend who occasionally assisted with office work without Judge Stokes' knowledge.

⁵ Mr. Krakowski's chart lists this probationer twice—once as Michael Hudson and once as Michael Hundson.

Accordingly, probation expired on Mr. Hudson's case on January 25, 2012, as also reflected in the Closing Summary Report (Exhibit 4) dated February 17, 2012. Mr. Hudson has another Petty Theft conviction on Case No. 2011 CRB 037925 assigned to Judge Joseph Zone on February 24, 2012, that has had a probation capias in place since August 7, 2012. (Exhibit 5)

Rayshaun Elliott — Not 2011 CRB 041315 – But 2011 CRB 001885

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Rayshaun Elliott, Case No. 2011 CRB 001885*, is attached as Exhibit 1.

First, it should be noted that Mr. Krakowski's chart incorrectly lists *Case No. 2011 CRB 041315* under the name of Rayshaun Elliott. *Case No. 2011 CRB 041315* belongs to Michael Hudson, not Rayshaun Elliott.

Judge Stokes sentenced Rayshaun Elliott for Domestic Violence (*Case No. 2011 CRB 001885*) on February 1, 2011, which included credit for nine days served, 171 days suspended, 20 hours of community work service (CWS) in lieu of the \$200.00 fine, a suspension of the court costs based on his indigent status, and the preparation of a Post-Sentencing Investigation (PSI) Report noting that the victim, Roslyn Burns, was to be interviewed that day since she was present. In addition, Judge Stokes placed Mr. Elliott on one year of active probation with the following conditions: mandatory Domestic Violence (D.I.E.T.) classes, mandatory parenting skills classes, a vocational skills assessment, to obtain legitimate, gainful employment, and no contact with the victims, Roslyn Burns and Rayshaun Elliott, Jr.

Judge Stokes continued Mr. Elliott's case to February 25, 2011, to review the PSI Report. Judge Stokes actually reviewed the PSI Report on February 24, 2011, and noted that Mr. Elliott was not required to be present on February 25, 2011, and that Mr. Elliott would be reminded by Deputy Chief Dean Jenkins he did not need to appear on February 25, 2011. Judge Stokes also noted on the February 24, 2011, Journal Entry that the CWS hours were to be verified, via a blue status probation form, upon timely completion.

Mr. Krakowski's chart incorrectly indicates that blue forms were issued on *Case No. 2011 CRB 041315* (belonging to Michael Hudson), and *Case No. 2011 CRB 001885* (which does belong to Rayshaun Elliott) on March 10, 2011, and April 15, 2011, but neither Judge Stokes nor the probation report has the original blue forms or a copy of either blue form pertaining to Mr. Elliott. The probation report for Michael Hudson also does not contain any information at all on Mr. Elliott.

On November 10, 2011, Probation Officer Kevin McGlynn issued a blue form (Exhibit 2) to indicate Mr. Elliott's failure to verify compliance with his conditions, and failure to report for probation appointments on October 27, 2011, and November 10, 2011. In response, Judge Stokes signed and returned the blue form on January 17, 2012, to note that on the same date she had issued a probation capias with no bond to be set until Mr. Elliott appears before Judge Stokes. The capias still remains in effect.

The Closing Summary Report dated January 25, 2012 (Exhibit 3) reflects that Mr. Elliott completed his community work service hours, failed to comply with the remaining conditions, stopped reporting to the Probation Department in October 2010, and that Judge Stokes issued a capias on January 17, 2012. In addition, the Closing Summary Report reflects that an active warrant exist for Mr. Elliott in the City of Lakewood.

Michael Kincaid—2010 CRB 040512

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Michael Kincaid, Case No. 2010 CRB 040512*, is attached as Exhibit 1.

Judge Stokes sentenced Michael Kincaid on January 14, 2011, for Menacing which included credit for 18 days served, 12 days suspended, mitigation of the \$100.00 fine based on the days served, a suspension of the court costs based on his indigent status, and the preparation of a Post-Sentencing Investigation (PSI) Report which was due in court on February 16, 2011. In addition, Judge Stokes placed Mr. Kincaid on one year of active probation with the following conditions: no contact with Toni Harris, mandatory anger management classes, enroll in GED classes and obtain a GED, attend a vocational skills assessment, and obtain legitimate, gainful employment.

As reflected on the January 14, 2011, Journal Entry, Judge Stokes requested that Ms. Harris be interviewed for the PSI Report on January 14, 2011, since she was present, and noted that Mr. Kincaid needed one bus ticket to get home, but did not need to be present in court on February 16, 2011, if he was in compliance. On February 16, 2011, Judge Stokes reviewed the PSI Report, and noted that active probation continued to January 14, 2012, with the same conditions.

Mr. Krakowski's chart indicates that a blue form was issued on April 14, 2011. The probation report contains the original blue form (Exhibit 2) issued by Probation Officer India George on April 14, 2011, that was signed by Supervisor Debbie McDonald on April 14, 2011. Probation Officer George noted on this blue form that she

"received [from the victim, Ms. Harris a message on or about 4/14/2011, reporting the defendant had been contacting her and her family. The defendant is aware that he is not to have contact with the victim. Ms. Toni Harris contacted the police and filed a report and stated that she has pressed charges. Mr. Kincaid currently has a warrant that was issued on 4/13/2011. Please advise."

Probation Officer George noted that Mr. Kincaid had received a new charge of Telecommunications Harassment on Case No. 2011 CRB 012189 (Exhibit 3) with a warrant that was issued on April 13, 2011. In response to the April 14, 2011, blue form, Judge Stokes issued a probation capias on April 15, 2011, noting that no bond was to be set until Mr. Kincaid appears before Judge Stokes. Judge Stokes signed and returned the original blue form to the Probation Department on April 15, 2011.

Mr. Kincaid was arrested on the respective warrants for the Menacing and the Telecommunications Harassment cases, and appeared on Judge Stokes' on April 27, 2011, for a pretrial on the Telecommunication Harassment case, and for a probation

violation hearing on the Menacing case. The Telecommunications Harassment case was mistakenly assigned to Judge Emanuella Groves' docket, and had to be reassigned to Judge Stokes' docket per the Single Judge Assignment Case Consolidation (SJACC) Rule. Both cases were continued to May 10, 2011.

On May 10, 2011, Mr. Kincaid waived his probation violation hearing on the Menacing case, and was found in violation of probation. Judge Stokes gave Mr. Kincaid credit for 30 days served which was the maximum number of days, terminated probation, and noted that his sentence on the Menacing case was satisfied.

Judge Stokes sentenced Mr. Kincaid on May 10, 2011, for Telecommunications Harassment which included credit for 17 days served, 163 days ordered into execution, a \$200.00 fine was ordered into execution, and he had to pay court costs. In addition, Judge Stokes placed Mr. Kincaid on two years of active probation with the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling as warranted due to alcohol and marijuana issues, random substance abuse testing, mandatory anger management classes, and no contact with Toni S. Harris and her family/household members. Judge Stokes noted on the May 10, 2011, Journal Entry that "*Toni Harris is in terrible fear of Defendant*" and that she would report to the Probation Department on May 16, 2011, to be interviewed for the PSI Report that was due in court on June 15, 2011.

On June 15, 2011, Mr. Kincaid's case was continued to July 6, 2011, for the Probation Department to clarify if the substance abuse assessment was scheduled at the Cleveland House of Corrections (CHC) on June 20, 2011, as set forth in the PSI Report, or had actually been done on June 13, 2011, as asserted by Mr. Kincaid, in which only the assessment recommendations would be needed.

Mr. Kincaid's case was subsequently continued to September 7, 2011, at which time he notified Judge Stokes that he refused alcohol/drug assistance. The Probation Report Update for September 7, 2011, (Exhibit 4) verified that Mr. Kincaid had a supplemental alcohol/substance abuse assessment at the CHC on August 16, 2011, which stated that he was not only in denial but minimizes his issue with alcohol, and the validity of his answers regarding substance abuse were questionable. The updated report verified a warrant for a Copley Township Court for Failure to Appear, Assault, ID Card, and Possession of Criminal Tools.

On September 7, 2011, Judge Stokes granted Mr. Kincaid's motion to mitigate his \$200.00 fine based on the days served, and suspended the court costs based on his indigent status. In addition, Judge Stokes gave Mr. Kincaid credit for 137 days served, and ordered him to continue to serve the balance of 43 days. In addition, Judge Stokes noted that probation was terminated since Mr. Kincaid was ordered to serve his full

sentence at the CHC. Judge Stokes also noted that "*Toni Harris was present and in great fear of Defendant*" and that Ms. Harris would pursue a civil protection order.

The Closing Summary Report dated September 13, 2011, is attached to Judge Stokes' Judgment Entry dated September 7, 2011, both of which reflect that Judge Stokes ordered the remaining 43 days of Mr. Kincaid's sentence into execution, and terminated probation on September 7, 2011. (Exhibit 5, pp. 1-2)

Bernard Boyd—2010 CRB 042008 & 2009 CRB 019636

The Clerk of Court's Cleveland Municipal Court Journals for *City of Cleveland vs. Bernard Boyd*, Case Nos. 2010 CRB 042008, and Case No. 2009 CRB 019636, are respectively attached as Exhibit 1, and Exhibit 2.

Judge Stokes sentenced Bernard Boyd on November 2, 2010, for Petty Theft (Case No. 2010 CRB 042008) which included credit for ten days served, 170 days ordered into execution, all of the \$1000.00 fined was suspended, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Boyd on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment due to alcohol and marijuana usage with treatment/counseling as warranted, random substance abuse testing, no more thefts, and to stay off of the property of all Rite Aid stores. Judge Stokes requested that a Post-Sentencing Investigation (PSI) Report be prepared for November 9, 2010, to verify, inter alia, Mr. Boyd's residence.

On November 9, 2010, Judge Stokes noted that Mr. Boyd's case was continued to November 17, 2010, with a second request for the PSI Report to set forth the alcohol/drug abuse assessment date, and verification of Mr. Boyd's residential address. The PSI Report noted that Mr. Boyd also had Case No. 2009 CRB 019636, Possession of Drug Paraphernalia, scheduled for a pretrial on Judge Michelle D. Earley's docket for November 16, 2010, that needed to be consolidated to Judge Stokes' docket. Thus, Judge Stokes ordered the Possession of Drug Paraphernalia case to be consolidated to her docket, per the Single Judge Assignment Case Consolidation (SJACC) Rule on November 9, 2010, which was continued at Mr. Boyd's request for a pretrial on November 17, 2010.

On November 17, 2010, Judge Stokes ordered that Mr. Boyd attend the November 30, 2010, alcohol/drug abuse assessment while at the Cleveland House of Corrections (CHC) due to his further admission of daily crack cocaine usage which was revealed on the Possession of Drug Paraphernalia case, and the PSI Report on the Petty Theft case. On November 17, 2010, Judge Stokes sentenced Mr. Boyd for Possession of Drug Paraphernalia which included credit for 26 days served, 65 days ordered into execution, \$750 of the fine was suspended, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Boyd on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment and random substance abuse testing due to daily crack cocaine usage.

Both of Mr. Boyd's cases were continued to the following dates awaiting the alcohol/drug abuse assessment recommendations: December 2, 2010, December 9, 2010, and December 14, 2010. On December 14, 2010, the assessment recommendation was that Mr. Boyd needed residential treatment. Thus, Mr. Boyd's cases were continued

to January 13, 2011, awaiting the date and place for residential treatment so that Judge Stokes could mitigate Mr. Boyd's sentences, and write the transport order for residential treatment.

On January 3, 2011, Judge Stokes advanced Mr. Boyd's cases from January 13, 2011, upon notification from the Probation Department that a residential bed was available for Mr. Boyd on January 4, 2011. On January 3, 2011, Judge Stokes mitigated both of Mr. Boyd's cases effective January 4, 2011, and requested that the CHC staff transport Mr. Boyd on January 4, 2011, to ORCA House to successfully complete at least 30 days of residential treatment.

Probation Officer Fred Turner issued a blue form (Exhibit 3) on April 8, 2011, signed by Supervisor Debbie McDonald on April 13, 2011, to note that Mr. Boyd failed to report to the Probation Department on February 3, 2011, and March 16, 2011. On August 2, 2011, Judge Stokes issued a probation capias with no bond to be set until Mr. Boyd appears before Judge Stokes on each case. Judge Stokes signed and returned the blue form on August 2, 2011, noting that the capiases had been issued. The capiases remain in effect. The Closing Summary Report dated August 24, 2011, reflects that on August 2, 2011, with respect to each case, Judge Stokes issued a capias with no bond to be set until Mr. Boyd appears before Judge Stokes in response to the blue form. (Exhibit 4)

Billy Reffitt—2010 CRB 039493

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Billy Reffitt, Case No. 2010 CRB 039493*, is attached as Exhibit 1.

Judge Stokes sentenced Billy Reffitt on December 16, 2010, for Assault which included credit for two days served, 178 days ordered into execution, a \$200.00 fine, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Reffitt on two years of active probation with the following conditions: anger management classes, an alcohol/substance abuse assessment with treatment/counseling, as warranted, due to daily use of alcohol, use of cocaine and marijuana, substance abuse testing, and no contact with the victims, Donna Panasiti and Charles Greene. On January 6, 2011, Judge Stokes mitigated Mr. Reffitt's sentence, and gave him credit for 23 days served, suspended 157 days with active probation to continue to December 15, 2012, with the same conditions. Judge Stokes noted that the victims were present on January 6, 2011, and did not object to Mr. Reffitt's release from the Cleveland House of Corrections, and that he was to attend an alcohol/drug abuse assessment on January 7, 2011.

Mr. Krakowski's chart indicates that a blue form was issued on March 23, 2011. The probation report contains a blue form (Exhibit 2) issued by Probation Officer Lisa Banks on March 15, 2011, that was signed by Supervisor Debbie McDonald on March 23, 2011, per her handwriting; however the typed date of March 15, 2011, is also listed. Probation Banks noted on this blue form that Mr. Reffitt tested positive for cocaine on March 9, 2011, and that he completed his substance abuse assessment on January 7, 2011. On July 5, 2011, Judge Stokes reviewed this blue form with Deputy Chief Kim Oxner to determine if Mr. Reffitt was attending his treatment program, and whether he had any subsequent positive test results. Deputy Chief Oxner informed Judge Stokes that Mr. Reffitt had continued test results for cocaine which Judge Stokes noted on the blue form that she signed and returned on July 5, 2011. In addition, on July 5, 2011, Judge Stokes issued a probation capias with no bond to be set until Mr. Reffitt appears before Judge Stokes which she also noted on the blue form.

Mr. Reffitt was arrested on or about February 1, 2012, on the probation capias, and appeared before Judge Stokes on February 8, 2012. On February 8, 2012, Mr. Reffitt waived his probation violation hearing, and was found in violation of probation. Judge Stokes gave Mr. Reffitt credit for 32 days served, ordered 148 days into execution, and noted that Mr. Reffitt was to have an alcohol/drug abuse assessment completed at the Cleveland House of Corrections due to his cocaine usage and non-compliance. Mr. Reffitt's case was continued to February 21, 2012, for a mitigation hearing based on the updated report which was to include the alcohol/substance abuse assessment recommendations.

On February 21, 2012, Mr. Reffitt's was not mitigated based on information contained in the Capias Arrest Update Report (Exhibit 3) for February 21, 2012, which included, inter alia, the following information: the Alcohol/Substance Abuse Assessment's Preliminary Report dated February 19, 2012, indicated that Mr. Reffitt was not eligible for a formal assessment because he was being manipulative, stating that he would do intensive outpatient treatment but not residential. This updated report also noted that Mr. Reffitt was a registered sexual offender.

Thus, Mr. Reffitt's case was continued to March 6, 2012, so that a formal assessment could be completed based on his claim that he would now "cooperate regarding the alcohol/drug abuse assessment". On March 6, 2012, the probation report noted that Mr. Reffitt's assessment recommended residential treatment. On March 7, 2012, Judge Stokes noted that Mr. Reffitt's sentence was to be mitigated effective March 15, 2012, so that he could be transported to ORCA House for residential treatment.

On July 5, 2012, Mr. Reffitt's case was scheduled, at his request, for a motion to terminate probation and/or to terminate the no contact order. Mr. Reffitt failed to appear for the July 5, 2012, hearing, and the case was continued to July 12, 2012. On July 12, 2012, Judge Stokes scheduled a probation violation hearing for July 25, 2012, based on the information contained in his Mr. Reffitt's Update Probation Report (Exhibit 4): although he had completed residential treatment and intensive outpatient treatment, he missed an aftercare group session on July 3, 2012, failed to submit to urinalysis testing on Thursday or Friday of that week at ORCA House, and failed to appear for a substance abuse test on July 19, 2012, at the Drug Lab as requested by his probation officer.

On July 25, 2012, Mr. Reffitt waived his probation violation hearing, and was found in violation of probation based on missing his aftercare group session on July 3, 2012, and missed urinalysis tests on July 5, 2012, and July 19, 2012. Judge Stokes gave Mr. Reffitt credit for 68 days served, ordered 30 days into execution, suspended 82 days, and terminated probation. Judge Stokes noted that Mr. Reffitt stated that he would rather serve jail time, and have probation terminated. In addition, Judge Stokes mitigated the fine based on the days served.

Darlene Grim (not Grimm)—2009 CRB 038530

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Darlene Grim, Case No. 2009 CRB 038530*, is attached as Exhibit 1.

On March 3, 2010, Darlene Grim withdrew her not guilty plea, entered a no contest plea, and consented to a finding of guilty to Domestic Violence, and the Endangering Children charge was nolleed or dismissed as part of the plea agreement. Ms. Grim's case was continued for sentencing on April 7, 2010, at the request of the Assistant City Prosecutor and Ms. Grim. Judge Stokes referred Ms. Grim's case to the Probation Department for preparation of a Pre-Sentencing Investigation (PSI) Report which was to include, inter alia, the Children and Family Services Report, Ms. Grim's urinalysis test results, and Judge Stokes noted that a formal alcohol/drug abuse assessment would be ordered at sentencing on April 7, 2010.

On April 7, 2010, Judge Stokes continued the sentencing date to April 21, 2010, noting that a "corrected/updated PSI Report was needed. [The] PSI Report failed to include any information regarding Children and Family Services Report and was missing at least one page of [the] Probation Report." The PSI Report is attached as Exhibit 2. Judge Stokes noted: "Attn: Deputy Chief Dean Jenkins agreed to assist" for the PSI Report needed on April 21, 2010. See also the White Face/Tracking Sheet attached as Exhibit 3.

Judge Stokes sentenced Ms. Grim on April 21, 2010, for Domestic Violence which included credit for 2 days served, 178 days suspended, a fine of \$100.00 and court costs. Ms. Grim was to pay \$50.00 of her fine and court costs by April 23, 2010, and the Clerk was to allow her a Time To Pay (TTP) date to pay the balance. In addition, Judge Stokes placed Ms. Grimm on one year of active probation with the following conditions: parenting skills classes and anger management classes.

The updated PSI Report (Exhibit 4) submitted to Judge Stokes for the April 21, 2010, sentencing still did not attach any documents from Children and Family Services. The PSI Probation Officer, Daniel Breznicki, wrote: "*Judge Stokes continued the case to 4-21-10 to clarify the defendant's involvement with the Department of Children and Family Services. Officer Breznicki spoke with Glenda Golsten who indicated this case is in the process of being closed because they have determined this was an isolated incident.*"

The following document was not attached to the PSI Report, and was not addressed in the PSI Report submitted to Judge Stokes on April 7, 2010, and April 21, 2010: a March 10, 2010, letter (Exhibit 5) from Cuyahoga County Department of Children and Family Services, signed by Glenda A. Golston and Robert Carpenter, documenting that Ms. Grim had participated in Family Reservation Services through

Mental Health Services, and that “*Ms. Grim learned alternative ways to cope with anger other than using violence.*” As a result of home visits, the assigned Social Worker, Glenda Golston, noted she had “*observed the family interacting in a calm and loving manner. The family appeared to be closely bonded and very receptive to the agency’s recommendations.*” Lastly, “[t]he Cuyahoga County Department of Children and Family Services has determined that the family is no longer in need of services and is currently working to close this case.”

Judge Stokes would not have ordered anger management classes had she been provided with this document that had been requested initially on March 3, 2010, for the April 7, 2010, court date, and requested again on April 7, 2010, for the April 21, 2010 court date. In addition, the PSI Report for April 7, 2010, and the updated PSI Report for April 21, 2010, did not reference and/or have the documentation attached that Ms. Grim had completed parenting skills classes on December 22, 2010.

Mr. Krakowski’s chart mistakenly refers to Darlene Grimm; however, her correct last name is Grim. In addition, Mr. Krakowski’s chart indicates that a blue form was issued on March 23, 2011. Ms. Grim’s probation report contains a copy of the blue form (Exhibit 6) dated March 22, 2011, by Probation Officer Kevin McGlynn which is not signed by Supervisor Deborah McDonald. Probation Officer McGlynn noted that Ms. Grim had not provided proof that she completed anger management counseling, and that she had not paid her fine and court costs in full. Judge Stokes does not have the original blue form dated March 22, 2011, or a copy of it in her records.

It appears that the March 22, 2011, blue form was issued in error because Ms. Grim had completed anger management counseling as a component of her Children and Family Services plan as set forth in the March 10, 2010, letter, signed by Glenda A. Golson and Robert Carpenter, which was not attached to the PSI Report originally submitted to Judge Stokes on April 7, 2010, and April 21, 2010, which attributed to the confusion regarding this issue. Ms. Grim was not in violation of her probation because this condition had already been met prior to sentencing.

In addition, subsequent to sentencing on April 21, 2010, Ms. Grim completed 12 weeks of parenting skills classes on December 22, 2010, in The Adult Parenting Program at the Bellflower Center for Prevention of Child Abuse which she enrolled in on August 23, 2010. See August 23, 2010, letter from Christine Spikes from Bellflower Center (Exhibit 7), and Ms. Grim’s December 22, 2010, Certificate for completion of The Adult Parenting Program. (Exhibit 8) Probation Officer McGlynn did not mention the parenting skills classes condition in his blue form because it had been met. It appears that Probation Officer McGlynn overlooked the documentation regarding the anger management counseling that Ms. Grim had also completed. Ms. Grim’s probation expired on April 21, 2011, and her conditions of anger management and parenting skills

classes had been satisfied contrary to the incorrect information set forth by Probation Officer McGlynn in the Closing Summary Report dated April 21, 2011. (Exhibit 9) Also, the Closing Summary Report incorrectly asserts that a blue form was submitted to Judge Stokes in August 2010, regarding the alleged issues of non-compliance. This clearly is not true because the original blue form dated August 20, 2010, by Probation Officer Christin Perez, and signed by a supervisor whose name is illegible is still contained in the probation report, and was never submitted to Judge Stokes. (Exhibit 10) In addition, the probation report contains documentation that verifies Ms. Grim completed parenting skills classes and anger management counseling. The Closing Summary does correctly reflect that Ms. Grim failed to pay her fine and court costs. On October 19, 2010, the Clerk's office issued a Time To Pay capias for Ms. Grim's failure to pay her fine and court costs.

Jason Mulgrew—2010 CRB 038566

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Jason Mulgrew, Case No. 2010 CRB 038566*, is attached as Exhibit 1.

Judge Stokes sentenced Jason Mulgrew on October 21, 2010, for Domestic Violence which included credit for 22 days served, 156 days suspended, a \$200.00 fine that was satisfied based on the days served, and court costs that were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Mulgrew on two years of active probation with the following conditions: mandatory anger management classes, mental health counseling, random substance abuse testing, mandatory grief counseling, and no contact with April Ramsayer and Xeda Mulgrew. Mr. Mulgrew's psychiatric report indicated that he did not meet the criteria to be placed on the Mental Health Court docket, but was in need of mental health counseling.

Mr. Krakowski's chart indicates an unidentified probation officer issued a blue form on March 10, 2011, but neither Judge Stokes' records nor the probation file contain a copy. However, the probation report reflects that Probation Officer Christian Perez issued a blue form (Exhibit 2) on January 13, 2011, signed by a supervisor whose name was not typed, and the supervisor's name cannot be determined by the signature, indicating Mr. Mulgrew's failure to report.⁶ Judge Stokes issued a *capias* on July 5, 2011. Judge Stokes signed and returned the blue form on July 5, 2011, noting that she had issued the *capias* with no bond to be set until Mr. Mulgrew appears before Judge Stokes. Judge Stokes later determined from the Closing Summary Report (Exhibit 3) dated July 8, 2011, that Mr. Mulgrew was on probation in two other courts (Struthers Municipal Court and Mahoning County Court), and that he was incarcerated in the Mahoning County Jail during a portion of the time he was on probation (and not reporting).

⁶ The probation supervisor's signature is dated January 13, 2010, but the form was actually sent in 2011, as noted in the header. This was a beginning-of-the-year date error.

Jason Greenwade—2010 CRB 002001

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Jason Greenwade, Case No. 2010 CRB 002001*, is attached as Exhibit 1.

Judge Stokes sentenced Jason Greenwade on July 27, 2010 for Petty Theft which included credit for seven days served, 173 days suspended, a fine of \$100.00 that was mitigated based on the days served, and court costs. In addition, Judge Stokes placed Mr. Greenwade on one year of active probation with the following conditions: no more thefts, to stay off of the property of all Rite-Aid stores, a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, due to his alcohol and marijuana usage, random substance abuse testing, and attend a petty theft class. Judge Stokes continued Mr. Greenwade's case to August 26, 2010, to review the Post-Sentencing (PSI) Report she requested be prepared.

If in full compliance, Mr. Greenwade was not required to be present in court on August 26, 2010. On August 26, 2010, Judge Stokes issued a probation *capias* with no bond to be set until Mr. Greenwade appeared before Judge Stokes because the PSI Report reflected that Mr. Greenwade never reported to the Probation Department.

On or about December 7, 2010, Mr. Greenwade was arrested on the warrant. On December 8, 2010, Mr. Greenwade appeared before Judge Stokes, waived his probation violation hearing, and was found in violation of probation. Judge Stokes gave Mr. Greenwade credit for 56 days served, suspended 124 days, and noted that active probation continued until July 27, 2011, with the same conditions.

Mr. Krakowski's chart indicates an unidentified probation officer issued a blue form on January 27, 2011, but neither the probation report nor Judge Stokes' records contain a copy. On June 23, 2011, Probation Officer Tina Janis issued a blue form (Exhibit 2) noting that this case was transferred to her by another probation officer, and that Mr. Greenwade failed to report to probation appointments on August 18, 2010, and December 15, 2010. Also, Probation Officer Janis noted that on March 16, 2011, Mr. Greenwade received a new charge of Open Container Prohibited in the Cleveland Municipal Court, *Case No. 2011 CRB 008205* (Exhibit 3) that was issued a *capias* in the Arraignment Room on March 21, 2011, with a warrant that was registered on April 18, 2011. Mr. Greenwade was eventually arrested on this warrant, and appeared in the Arraignment Room on July 11, 2011, and was sentenced on the Open Container Charge and given credit for time served. It should be noted that the Clerk's Office, Central Scheduling Department, and the Probation Officer did not have this case consolidated to Judge Stokes' docket.

A copy of this blue form is not in the probation report; however, on May 27, 2012, Judge Stokes located the original blue form which was placed in the folder of blue forms

that was mistakenly placed in her office closet by a friend unbeknownst to Judge Stokes. Thus, Judge Stokes did not take any action on this blue form because she was not aware of it. Mr. Greenwade's probation period expired on July 27, 2011.

On January 4, 2012, Judge Marilyn B. Cassidy sentenced Mr. Greenwade for Domestic Violence, on *Case No. 2011 CRB 042866* (Exhibit 4), on her dedicated Domestic Violence Docket, and placed him on three years of inactive probation.

William Krawtschenko—2010 CRB 0211155

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. William Krawtschenko, Case Nos. 2010 CRB 0211555*, is attached as Exhibit 1.

Judge Stokes sentenced William Krawtschenko on August 17, 2010, for Possession/Use of Drug Paraphernalia which included credit for 10 days served, 80 days suspended, the \$100.00 fine was mitigated based on the days served, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Krawtschenko on one year of active probation with the following conditions: to attend a formal alcohol/drug abuse assessment at TASC on September 23, 2010, with treatment/counseling as warranted, and substance abuse testing.

Judge Stokes also sentenced Mr. Krawtschenko on August 17, 2010, for Open Container Prohibited (*Case No. 2010 CRB 022512*) (Exhibit 2) which included credit for 10 days served, 20 days suspended, the fine of \$50.00 was mitigated based on the days served, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Krawtschenko on one year of active probation with the same conditions set forth on the Possession/Use of Drug Paraphernalia case.

First, a blue form (Exhibit 3) was issued on October 4, 2010, by Probation Officer Kevin McGlynn because Mr. Krawtschenko had a positive cocaine test result on November 28, 2010. On October 18, 2010, Judge Stokes spoke to Probation Officer McGlynn who advised her that Mr. Krawtschenko entered residential treatment on October 18, 2010. Probation Officer McGlynn requested that the probation violation hearing be scheduled in thirty (30) days so Mr. Krawtschenko could complete residential treatment. Judge Stokes scheduled the probation violation hearing for November 30, 2010, which she noted on the blue form that was signed and returned on October 18, 2010. Judge Stokes also ordered Mr. Krawtschenko's case files to note on the Journal Entries the probation violation hearing date of November 30, 2010, that an updated report would be needed on his progress at the residential treatment facility, along with urinalysis test results upon release from residential treatment, and close supervision was ordered with weekly urinalysis testing.

On November 30, 2010, Mr. Krawtschenko waived his probation violation hearing on each case, admitted to his violation, and was found in violation of probation based on the September 28, 2010, positive test result for cocaine. Judge Stokes re-suspended the days on each case, and noted that Mr. Krawtschenko "*successfully completed residential treatment subsequent to positive test results. Latest test results are negative.*" In addition, Judge Stokes noted on the November 30, 2010, Journal Entries that Mr. Krawtschenko was to get into an aftercare program as soon as possible, the same conditions applied but with weekly reporting, and that active probation continued to August 17, 2011.

The probation record contains a blue form (Exhibit 4) issued by Probation Officer McGlynn on December 8, 2010 (not January 27, 2011) as indicated in Mr. Krakowski's chart. The December 8, 2010, blue form noted that Mr. Krawtschenko wanted to seek employment that would require him to travel outside of the State of Ohio for a few hours a day, in contravention of the probation rules, unless permission was granted. The original blue form is attached to the probation report and was never submitted to Judge Stokes. Judge Stokes would have permitted Mr. Krawtschenko's request had she received this blue form, and he was in compliance with all of his conditions of probation.

Mr. Krawtschenko successfully completed all of his conditions of probation: substance abuse assessment, substance abuse counseling, substance abuse testing and TASC assessment, as reflected on the Closing Summary Report (Exhibit 5), dated November 16, 2011, that also noted that probation expired on August 17, 2011, "*all conditions completed, certificates attached*".

Ryan Debrossard—2010 CRB 020645

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Ryan Debrossard, Case No. 2010 CRB 020645*, is attached as Exhibit 1.

Judge Stokes sentenced Ryan Debrossard on September 15, 2010, for Possession of Drug Paraphernalia which included credit for two days served, three days ordered into execution, 85 days suspended, 10 hours of community work service in lieu of the \$100.00 fine, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Debrossard on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling as warranted, random substance abuse testing, a vocational skills assessment, and to obtain legitimate, gainful employment.

On October 7, 2010, Probation Officer Kevin McGlynn issued a blue form (Exhibit 2) signed by Supervisor Deborah McDonald on October 7, 2010, noting that Mr. Debrossard failed to report for probation appointments on September 18, 2010, and October 6, 2010. On October 18, 2010, Judge Stokes issued a *capias*, signed and returned the blue form noting that she issued a probation *capias* with no bond to be set until Mr. Debrossard appears before Judge Stokes.

Mr. Debrossard was arrested on this warrant, and appeared before Judge Stokes on October 22, 2010. Judge Stokes noted on the October 22, 2010, Journal Entry that a probation violation hearing was not held due to errors of the probation staff. Specifically, Probation Officer McGlynn issued the October 7, 2010 blue form in error because he did not know that Mr. Debrossard had reported to the Probation Department on September 20, 2010, because Probation Officer McGlynn was absent on September 20, 2010, and a member of the Probation Department's clerical staff told Mr. Debrossard to return on October 23, 2010 which Probation Officer McGlynn did not know. Without knowledge that Mr. Debrossard had reported on September 20, 2010, Probation Officer McGlynn mistakenly issued the October 7, 2010, blue form. Thus, Judge Stokes gave Mr. Debrossard credit for 8 days served, suspended 82 days, and noted that active probation continued to September 15, 2011, with the same conditions.

Probation Officer McGlynn issued another blue form (Exhibit 3) on December 22, 2010, indicating a positive marijuana screen. Judge Stokes responded by issuing a *capias* on July 5, 2011. Judge Stokes' delay in issuing the *capias* was not intentional but due to her oversight. (This was the second *capias* she issued in this matter—the first was on October 18, 2010, in response to an October 7, 2010, blue form that Probation Officer McGlynn admitted he issued in error).

Mr. Krakowski's chart indicates that a blue form was issued on January 7, 2011. The probation report contains a copy of a blue form (Exhibit 4) issued by Probation

Officer McGlynn on January 6, 2011, that is not signed by a supervisor, noting that Mr. Debrossard had not reported on December 21, 2010, January 5, 2011, had not complied with his conditions, and had a positive test result for marijuana in November 2010. Judge Stokes does not have this original blue form or a copy of it in her records. The capias that Judge Stokes issued on July 5, 2011, remains in effect.

Lonny Pettus—2009 CRB 015167

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Lonny Pettus, Case No. 2009 CRB 015167*, is attached as Exhibit 1.

Judge Stokes sentenced Lonny Pettus on May 22, 2009, for Obstruction of Official Business which included credit for six days, 84 days suspended, 10 hours of Community Work Service (CWS) in lieu of paying a fine of \$100.00, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Pettus on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, due to his marijuana usage, substance abuse testing, a vocational skills assessment, to obtain legitimate, gainful employment, enroll in GED classes, obtain a GED, and to stay off of the property of Cuyahoga Metropolitan Housing Authority (CMHA) property (King-Kennedy Estates). Judge Stokes continued Mr. Pettus' case to June 30, 2009, to review the Post-Sentencing Investigation (PSI) Report.

Based on the PSI Report which documented Mr. Pettus' was not compliant with the conditions of probation, Mr. Pettus' case was continued for a probation violation hearing on July 28, 2009, to give Mr. Pettus an opportunity to become compliant. Mr. Pettus' requests for continuances of the probation violation hearing were granted up to August 27, 2009, when he failed to appear and Judge Stokes issued a probation violation hearing with no bond to be set until Mr. Pettus appeared before Judge Stokes.

On or about July 23, 2010, Mr. Pettus was arrested on the warrant. On July 30, 2010, Mr. Pettus appeared before Judge Stokes for a probation violation hearing which he waived, and admitted to his violations. Judge Stokes gave Mr. Pettus credit for 13 days served, ordered 77 days into execution, and noted that he was placed on one year of active probation to July 30, 2011, with the same conditions.

Judge Stokes also granted Mr. Pettus' request for a psychiatric evaluation. On September 9, 2010, Judge Stokes mitigated Mr. Pettus' sentence effective September 13, 2010, so that Mr. Pettus could be transported to Community Assessment and Treatment Services, a residential treatment facility, by the Cleveland House of Corrections' staff on September 13, 2010. The psychiatric report noted that Mr. Pettus was not eligible for the Mental Health Court docket.

Probation Officer Kevin McGlynn issued a blue form (Exhibit 2) on January 4, 2011, noting Mr. Pettus' compliance with having completed the residential treatment program, but had failed to comply with the remaining court-ordered conditions. In addition, Mr. Pettus had failed to report to Probation Officer McGlynn in December, 2010. (The form referenced a previous blue form, but neither the probation report nor Judge Stokes' records contain a copy.) Judge Stokes believes that due to an oversight

she did not respond to this blue form prior to July 5, 2011. However, shortly after receipt of Mr. Krakowski's letter, dated June 29, 2011, which referenced this blue form, Judge Stokes responded on July 5, 2011.

Judge Stokes issued a probation capias on July 5, 2011, resulting in a probation violation hearing on August 12, 2011. On August 12, 2011, Mr. Pettus waived his probation violation hearing, and admitted to his violations. Judge Stokes found Mr. Pettus in violation, gave him credit for 66 days served, ordered the balance of 24 days into execution, and terminated probation. Judge Stokes noted on the August 12, 2011, Journal Entry that Mr. Pettus "*admits to continued use of marijuana and is totally non-compliant since being released from residential treatment.*"

Shawn Murphy—2006 CRB 018040

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Shawn Murphy, Case No. 2006 CRB 018040*, is attached as Exhibit 1.

Judge Stokes sentenced Shawn Murphy on June 4, 2007, for Assault which included credit for 14 days served, 166 days suspended, a fine of \$200.00, and court costs. In addition, Judge Stokes placed Mr. Murphy on one year of active probation with the following conditions: mandatory anger management classes, a formal alcohol/drug abuse assessment with treatment/counseling as warranted due to marijuana usage, monthly substance abuse testing, and no contact with Tayron Suarez. Judge Stokes continued Mr. Murphy's case to June 27, 2007 to review the Post-Sentencing Investigation (PSI) Report which was also to verify Mr. Murphy's employment, residential address, and include his photograph.

On October 1, 2007, Judge Stokes issued a probation capias with no bond to be set until Mr. Murphy appears before Judge Stokes based on a conversation with Deputy Chief Kim Oxner who informed Judge Stokes that Mr. Murphy missed probation appointments on September 24, 2007 and September 28, 2007, and missed his substance abuse testing.

Mr. Murphy was arrested on or about October 7, 2007, and appeared before Judge Stokes on October 11, 2007, for a probation violation hearing which he waived and was found in violation of probation. Judge Stokes gave Mr. Murphy credit for 23 days served, suspended 157 days, continued probation to June 5, 2008, with the same conditions, noting that he needed to be re-referred for an alcohol/drug abuse assessment, and needed bus tickets.

On January 25, 2008, Judge Stokes issued another probation capias with no bond to be set until Mr. Murphy appears before Judge Stokes for failure to appear at his appointments with Probation Officer Bryant Ali. (See the Closing Summary Report, dated June 24, 2008, reflecting the January 25, 2008 capias (Exhibit 3)) Mr. Murphy was arrested on or about December 7, 2010, and appeared before Judge Stokes for a probation violation hearing on December 8, 2010. On December 8, 2010, Mr. Murphy waived his probation violation hearing and was found in violation of probation. Judge Stokes gave Mr. Murphy credit for 27 days served, suspended 153 days, 20 hours of community work service (CWS) in lieu of the \$200.00 fine, suspended the court costs based on his indigent status, and continued probation to December 8, 2011, with the same conditions originally imposed. In addition, Mr. Murphy was required to have a vocational skills assessment and to obtain legitimate, gainful employment.

Mr. Krakowski's chart indicates that an unidentified probation officer issued a blue form on December 22, 2010; however, neither the probation report nor Judge

Stokes' records indicate any blue form was issued. Further, on the Closing Summary Report (Exhibit 3), dated December 7, 2011, Probation Officer Karen Stanton wrote that Mr. Murphy's probationary period expired on December 7, 2011, with "*all conditions met. No SAC (substance abuse counseling) recommended*". Thus, Mr. Murphy probationary period ended with a favorable response to supervision having completed anger management classes (Exhibit 4), all 20 hours of CWS (Exhibit 5), negative substance abuse tests, and no violations of the no contact order. In addition, the Closing Summary Report had no mention of a blue form.

Edwin Torres—2010 CRB 005092 & 2010 TRD 011674

The Clerk of Court's Cleveland Municipal Court Journals for *City of Cleveland vs. Edwin Torres*, Case Nos. 2010 CRB 005092, and Case No. 2010 TRD 011674, are respectively attached as Exhibit 1, and Exhibit 2.

Judge Stokes sentenced Edwin Torres on March 17, 2010, for Driving Under Suspension which included credit for two days served, 178 days suspended, the fine of \$100.00 was satisfied based on the days served, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Torres on one year of active probation with the condition of not to drive until valid with insurance. Also, Judge Stokes sentenced Mr. Torres on March 17, 2010, for Possession of Drug Paraphernalia which included credit for two days served, 88 days suspended, the fine of \$100.00 was mitigated based on the days served, and the court costs were suspended based on his indigent status.

In addition, Judge Stokes placed Mr. Torres on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, substance abuse testing, enroll in GED classes, obtain a GED, attend a vocational skills assessment, and enroll in a trades school, or obtain legitimate, gainful employment. Judge Stokes continued both cases to April 20, 2010, to review the Post-Sentencing Investigation (PSI) Reports.

On March 31, 2010, Probation Officer Kevin McGlynn issued a blue form (Exhibit 3) which was signed by Probation Supervisor Deborah McDonald on April 7, 2010. Probation Officer McGlynn issued this blue form to notify Judge Stokes that "*Mr. Torres tested positive for opiates on March 25, 2010*", and Mr. Torres "*did not inform this Officer during the initial interview that he was prescribed medication from a medical professional*". In addition, Probation Officer McGlynn noted that Mr. Torres "*was scheduled to appear before Your Honor [Judge Stokes] on April 20, 2010 at 9:00 a.m.*" The April 20, 2010, date had previously been scheduled by Judge Stokes on March 17, 2010, to review the PSI Reports. Judge Stokes has the original blue form issued by Probation Officer McGlynn on March 31, 2010. Judge Stokes did not need to return this blue form because the hearing date of April 20, 2010, was already in place.

On April 20, 2010, Mr. Torres waived the probation violation hearing, admitted to his violation, and was found in violation of probation. Judge Stokes ordered 178 days into execution on the DUS case, and 88 days into execution on the Possession of Drug Paraphernalia case so that Mr. Torres would remain incarcerated until he could be transported to a residential treatment facility. Per the April 12, 2010, alcohol/drug abuse assessment, Mr. Torres needed residential treatment. On May 4, 2010, Judge Stokes mitigated the sentence on each case to be effective May 6, 2010, so that the Cleveland House of Corrections Staff would transport Mr. Torres to Fresh Start, a

residential treatment facility on May 6, 2010, as reflected on the May 4, 2010, Journal Entry, and Transport Order. Judge Stokes also noted that active probation continued until March 17, 2011, with the same conditions. In addition, Judge Stokes noted on the Possession of Drug Paraphernalia case that Mr. Torres also had to successfully complete 30 days of residential treatment and aftercare treatment along with the conditions previously ordered at sentencing on March 17, 2010.

Mr. Krakowski's chart indicates that blue forms were issued on December 21, 2010, and April 7, 2011. Mr. Torres' probation report does not have the original blue form or a copy of the blue form dated December 21, 2010, nor does Judge Stokes have the original or a copy of the December 21, 2010, blue form in her records.

The supervision of Mr. Torres' cases was at some time changed from Probation Officer McGlynn to Probation Officer Karen Stanton who wrote the Closing Summary Report (Exhibit 4), dated March 30, 2011, contained in the probation report which reflects that Mr. Torres met the following conditions: substance abuse assessment, substance abuse counseling (including residential treatment), and substance abuse testing. Mr. Torres did not complete the education requirement, and Judge Stokes has never violated a probationer who did not complete the education requirement because it is a condition to encourage a person to enhance or build up one's self esteem and make the probationer more marketable in the work force. However, as has been stated, Judge Stokes did not receive a blue form dated December 21, 2010, regarding the education condition or any matter. With respect to a blue form dated April 7, 2011, it does not exist either.

The probation period on Mr. Torres' cases expired on March 17, 2011, as reflected on the Journal Entries contained in the case files, and the Clerk of Court's Docket. There would have been no reason for a blue form to have been issued on April 7, 2011, when probation expired on March 17, 2011.

Rufus Davis, 2008 CRB 004551

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Rufus Davis, Case No. 2008 CRB 004551*, is attached as Exhibit 1.

Judge Stokes sentenced Rufus Davis on April 12, 2010, for Soliciting Drug Sales which included credit for three days served, 177 days suspended, a fine of \$100.00 that was mitigated based on the days served, and court costs that were suspended based upon his indigent status. In addition, Judge Stokes placed Mr. Davis on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, due to admitted continued use of marijuana, random substance abuse testing, a vocational skills assessment, and to obtain gainful employment.

Judge Stokes requested preparation of a Post-Sentencing Investigation (PSI) Report, and continued Mr. Davis' case to review the PSI Report on April 28, 2010. Judge Stokes noted that, if in full compliance, Mr. Davis was not required to be present on April 28, 2010. The April 28, 2010 PSI Report (Exhibit 2) included an updated report written by Probation Officer Kevin McGlynn. The updated report noted that Probation Officer McGlynn instructed Mr. Davis to be in court on April 28, 2010, because he had a positive test result for marijuana on April 19, 2010. The updated report also noted that Probation Officer McGlynn forwarded a blue form to Judge Stokes on April 23, 2010,

On April 28, 2010, the Clerk's Office failed to submit the case file, and Mr. Davis failed to appear which Judge Stokes noted on her Journal Entry dated May 13, 2010, setting Mr. Davis' case for a probation violation hearing on June 22, 2010. On June 22, 2010, Judge Stokes reviewed the updated probation report which reflected that Mr. Davis had a second substance abuse test on May 20, 2010, that was negative for cocaine, marijuana, and opiates, and he also had negative urinalysis test results on June 16, 2010. Judge Stokes advised Mr. Davis that the "PV (probation violation) hearing was cancelled" because he "is now in compliance". In addition, Judge Stokes noted that the same conditions applied, and that active probation continued until April 12, 2011.

Mr. Krakowski's chart indicates that blue forms were issued on October 29, 2010, and April 23, 2011, but this must be an error: Neither Judge Stokes' records nor the probation report contain any reference to an October 2010 form, but they do contain a blue form (Exhibit 3) issued by Probation Officer Kevin McGlynn on April 23, 2010, not April 23, 2011, (shortly after Mr. Davis' conviction and sentencing on April 12, 2010), noting Mr. Davis had tested positive for marijuana on April 19, 2010, but noting that the case was set for review on April 28, 2010, for Judge Stokes to review the PSI report.

It is interesting to note that there are two “original” blue forms dated April 23, 2010: the probation report contains an original blue form (without a handwritten notation in the lower right hand) (Exhibit 4), dated April 23, 2010, by Probation Officer McGlynn which has the original signature of a supervisor dated April 23, 2010. Judge Stokes’ records contain what also appears to be the identical original blue form (with a handwritten notation in the lower right hand) (Exhibit 3), dated April 23, 2010, by Probation Officer McGlynn which also reflects an original signature by a supervisor on April 23, 2010.

Judge Stokes did address the issues set forth in this blue form at the June 22, 2010, court hearing. However, Judge Stokes’ blue form dated April 23, 2010, was not returned to the Probation Department because it is one of those blue forms placed in a folder that was inadvertently placed in Judge Stokes’ office closet, and not discovered until May 27, 2012. As previously documented, on May 13, 2010, the April 28, 2011, court date was continued to June 22, 2010, because the Clerk failed to submit the case file on April 28, 2010, and Mr. Davis failed to appear on April 28, 2010. Upon receipt of the case file on May 13, 2010, Judge Stokes scheduled the June 22, 2010, probation violation hearing that was cancelled at the court hearing because Mr. Davis was in compliance by June 22, 2010.

Mr. Davis’ probationary period expired on April 12, 2011, with “all conditions met” as reflected on the Closing Summary Report, dated April 25, 2011, contained in the probation report. The Closing Summary Report (Exhibit 5) correctly reflects that the term of probation was from “4/12/2010-4/12/2011”, although it incorrectly states in the Comments that the “*probationary period expired on 4/28/2011*”. The Journal Entry in the case file, as well as the Clerk’s Journal Docket Entry reflects that probation expired on April 12, 2011. There was not a blue form issued on April 23, 2011, because the probationary period expired on April 12, 2011.

Donovan Clairmont—2009 CRB 023919

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Donovan Clairmont, Case No. 2009 CRB 023919*, is attached as Exhibit 1.

Judge Stokes sentenced Donovan Clairmont on February 17, 2010, for Persistent Disorderly Conduct which included credit for three days served, 27 days suspended, and court costs. In addition, Judge Stokes placed Mr. Donovan on one year active of probation with the following conditions: outpatient treatment per the alcohol/drug abuse assessment, random substance abuse testing which was to be done by the treatment agency, and to enroll in GED classes and obtain a GED. Judge Stokes granted Mr. Donovan's motion to travel to Canada to visit his immediate family members as long as the Probation Officer was able to verify the residential address of Mr. Donovan's family in Canada.

On April 15, 2010, Probation Officer Kevin McGlynn issued a blue form (Exhibit 2) that was signed by Supervisor Deborah McDonald on April 16, 2010. This blue form was issued to advise Judge Stokes that Mr. Donovan was attending outpatient treatment at Walker & Associates Chemical Dependency Services. However, Mr. Walker informed Probation Officer McGlynn that he did not require his clients to submit to substance abuse testing. Probation Officer McGlynn sent the blue form for advice "*on the court status of substance abuse testing.*"

On May 13, 2010, in response to this blue form, Judge Stokes scheduled a probation violation hearing for June 22, 2010, which was set forth on the blue form and the Journal Entry in the case file. Judge Stokes signed and returned the blue form on May 13, 2010. Judge Stokes noted on the May 13, 2010, Journal Entry that if in full compliance, Mr. Donovan did not need to be present, and the probation violation hearing will be cancelled. However, if not in compliance, Mr. Donovan had to be present on June 22, 2010. In addition, Judge Stokes noted that Mr. Donovan had to submit to a current urinalysis test for which he had to pay, and that an updated report was needed on all conditions ordered.

On June 22, 2010, Judge Stokes granted Mr. Donovan's motion to continue the probation violation hearing until July 29, 2010, and again on July 29, 2010, to August 11, 2010. On August 11, 2010, Mr. Donovan waived his probation violation hearing, and was found in violation of probation. Judge Stokes ordered 27 days of Mr. Donovan's sentence into execution, and noted on the August 11, 2010, Journal Entry (Exhibit 3) that Mr. Donovan "*refuses treatment - he tested positive on 8-5-10 for marijuana after completing substance abuse classes in July 2010.*"

Judge Stokes mistakenly wrote on the Journal Entry that probation continued to February 17, 2011. This was an unintentional error because the correct entry should

have been that probation was terminated because Mr. Donovan was to serve the balance of his sentence at the Cleveland House of Corrections. It appears from the Journal Entry that initially Judge Stokes was going to order a portion of Mr. Donovan's sentence into execution, and suspend the balance of remaining days (which was covered by white out), and allow probation to continue to February 17, 2011, but ordered the balance of 27 days into execution when Mr. Donovan refused treatment for his continued marijuana usage. Judge Stokes forgot to white out "*probation continues until 2-17-2011*", and should have checked the box to indicate: "*Probation Terminated.*" It was Judge Stokes' intention that Mr. Donovan's probation was terminated, and technically it was terminated because he served his full sentence at the CHC.

Mr. Krakowski's chart indicates that a blue form was issued on October 29, 2010, but neither Judge Stokes' records nor the probation report contain the original blue form or a copy of the blue form. Technically, Mr. Donovan's probation period expired upon completion of his sentence at the CHC. Judge Stokes' unintentional error should have been, but was not caught by Probation Officer McGlynn. In his January 14, 2011, Transfer Summary (Exhibit 4) to Probation Officer Karen Stanton, Probation Officer McGlynn wrote: "*Deft. Reported to this Officer as scheduled, but refused to comply with the probation conditions after serving his full sentence at the CHC. Judge Stokes has not responded to blue form dated 10/27/10.*"

Probation Officer Karen Stanton also did not realize that having served his full sentence at the CHC, Mr. Donovan's probation period had expired when he left the CHC. In her Closing Summary Report, Probation Officer Stanton noted that Mr. Donovan met the conditions of substance abuse assessment and counseling, but failed to submit to substance abuse testing and education classes. Probation Officer Stanton incorrectly noted that probation expired on February 17, 2011. It appears that the audits and reviews by Supervisor Patricia Schneider failed to discover Judge Stokes' error on the August 11, 2010, Journal Entry. If Judge Stokes had been made aware of her inadvertent error, she would have clarified that probation was terminated once she ordered the balance of Mr. Donovan's sentence into execution on August 11, 2010.

Lashona Brown – 2009 TRD 057333 (2007 CRB 036036, and 2009 CRB 031443)
(See also, Case Nos. 2010 TRD 030433 and 2011 TRD 017803)

Mr. Krakowski's chart indicates that a blue form was issued on Case No 2009 TRD 057333 on April 16, 2011, which is an error with respect to all three cases assigned to Judge Stokes' docket. On each of the three cases assigned to Judge Stokes, probationary period ended on December 29, 2010, and there would not have been a reason for a blue form to have been issued on April 16, 2011, after probation expired. A summary has been set forth regarding the three cases assigned to Judge Stokes, a fourth case that has a capias issued in the Arraignment Room, which remains in effect and has never been assigned to a judge, and a fifth case that was originally assigned to Judge Emanuella Groves which was reassigned to Ronald Adrine.

In *Case No. TRD 057333* (Exhibit 1), Judge Stokes sentenced Lashona Brown on December 29, 2009, for Driving Under Suspension which included a fine of \$200.00, 180 days suspended, and court costs. In addition, Judge Stokes placed Ms. Brown on one year active probation with the following condition: not to drive until valid with insurance.

On December 29, 2009, Judge Stokes also sentenced Ms. Brown for Petty Theft (*Case No. 2007 CRB 036036*) (Exhibit 2) which included credit for three days served, 177 days suspended, and court costs. In addition, Judge Stokes placed Ms. Brown on one year of active probation with the following conditions: no more thefts, and to stay off of the property of all Old Navy Stores.

On December 29, 2009, Judge Stokes also sentenced Ms. Brown for Persistently Disorderly Conduct (*Case No. 2009 CRB 031443*) (Exhibit 3) which included credit for one day served, 29 days suspended, and court costs. In addition, Judge Stokes placed Ms. Brown on one year of active probation with the following condition: pay restitution to the victim, Audra Dodson, in the amount of \$250.00 for her broken rear window.

Probation Officer Fred Turner issued a blue form (Exhibit 4, pp. 1 & 2) on April 16, 2010 (not April 16, 2011, as Mr. Krakowski's chart indicates) noting Ms. Brown was regularly reporting, but had not completed the petty theft class, nor made payments toward restitution. There is a copy of the original blue form in the probation report, and Judge Stokes located the original blue form in her files which has a post-it note on the form that says "set for PVH," which is a note Judge Stokes made that did not get completed when the form was not returned to the Probation Department. Judge Stokes believes that she did not return the blue form because she was giving Ms. Brown additional time to comply with the condition of restitution. Judge Stoke never ordered Ms. Brown to attend a petty theft class.

A review of the probation report reflects that Judge Stokes did not need to set the Persistent Disorderly Conduct case for a probation violation hearing regarding the restitution issue because Ms. Brown was in compliance with her conditions of probation prior to the expiration of probation on December 29, 2010, as reflected in the Closing Summary Report (Exhibit 5), dated May 19, 2011, which notes that Ms. Brown met her condition of restitution which Judge Stokes ordered. Judge Stokes did not need to set the Petty Theft case for a probation violation hearing because Ms. Brown attended a petty theft class which Judge Stokes did not order as a condition of probation. Probation Officer Turner had Ms. Brown attend a petty theft class which was not a condition ordered by Judge Stokes.

On February 4, 2010, while on probation to Judge Stokes, Ms. Brown received a new Driving Under Suspension charge on *Case No. 2010 TRD 030433* (Exhibit 6) which was issued a capias out of the Arraignment Room on June 1, 2010. Per the Single Judge Assignment Consolidation Case (SJACC) rule, this case should have been consolidated with the foregoing three probation cases assigned to Judge Stokes' docket, but was never done so by the Clerk's Office, the Central Scheduling staff, or by notification from Probation Officer Turner to the Central Scheduling staff. The capias remains in effect at this time.

After probation expired on December 29, 2010, with respect to the cases assigned to Judge Stokes, Ms. Brown received another Driving Under Suspension charge on March 8, 2011, on *Case No. 2011 TRD 017803* (Exhibit 7) which was assigned to Judge Emanuella Groves by the random lottery process for a pre-trial on April 13, 2011. On May 5, 2011, Ms. Brown was convicted of the Driving Under Suspension charge, and a sentencing date of May 23, 2011, was assigned. On May 23, 2011, Judge Groves placed Ms. Brown on probation to complete the Get On Track (GOT) program. On October 21, 2011, Judge Groves issued a probation capias.

This case was subsequently reassigned to Judge Ronald B. Adrine, per the SJACC Rule, for a court date on December 6, 2011. On December 6, 2011, Judge Adrine issued a capias with a bond of \$2500 that remains in effect. The Closing Summary Report reflects that Ms. Brown was a "no show" at the GOT Compliance hearing, and that she failed to meet the conditions of GED/Education, AMER-I-CAN, Employment Connection, and CWS. The Closing Summary Report lists Judge Groves assigned to this case with a capias and \$5000 bond issued October 21, 2011. The case file lists Judge Adrine having issued the capias on October 21, 2011, with a \$2500 bond. However, it is interesting to note that *Case No. 2010 TRD 030433* was never consolidated to the docket of Judge Stokes at the appropriate time as previously noted, nor ever consolidated to the docket of Judge Groves or Judge Adrine. That capias remains in effect also.

Hana Mohammed—2009 CRB 027229

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Hana Mohammed, Case No. 2009 CRB 027229*, is attached as Exhibit 1.

Judge Stokes sentenced Hana Mohammed on December 2, 2009, for Petty Theft included a suspension of the 180 days, a fine of \$100.00, and the court costs were suspended due to her indigent status. Judge Stokes granted Ms. Mohammed time to pay (TTP) her fine until February 10, 2010, waived the TTP fee, and granted Ms. Mohammed's motion to review whether the fine should be mitigated on February 17, 2010, if it had not been paid due to her indigent status. In addition, Judge Stokes placed Ms. Mohammed on one year of active probation with the following conditions: attend a petty theft class, no more thefts, and to stay off of the property of Giant Eagle stores. The Clerk failed to submit the case file on February 17, 2010. On March 11, 2010, Judge Stokes granted Ms. Mohammed's motion to suspend the \$100.00 fine based on her indigent status.

Mr. Krakowski's chart indicates that a blue form was issued on September 2, 2010. The probation report does not contain a blue form dated September 2, 2010, or a copy of a blue form dated September 2, 2010. Judge Stokes' records do not contain a blue form dated September 2, 2010, or a copy of a blue form dated September 2, 2010.

The probation report does contain the original blue form (Exhibit 2) issued on August 25, 2010, by Probation Officer Fred Turner, and signed by Supervisor Deborah McDonald on August 25, 2010. This blue form noted that Ms. Mohammed completed her conditions, and did not owe any fines or court costs.

Also, Probation Officer Turner noted that on May 25, 2010, Ms. Mohammed did obtain a new traffic case with the following charges: No Driver's License (NDL), Speed, Signal/Change of Course, and Seat Belt on Cleveland Municipal *Case No. 2010 TRD 034456*. (Exhibit 3) The blue form reflects that the traffic case was actually assigned to the personal docket of Judge Michelle Denise Earley, and not consolidated to Judge Stokes' docket per the Single Judge Assignment Case (SJACC) rule.

On June 28, 2010, Judge Earley imposed a \$40.00 fine and court costs on the Signal/Change of Course charge, and she nolloed or dismissed the following charges: NDL, Speed, and Seat Belt. Probation Officer Turner did not send a case consolidation form to the Central Scheduling staff to notify them that the traffic case should be consolidated to Judge Stokes' docket, nor is there any record that he sent a blue form to timely notify Judge Stokes that the traffic case was pending before it was mistakenly assigned to Judge Earley. Probation Officer Turner issued the August 25, 2010, blue form to advise Judge Stokes that Ms. Mohammed was "*requesting her probation become inactive.*"

Judge Stokes does not believe that she ever received this blue form because the original is contained in the probation report. Thus, Judge Stokes did not take any action, and active probation continued until December 2, 2010, as originally ordered. The Closing Summary Report (Exhibit 4), dated January 26, 2011, issued by Probation Officer Turner reflects that Ms. Mohammed reported as required, met all of her conditions of probation, and that probation expired on December 2, 2010.

Jody Jones-Mendyka—2009 TRD 076693

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Jody Jones-Mendyka, Case No. 2009 TRD 076693*, is attached as Exhibit 1.

Judge Stokes sentenced Jody Jones-Mendyka on March 25, 2010, for Driving Under Suspension which included three days ordered into execution, 177 days suspended, and the court costs were suspended based on her indigent status. In addition, Judge Stokes placed Ms. Mendyka-Jones on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, because this case was alcohol related, substance abuse testing, not to drive until valid with insurance, and to pay restitution to the victim, Mr. Riemenschneider in the amount of \$474 for lost wages.

Mr. Krakowski's chart indicates that blue forms were issued on August 20, 2010, and May 19, 2011. Probation Officer Kevin McGlynn issued a blue form on August 18, 2010, that is unsigned by Supervisor Deborah McDonald with a typed date of May 17, 2010, next to her name. There is a handwritten date of August 20, 2010, in the lower right hand corner of the blue form.

Probation Officer McGlynn noted on the August 18, 2010, blue form (Exhibit 2) that Ms. Medyka-Jones tested positive for marijuana on August 12, 2010, was not complying with her pre-treatment program at LCADA, was participating in pre-treatment as she awaited an opening in intensive outpatient treatment, and had missed 4 of these groups. Probation Officer McGlynn noted that he had forwarded a prior blue form noting that Ms. Mendyka-Jones had a positive test for marijuana on May 11, 2010. Judge Stokes has this original blue form (Exhibit 3) dated May 17, 2010, which was located in the folder of blue forms mistakenly placed in her office closet without her knowledge, and found on May 27, 2012. In addition, Probation Officer McGlynn noted on the August 18, 2010, blue form that he hand delivered this blue form, and the case file to Judge Stokes on August 12, 2010, which conflicts with the blue form issuance date of August 18, 2010, and the case file record.

The case file reflects that Judge Stokes did not order the case file on August 30, 2010, because she has to write a journal entry in order to retrieve a case file which is not in the case file; however, someone, possibly Probation Officer McGlynn, retrieved the case file and had a journal entry printed on August 30, 2010, which was submitted to Judge Stokes on August 30, 2010. The Clerk's Office keeps a Log Book on who signs out case files from the Clerk's Office. Judge Stokes has requested the Clerk's Office to research this issue, and it will provide the requested information when the Log Book from the year of 2010 has been located. On August 30, 2010, Judge Stokes issued a probation capias with no bond to be set until Ms. Mendyka-Jones appears before Judge Stokes, in response to this blue form. It is not clear when this blue form was actually

submitted to Judge Stokes, and she has the original blue form which she may not have returned because Probation Officer McGlynn hand delivered the case file to her, and Judge Stokes immediately issued the probation capias. The probation capias remains in effect.

The information in Mr. Krakowski's chart that a blue form was issued on May 19, 2011, is incorrect. This case has never been reactivated since Judge Stokes issued the probation capias on August 30, 2010. The Closing Summary Report dated September 2, 2010 (Exhibit 4) reflects that Judge Stokes issued a probation capias on August 30, 2010.

Diana McBride—2010CRB017881

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Diana McBride, Case No. 2010 CRB 017881*, is attached as Exhibit 1.

Judge Stokes sentenced Diana McBride on July 15, 2010 for Petty Theft which included credit for seven days served, 173 days suspended, and court costs. In addition, Judge Stokes placed Ms. McBride on one year of active probation with the following conditions: no more thefts, attend a petty theft class, stay off of the property of the Unique Thrift Store at 3333 Lorain Avenue, Cleveland, Ohio, attend a vocational skills assessment, obtain legitimate, gainful employment, enroll in GED classes, obtain a GED, and random substance abuse testing.

Judge Stokes continued Ms. McBride's case to August 26, 2010, to review the Post-Sentencing Investigation (PSI) Report. (Exhibit 2) The PSI Report indicated that Ms. McBride failed to report to Probation Officer Fred Turner. Thus, on August 27, 2010, Judge Stokes issued a probation capias with no bond to be set until Ms. McBride appears before Judge Stokes.

Probation Officer Turner issued a blue form (Exhibit 3) on August 12, 2010, noting that a notice of probation appointment was sent to Ms. McBride's last known address, but "returned as not known, unable to forward". The blue form indicated that Ms. McBride had failed to contact the Probation Department. This is the same information that Probation Officer Turner submitted to Judge Stokes in the PSI Report that was due in court on August 26, 2010. Judge Stokes acted on this blue form when she issued the probation capias on August 27, 2010. Judge Stokes has the original blue form which she mistakenly failed to return to the Probation Department. However, the Probation Department staff would have been aware that Judge Stokes had issued the probation capias because that information was journalized by the Clerk, and in the computer system, and the probation report and case file were sent to the Probation Department pursuant to standard procedure.

On or about December 10, 2011, Ms. McBride was arrested on the probation capias, and appeared before Judge Stokes for a probation violation hearing on December 16, 2011. On December 16, 2011, Ms. McBride waived her probation violation hearing, and was found in violation of probation. Judge Stokes gave Ms. McBride credit for the 180 days she had served on her 9 months sentence at the Ohio Reformatory for Women on *Case No. CR-11-546255* (a felony). In addition, Judge Stokes terminated Ms. McBride's probation on the Petty Theft case on the basis that she had been given credit for having served her full sentence on the misdemeanor case while incarcerated on the felony matter.

Crystal Murray—2010 CRB 000966

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Crystal Murray, Case No. 2010 CRB 000966*, is attached as Exhibit 1.

Judge Stokes sentenced Crystal Murray on February 17, 2010, for Petty Theft which included credit for three days served, 177 days suspended, a fine of \$100.00, and court costs. In addition, Judge Stokes placed her on one year of active probation with the following conditions: attend a petty theft class, no more thefts, stay off of the property of all Barnes & Noble stores. Judge Stokes continued the case to March 17, 2010, to review the Post Sentencing Investigation (PSI) Report. Upon review of the PSI Report, Judge Stokes noted on the March 17, 2010, Journal Entry for the Probation staff to "please notify, via blue form, Judge Stokes when the petty theft class has been completed so the probation status can be reviewed."

Probation Officer Fred Turner issued a blue form (Exhibit 2) on March 25, 2010, per Judge Stokes' request, to advise Judge Stokes that Ms. Murray had completed the Petty Theft class, had reported as requested, and her next probation appointment was scheduled for April 21, 2010. Judge Stokes spoke to Probation Officer Turner who advised her that Ms. Murray had not yet paid her fine and court costs which Judge Stokes noted on the blue form which she returned on May 6, 2010, and on the May 6, 2010, Journal Entry. Judge Stokes set Ms. Murray's case for a motion hearing/probation violation hearing on May 26, 2010, to review the issues regarding her outstanding fine and court costs. This hearing was continued to June 14, 2010, so that Ms. Murray could seek legal counsel.

On June 14, 2010, Judge Stokes granted Ms. Murray's motion to mitigate the court costs, and the administrative costs regarding her bond due to her indigent status, and noted that Ms. Murray was prepared to pay the fine with her bond money. Judge Stokes noted that active probation continued with the same conditions to February 17, 2011.

Probation Officer Turner issued a blue form (Exhibit 3) on August 11, 2010, not August 12, 2010, noting all conditions were complete, and fines/costs paid. Probation Officer Turner requested inactive probation for the duration of Ms. Murray's term of probation. Judge Stokes has the original blue form issued by Probation Officer Turner which was in the folder of blue forms that was mistakenly placed in Judge Stokes' office closet. Thus, Judge Stokes did not respond to this blue form because she was not aware of it. The Closing Summary Report dated May 18, 2011, reflects that Ms. Murray met all of her conditions, and probation expired on February 17, 2011. (Exhibit 4)

Janeen Williams—2009 CRB 039885

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Janeen Williams, Case No. 2009 CRB 039885*, is attached as Exhibit 1.

Judge Stokes sentenced Janeen Williams on March 2, 2010, for Petty Theft which included two days ordered into execution, 178 days suspended, a fine of \$100.00, and court costs. In addition, Judge Stokes placed Ms. Williams on one year of active probation with the following conditions: attend a petty theft class, stay off of the property of all Rite Aid stores, no more thefts, an alcohol/drug abuse assessment with treatment/counseling as warranted due to her admitted usage of marijuana, and random substance abuse testing.

Mr. Krakowski's chart indicates that a blue form was issued on August 11, 2010. The probation report does not contain an original blue form or a copy of a blue form issued on August 10, 2010. Judge Stokes' records contain an original blue form (Exhibit 2) issued on August 4, 2010, by Probation Officer Fred Turner, and signed by Supervisor Debbie McDonald on August 11, 2010, next to a typed date of August 4, 2010. On this blue form, Probation Officer Turner noted that Ms. Williams was requesting inactive probation for employment purposes. Probation Officer Turner noted that Ms. Williams completed all of her conditions, and reported as required for six months.

This blue form was one of those blue forms placed in a folder that was mistakenly placed in Judge Stokes' office closet by friend who occasionally assisted with organizing Judge Stokes' office. Judge Stokes discovered the folder of blue forms on May 27, 2012. Thus, Judge Stokes did not respond to this blue form because she was not aware of it. The Closing Summary Report dated May 18, 2011 (Exhibit 4) prepared by Probation Officer Turner reflects that Ms. Williams met all of her conditions: attended a petty theft class, a substance abuse assessment, and substance abuse testing, and probation expired on March 2, 2011, as originally ordered on March 2, 2010.

Had Judge Stokes responded to this blue form, she would have discussed the issue of inactive probation with Probation Officer Turner to determine if Ms. Williams' wanted a court hearing on the issue or just an accommodation to be made regarding the time of day or evening she reported to the Probation Department regarding her work hours. If a hearing date was requested, Judge Stokes would have set a hearing date. It is very unlikely that Judge Stokes would have permitted inactive probation because Ms. Williams had two prior felony thefts or theft related convictions, one prior petty theft conviction, one prior petty theft case allowed to be disposed of in the first offender's Selective Intervention Program, several traffic convictions, and she had received new convictions for Speed, Full Time and Attention, Failure to Display Plates and Seat Belt charges on March 17, 2010, on Cleveland Municipal *Case No. 2010 TRD 016314* while on active probation for this Petty Theft case. *Case No. 2010 TRD 016314* was not

consolidated to Judge Stokes' docket, but was adjudicated in the Traffic Arraignment Room. See Janeen William's Prior Arrest/Conviction Record. (Exhibit 3)

In addition, Ms. Williams' substance abuse testing was a condition of probation which cannot be done on inactive probation because a probationer is not required to report to a probation officer on inactive probation status. Judge Stokes would have assured Probation Officer Turner to work with Ms. Williams' employment schedule so that she had the benefit of reporting to the Probation Department on evening hours, if needed, which Probation Officer Turner could do without authorization from a judge. Ms. Williams was reporting on a monthly basis, and successfully completed all of her conditions.

Thomas Cullinan—2009 CRB 044130

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Thomas Cullinan, Case No. 2009 CRB 044130*, is attached as Exhibit 1.

Judge Stokes sentenced Thomas Cullinan on June 15, 2010, for Attempted Possession of Drug Paraphernalia which included three days ordered into execution, 57 days suspended, a fine of \$100.00, and court costs. In addition, Judge Stokes placed Mr. Cullinan on one year of active probation with the following conditions: complete an intensive outpatient treatment program per the assessment recommendations, and random substance abuse testing.

Mr. Krakowski's chart indicates that a blue form was issued on August 4, 2010. Probation Officer Kevin McGlynn issued a blue form (Exhibit 2) on August 3, 2010, not August 4, 2010, noting that Mr. Cullinan tested positive for cocaine on July 6, 2010, and July 20, 2010, and failed to submit to a drug test the week of July 12, 2010, and July 26, 2010. In addition, Probation Officer McGlynn noted that Mr. Cullinan's Treatment Counselor was recommending that Mr. Cullinan be referred for inpatient treatment. Also, the blue form noted that Mr. Cullinan was scheduled to appear before Judge Stokes on August 10, 2010, on *Case No. 2010 TRD 041960*, (Exhibit 3) a new traffic case for Driving Under Suspension and Fictitious Plates, along with his active probation case of Attempted Possession of Drug Paraphernalia.

The probation report contains an original blue form dated August 3, 2010, with the signature of Supervisor Deborah McDonald, and Judge Stokes' records also contain an original blue form dated August 3, 2010, which has Supervisor McDonald's signature. Due to an inadvertent error made by a friend of Judge Stokes who occasionally helped to organize her office, several blue forms were placed in her office closet unbeknownst to Judge Stokes. Judge Stokes discovered Mr. Cullinan's blue form in this folder of blue forms on May 27, 2012. This is why Judge Stokes did not sign or return this blue form. However, Judge Stokes did issue the probation *capias* when Mr. Cullinan failed to appear on August 10, 2010, for the probation violation hearing to address the issues set forth in the blue form, and the probation report.

On August 10, 2010, Judge Stokes issued a *capias*, and set the bond at \$3500 with respect to *Case No. 2010 TRD 041960*. On August 10, 2010, with respect to *Case No. 2009 CRB 044130*, Judge Stokes issued a probation *capias* with no bond to be set until Mr. Cullinan appeared before Judge Stokes.

Mr. Cullinan was arrested on or about August 14, 2010, and his probation violation hearing was continued to August 25, 2010. On August 25, 2010, Mr. Cullinan waived his probation violation hearing, and was found in violation of probation. Judge Stokes gave Mr. Cullinan credit for 17 days served, ordered 43 days into execution, and

noted that active probation continued to June 15, 2011. Judge Stokes noted that an updated report was needed for the subsequent court dates regarding Mr. Cullinan's pending felony Drug Possession case which needed to be resolved before the Probation Department's Substance Abuse Treatment Coordinator, Wallace Green, could try to obtain inpatient treatment for Mr. Cullinan. On October 19, 2010, Judge Stokes gave Mr. Cullinan credit for 60 days served, mitigated his fine and court costs based on his indigent status, terminated probation, and noted that his sentence was satisfied.

On August 25, 2010, Judge Stokes sentenced Mr. Cullinan on *Case No. 2010 TRD 041960* for Driving Under Suspension which included credit for 14 days served, 166 days ordered into execution, the fine of \$200.00 was satisfied based on the days served, and court costs were assessed. In addition, Judge Stokes placed Mr. Cullinan on two years of active probation with the following conditions: not to drive until valid with insurance, a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, due to his addictions to crack cocaine and marijuana, and substance abuse testing. On October 19, 2010, Judge Stokes granted Mr. Cullinan's motion to mitigate the sentence, and gave him credit for 69 days served, suspended 111 days, suspended the court costs due to his indigent status, and noted that he was to "successfully complete residential treatment and aftercare as ordered on this case and on (his) felony case." Judge Stokes noted that active probation continued to August 25, 2012, and that there was not to be any duplication of treatment services. Mr. Cullinan's probation period expired on August 25, 2012.

Charles Green, 2008 CRB 026848

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Charles Green, Case No. 2008 CRB 026848*, is attached as Exhibit 1.

Judge Stokes sentenced Charles Green on August 19, 2008, for Petty Theft which included credit for 10 days served, 170 days ordered into execution, a fine of \$100.00, and court costs. In addition, Judge Stokes placed Mr. Green on one year of active probation with the following conditions: stay off of the property of Giant Eagle stores. Mr. Green's case was continued to August 27, 2008, for the Post Sentencing Investigation (PSI) Report which was to include whether the Giant Eagle store's representative would be present to address any restitution issues. The Assistant City Prosecutor was going to check on restitution issues also.

On August 27, 2008, Judge Stokes granted Mr. Green's motion to mitigate the fine and suspend the court costs based on his indigent status. Judge Stokes noted that Mr. Green was to pay restitution to Giant Eagle in the amount of \$15.00, and he was given credit for 18 days served, 12 days to serve, with 150 days suspended. The other conditions of probation remained in effect.

On April 1, 2009, Judge Stokes issued a probation *capias* with no bond to be set until Mr. Green appeared before her in response to a blue form (Exhibit 2) issued by Probation Officer Fred Turner dated February 20, 2009, noting that Mr. Green was discharged from ORCA House on January 23, 2009, "because he was observed having slurred speech, staggering and stumbling. This happened after an unauthorized stop while out on an appointment. He has failed to pay restitution or complete his petty theft class."

Mr. Green was arrested on or about August 15, 2009, and appeared before Judge Stokes on August 18, 2009, for a probation violation hearing. On August 18, 2009, Mr. Green waived his probation violation hearing, and was found in violation of probation. Judge Stokes gave Mr. Green credit for 35 days served, suspended 145 days, and noted that active probation continued to August 10, 2010, with the same conditions.

Mr. Krakowski's chart indicates that a blue form was issued on July 1, 2010. The probation report contains a copy of a blue form (Exhibit 3) issued by Probation Officer Fred Turner on June 24, 2010, that was signed by Supervisor Deborah McDonald on July 1, 2010. Probation Officer Turner noted on the blue form that Mr. Green had attended his substance abuse assessment which recommended intensive outpatient treatment, and Mr. Green had failed to enroll in treatment. Probation Officer noted that Mr. Green last reported on May 19, 2010. Judge Stokes has this original blue form which she did not act upon because it was placed in a folder of blue forms that was mistakenly placed in her office closet without her knowledge. This folder of blue forms

was found by Judge Stokes on May 27, 2012. Mr. Green's probation expired on August 18, 2010. See also the Closing Summary Report dated August 21, 2010. (Exhibit 4)

Tierra Alexander—2008 CRB 017262

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Tierra Alexander, Case No. 2008 CRB 017262*, is attached as Exhibit 1.

Judge Stokes sentenced Tierra Alexander on December 15, 2009, for Petty Theft which included credit for five days served, 175 days suspended, a \$50.00 fine, and the court costs were suspended based on her indigent status. In addition, Judge Stokes placed Ms. Alexander on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, due to admitted marijuana usage, substance abuse testing, attend a petty theft class, to stay off of the property of all Wal-Mart Stores, attend a vocational skills assessment, obtain legitimate, gainful employment, and parenting skills classes. On February 1, 2010, Judge Stokes granted Ms. Alexander's request that she not have to attend a vocational skills assessment because of her attendance at Cuyahoga Community College (TRI-C).

Mr. Krakowski's chart indicates that a blue form was issued on July 7, 2010. The probation report does not contain a blue form dated July 7, 2010, nor does Judge Stokes have any record of a blue form issued on July 7, 2010. The probation report has a copy of a blue form (Exhibit 2) issued on April 1, 2010, by Probation Officer Fred Turner that was signed by Supervisor Deborah McDonald on April 7, 2010. Probation Officer Turner noted that Ms. Alexander completed all of her conditions except attendance at an alcohol/drug abuse education class. In addition, Ms. Alexander was requesting to visit her child's father, Gary Sander, at Belmont Prison.

Judge Stokes has this original blue form which she inadvertently failed to return to the Probation Department noting that no action was to be taken. Judge Stokes believes that she did not want any action taken because Ms. Alexander did not have any positive breathalyzer or urinalysis test results, and she had successfully completed all of her other conditions of probation. Ms. Alexander's probation expired on December 15, 2010.

Robert Fletcher—2009 CRB 003404

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Robert Fletcher, Case No. 2009 CRB 003404*, is attached as Exhibit 1.

Judge Stokes sentenced Robert Fletcher on April 22, 2009, for Petty Theft which included credit for three days served, 177 days suspended, a fine of \$200.00, and court costs. In addition, Judge Stokes placed Mr. Fletcher on one year of active probation with the following conditions: attend a Petty Theft class, no more thefts, stay off of the property of all A. J. Wright stores, outpatient treatment per the alcohol/drug abuse assessment, random substance abuse testing, enroll in GED classes, obtain a GED, and obtain legitimate, gainful employment.

Mr. Krakowski's chart indicates that a blue form was issued on February 9, 2011, which is incorrect. The only blue form (Exhibit 2) that is contained in Mr. Fletcher's probation report is one that is dated February 3, 2010, that was issued by Probation Officer Fred Turner noting that Mr. Fletcher completed the Petty Theft class, the substance abuse assessment and counseling, provided proof of employment, and reported as required, but he had not enrolled in GED classes, or paid his fine and court costs. The blue form noted that Mr. Fletcher's explanation was that the pretest class had been full; however Probation Officer Turner noted that Mr. Fletcher had since February 22, 2009, to fulfill this condition, and that probation was due to expire on April 22, 2010.

This blue form was signed by Supervisor Deborah McDonald on February 9, 2010. On February 12, 2010, Judge Stokes returned this blue form and scheduled a probation violation hearing on March 3, 2010, and noted that an updated report would be needed to verify the GED classes, and payment of the fine and court costs.

On March 4, 2010, the probation violation hearing was continued to April 7, 2010, to give Mr. Fletcher additional time to verify enrollment in GED classes and to attend his GED test dates on March 17, 2010, and March 18, 2010. Judge Stokes noted on the March 4, 2010, Journal Entry that the probation violation hearing scheduled for April 7, 2010, would be cancelled if Mr. Fletcher complied with his GED requirements.

On April 7, 2010, Judge Stokes cancelled the probation violation hearing on the basis that Mr. Fletcher "substantially complied with all conditions ordered", noting that his sentence was satisfied, and terminated probation effective April 7, 2010. The September 16, 2009, Journal Entry reflects that Mr. Fletcher's fine and court costs were mitigated based on his indigent status which was obviously overlooked by Probation Officer Turner when he submitted the February 3, 2010, blue form.

The February 9, 2011, blue form referenced by Mr. Krakowski is an error, and does not exist. There would not be any need for issuance of a blue form after probation was terminated by Judge Stokes on April 7, 2010, nearly one year earlier than the February 9, 2011, blue form was allegedly issued which shows that it is an error. In addition, the Closing Summary Report (Exhibit 3) is dated April 26, 2010, and noted Mr. Fletcher "completed his conditions of probation."

Antoinette Jones, NOT ~~2009 CRB 25693~~ 2009 CRB 011736

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Antoinette Jones, Case No. 2009 CRB 011736*, is attached as Exhibit 1.

Judge Stokes sentenced Antoinette Jones on July 22, 2009, for Attempted Petty Theft (Case No. 2009 CRB 011736) which included ten hours of Community Work Service in lieu of paying the \$100.00 fine, 90 days suspended, and the court costs were suspended based on her indigent status. In addition, Judge Stokes placed Ms. Jones on six (6) months of active probation with the following conditions: attend a petty theft class, no more thefts, and to stay off of the property of A. J. Wright Stores.

Mr. Krakowski's chart indicates that a blue form was issued on October 28, 2009, with respect to Case No. 2009 CRB 025693. Firstly, Mr. Krakowski's chart incorrectly lists Case No. 2009 CRB 025693 (Exhibit 2) which belongs to Earl Russ who was assigned to the personal docket of Judge Pauline H. Tarver, not Ms. Antoinette Jones. Secondly, Ms. Jones' probation report does not contain a blue form dated October 28, 2009, or any blue forms at all, nor does Judge Stokes have any record of any blue forms issued for Ms. Jones' case.

Ms. Jones was on active probation for six (6) months until January 22, 2010. Probation Officer Fred Turner prepared the Closing Summary Report (Exhibit 3) on April 28, 2010, three months after probation expired on January 22, 2010. The Closing Summary Report dated April 28, 2010, reflects that Ms. Jones "*completed her conditions*", and that "*she received new charges which were resolved.*"

The new charges for Driving Under Suspension and Red Light were dated February 24, 2010, (Cleveland Municipal Case No. 2010 TRD 011301), and occurred after probation expired on Ms. Jones' Attempted Petty Theft case. These traffic offenses were resolved in the Arraignment Room on March 31, 2010, with fines and court costs. Probation Officer Turner noted that Ms. Jones also had the following felony charges: "*7/31/09 RSP/ (4) Forg./ (4) Theft Common Pleas CR-52-6600) 10/20/10 1 yr. prob.*" With respect to the Attempted Petty Theft case, Probation Officer Turner noted probation expired, Ms. Jones' response to supervision was "*favorable*," and that she "*completed her conditions*" as set forth in the Closing Summary Report.

Aquila Bogarty—2008 CRB 011065

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Aquila Bogarty, Case No. 2008 CRB 011065*, is attached as Exhibit 1.

Judge Stokes sentenced Aquila Bogarty on November 10, 2008, for Petty Theft which included 25 hours of Community Work Service (CWS) in lieu of paying a fine of \$200.00, 180 days suspended, and the court costs were suspended due to her indigent status. In addition, Judge Stokes placed Ms. Bogarty on one year of active probation with the following conditions: attend a Petty Theft class, no more thefts, stay off of the property of all Old Navy stores, and to obtain gainful employment.

Mr. Krakowski's chart indicates that a blue form was issued on September 2, 2009. The probation report contains a blue form (Exhibit 2) issued by Probation Officer Fred Turner on September 2, 2009, that was signed by Supervisor Deborah McDonald on September 2, 2009. This blue form noted that Ms. Bogarty completed all of her conditions except she did not obtain employment even though "*she brought in applications where she has looked for a job but has failed to attain employment.*" Probation Officer Turner also noted that Ms. Bogarty had an outstanding fine of \$200.00 which Judge Stokes knew was incorrect because Ms. Bogarty was to complete CWS hours in lieu of the fine. Thus, Judge Stokes signed and returned this blue form on September 17, 2009, noting that she did not want any action to be taken.

Ms. Bogarty successfully completed her probationary period that expired on November 10, 2009. Per the Closing Summary Report (Exhibit 3) dated January 4, 2010, Ms. Bogarty attended the Petty Theft class, completed 25 hours of CWS, and on her last probation appointment brought in a pay check stub from her new job.

Taria Sanders—2008 CRB 025943

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Taria Sanders, Case No. 2008 CRB 025943*, is attached as Exhibit 1.

Judge Stokes sentenced Taria Sanders on September 24, 2008, for Petty Theft (*Case No. 2008 CRB 025943*) which included credit for two days served, three days ordered into execution, 175 days suspended, and court costs. In addition, Judge Stokes placed Ms. Sanders on one year of active probation with the following conditions: attend a Petty Theft class, no more thefts, stay off the property of Target stores, and a formal alcohol/drug abuse assessment with treatment/counseling as warranted, and random substance abuse testing.

On September 24, 2008, Judge Stokes also sentenced Ms. Sanders for Driving Under Suspension (DUS) (*Case No. 2006 TRD 067921*) (Exhibit 2) which included credit for two days served, three days ordered into execution, a fine of \$200.00, and court costs. In addition, Judge Stokes placed Ms. Sanders on one year of active probation with the condition not to drive until valid with insurance.

Mr. Krakowski's chart only references the Petty Theft case, and indicates that blue forms were issued on May 8, 2009, and July 2, 2009. The probation report does not contain either of those original blue forms or copies of them. Judge Stokes' records also do not contain the originals or copies of these or any other blue forms.

The only blue forms contained in Ms. Sanders' probation report are dated December 10, 2008 (Exhibit 3), and January 30, 2009 (Exhibit 4). The December 10, 2008, blue form was issued by Probation Officer Fred Turner, and signed by Supervisor Debbie McDonald on December 10, 2008. Probation Officer noted that Ms. Sanders had a positive test result for marijuana on October 1, 2008, that she rescheduled her substance abuse assessment at TASC from November 10, 2008, to January 2, 2009, due to beginning a new job, she had negative substance abuse test results for October 29, 2008, and November 19, 2008, and had not yet attended the Petty Theft class. Judge Stokes signed and returned this blue form on January 30, 2009, with the notation "See comments on blue form dated January 30, 2009."

On January 30, 2009, Probation Officer Turner issued a blue form which was signed by Supervisor McDonald on January 30, 2009. Probation Officer Turner issued this blue form to advise Judge Stokes that Ms. Sanders attended the formal substance abuse assessment which recommended that she attend a substance abuse education class. In addition, Probation Officer Turner explained that Ms. Sanders was not sent for a substance abuse test on her December 17, 2008, appointment due to a miscommunication between Supervisor McDonald and Probation Officer Turner who was out of the office on that date but left the drug test form for Ms. Sanders which was

to be given to her by Supervisor McDonald. The miscommunication was that Ms. Sanders was not informed to see Supervisor McDonald on December 17, 2008. Further, Probation Officer Turner noted that Ms. Sanders had negative substance abuse test results on January 7, 2009, and January 21, 2009. Lastly, Probation Officer Turner noted that Ms. Sanders had not yet attended the Petty Theft class, but stated that she would have a \$25.00 money order for the Petty Theft class on February 18, 2009, her next scheduled appointment.

On January 30, 2009, Judge Stokes signed and returned the January 30, 2009, blue form, and "*Since Defendant now has negative test results, no action will be taken. Same conditions apply.*" Judge Stokes was aware that Ms. Sanders promised to have her \$25.00 money order for her Petty Theft class on February 18, 2009, and that if she failed to comply with that requirement Judge Stokes would be notified. The Summary Report (Exhibit 5), dated September 24, 2009, reflects that Ms. Sanders completed substance abuse counseling, a substance abuse assessment, drug testing, and a Petty Theft class. Ms. Sanders successfully completed her probationary period with respect to both the Petty Theft and DUS cases which expired on September 24, 2009.

Lindzell Curry-Case Nos. 2008 TRD 052590, 2008 TRD 060247 & 2008 TRD 042878

The Clerk of Court's Cleveland Municipal Court Journals for *City of Cleveland vs. Lindzell Curry, Case Nos. 2008 TRD 052590, and 2008 TRD 042878, are respectively attached as Exhibit 1, and Exhibit 2.*

Judge Stokes sentenced Lindzell Curry on August 12, 2008, for Driving Under Suspension (Case No. 2008 TRD 052590) which included credit for one day served, nine days ordered into execution, a fine of \$300.00, and court costs. In addition, Judge Stokes placed Mr. Curry on active probation for one year with the condition not to drive until valid with insurance. On August 12, 2008, Judge Stokes also sentenced Mr. Curry for Driving Under Suspension on Case No. 2008TRD042878 which included credit for two days served, 8 days ordered into execution, a fine of \$200.00, and court costs. In addition, Judge Stokes placed Mr. Curry on one year of active probation with the condition not to drive until valid with insurance. Judge Stokes imposed a fine of \$50.00 on the Stop Sign charge, and a fine of \$25.00 on the Driver Seat Belt charge.

Mr. Krakowski's chart indicates that a blue form was issued on April 30, 2009, with respect to Case No. 2008TRD052590. Mr. Curry's probation report does not contain any original blue forms or copies of blue forms, and Judge Stokes' records do not have any blue forms or copies of blue forms regarding Mr. Curry's cases.

On October 20, 2008, Judge Stokes sentenced Mr. Curry for a third Driving Under Suspension (DUS) charge on *Case No. 2008 TRD 060247 (Exhibit 3)* which included credit for seven days, seven days ordered into execution, a fine of \$400.00, and court costs. In addition, Judge Stokes placed Mr. Curry on one year of active probation with the condition not to drive until valid with insurance, and random substance abuse testing.

On October 20, 2008, Mr. Curry also appeared before Judge Stokes for a probation violation hearing on the two DUS cases for which he was originally sentenced on August 12, 2008. On each of those cases (*Case No. 2008 TRD 042878 and Case No. 2008 TRD 052590*), Mr. Curry waived his probation violation hearing, admitted he violated probation by obtaining the new DUS conviction, and was found in violation of probation. On October 20, 2008, Judge Stokes ordered 7 days into execution on each case, suspended the balance of the days, and continued active probation to August 12, 2009, with the same condition: not to drive until valid with insurance.

The Closing Summary Report (Exhibit 4), dated June 24, 2010 does not make any mention of any blue forms, and reflects that with respect to all three DUS cases that probation expired within the time frames ordered, Mr. Curry completed his conditions,

did not receive any new driving citations after his conviction on *Case No. 2008 TRD 060247*, and he successfully completed his drug testing also.

Noel Green – 2008 CRB 019277 & 2007 CRB 044214

The Clerk of Court's Cleveland Municipal Court Journals for *City of Cleveland vs. Noel Green, Case Nos. 2008 CRB 019277 and 2007 CRB 044214*, are respectively attached as Exhibit 1, and Exhibit 2.

Judge Stokes sentenced Noel Green on April 10, 2008, for Petty Theft on Case No. 2007 CRB 044214 which included three days ordered into execution, a fine of \$100.00, and court costs. In addition, Judge Stokes placed Mr. Green on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, due to his crack cocaine, alcohol, and marijuana addictions, substance abuse testing, and to stay off of the property of Norfolk Southern Railroad. This case is not noted in Mr. Krakowski's chart.

Judge Stokes sentenced Noel Green on August 4, 2008, for Criminal Trespass which included credit for two days served, 28 days suspended, a fine of \$125.00, and court costs. In addition, Judge Stokes placed Mr. Green on one year of active probation with the following conditions: a formal alcohol/substance abuse assessment, to successfully complete treatment at the Free Clinic, random substance abuse testing, to stay off of the property located at 4958 Woodland Avenue, Cleveland, Ohio, and very close supervision.

Mr. Krakowski's chart indicates that a blue form was issued on April 10, 2009. However, Mr. Green's probation report does not contain a blue form dated April 10 2009, nor does Judge Stokes have any record of a blue form dated April 10, 2009.

The probation report has two original blue forms (Exhibit 3, pages 1 and 2) issued on August 20, 2008, by Probation Officer Fred Turner, but only one of which was signed by Supervisor Debbie McDonald on November 20, 2008. Judge Stokes believes that these two blue forms which are stapled together were submitted together on or about November 20, 2008.

Probation Officer Turner noted on the unsigned blue form that Mr. Green tested positive for cocaine on August 18, 2008, completed the Petty Theft class, had negative breathalyzer test results, he was still involved at the Free Clinic, and attending AA meetings. Judge Stokes signed and returned this blue form on December 9, 2008, and noted that the probation violation hearing was scheduled for December 23, 2008.

On the blue form dated August 20, 2008, and signed on November 20, 2008, Probation Officer Turner noted that Mr. Green had successfully completed treatment at the Free Clinic, continues to provide proof of attendance at AA meetings, negative substance abuse test results, and completed the Petty Theft class. The blue form also indicated that Mr. Green was requesting to complete Community Work Service (CWS)

hours in lieu of paying his fine and court costs because he was unemployed. On December 9, 2008, Judge Stokes signed and returned this blue form setting the matter for a hearing to review the fine and court costs. On December 9, 2008, Judge Stokes returned both of the August 20, 2008, blue forms that were submitted on or about November 20, 2008.

On December 23, 2008, Judge Stokes granted Mr. Green's motion to mitigate the fine and court costs based on his indigent status on the Criminal Trespass case, and noted that active probation continued to August 4, 2009, with reporting every two weeks. On December 23, 2008, with respect to the Petty Theft case, Judge Stokes suspended the court costs due to Mr. Green's indigent status, and granted his request to complete ten hours of Community Work Service by January 30, 2009, in lieu of paying the \$100.00 fine. See the Probation Hearing Report for December 23, 2008. (Exhibit 4) Judge Stokes noted that active probation continued to April 10, 2009.

The Closing Summary Report (Exhibit 5), dated September 1, 2009 reflects that probation expired on each case, and that Mr. Green met all of his conditions of probation which included: substance abuse assessment, substance abuse counseling, drug testing, community work service hours, attended a Petty Theft Class, and reported weekly and thereafter bi-weekly as required.

Tarrell Morrison—2007 TRD 018415

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Tarrell Morrison, Case No. 2007 TRD 018415*, is attached as Exhibit 1.

Judge Stokes sentenced Tarrell Morrison on August 27, 2008, for Driving Under Suspension which included credit for 12 days served, 18 days ordered into execution, 150 days suspended, a \$300.00 fine, and court costs. In addition, Judge Stokes placed Mr. Morrison on one year of active probation with the following conditions: not to drive until valid with insurance, a formal alcohol/drug abuse assessment with treatment/counseling as warranted due to alcohol and marijuana issues, and random substance abuse testing. Judge Stokes imposed a \$25.00 fine on the companion Driver Seat Required charge which was mitigated based on the days served.

The probation report contains a blue form (Exhibit 2) issued on October 16, 2008, by Probation Officer Fred Turner that was signed by Supervisor Deborah McDonald on October 20, 2008. Probation Officer Turner noted that Mr. Morrison tested positive for marijuana on September 15, 2008, and positive for cocaine on October 14, 2008, after he had his assessment with TASC on October 7, 2008. The TASC report indicated that Mr. Morrison was not eligible for TASC case management because it noted that, at the time of the assessment, he was not currently using any illegal substances or alcohol.

On October 23, 2008, Judge Stokes signed and returned the blue form which noted that a probation violation hearing was scheduled for November 17, 2008. Judge Stokes also noted on the blue form that an updated report was needed and that Probation Officer Turner was to "please have Wallace Green assist in getting a supplemental assessment due to [the] marijuana & cocaine test results".

On November 18, 2008, Mr. Morrison waived his probation violation hearing, and was found in violation of probation. Judge Stokes ordered 150 days into execution, continued active probation to August 28, 2009, and noted that the supplemental assessment would be needed due to Mr. Morrison's admitted cocaine usage. On December 4, 2008, Judge Stokes granted Mr. Morrison's motion to mitigate the sentence, and gave him credit for 47 days served, 133 days were suspended, with the same conditions, which included the need for a supplemental assessment, and close supervision.

Mr. Krakowski's chart indicates that a blue form was issued on March 18, 2009. The probation report does not contain this blue form, and Judge Stokes records do not have an original blue form or a copy of a blue form dated March 18, 2009.

The Closing Summary Report (Exhibit 3), date December 17, 2009 reflects that probation expired on August 28, 2009, and that Mr. Morrison completed all of his conditions. After probation expired on August 28, 2009, Mr. Morrison did receive a new felony charge on Case No. CR-530025 on October 9, 2009.

Mary Means—2008 CRB 034248

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Mary Means, Case No. 2008 CRB 034248*, is attached as Exhibit 1.

Judge Stokes sentenced Mary Means on December 1, 2008, for Attempted Petty Theft which included two days ordered into execution, 88 days suspended, and court costs that were suspended based on her indigent status. In addition, Judge Stokes placed Ms. Means on one year of active probation with the following conditions: no more thefts, stay off of the property of all Old Navy Stores, attend a Petty Theft class, attend a vocational skill assessment, obtain legitimate, gainful employment, enroll in GED classes, obtain a GED, a formal alcohol/substance abuse assessment with treatment/counseling as warranted, and random substance abuse testing.

Mr. Krakowski's chart indicates that a blue form was issued on December 29, 2009, which must be an error. Ms. Means' probation status expired on December 1, 2009. There would have not been any need for a blue form to have been issued after probation expired on December 1, 2009.

The only blue form (Exhibit 2) contained in Ms. Means' probation report was issued on November 4, 2009, by Probation Officer Fred Turner, and signed by Supervisor Deborah McDonald on November 4, 2009. Probation Officer Turner noted on the November 4, 2009, blue form that Ms. Means completed all of her conditions except obtaining her GED, and that in January, 2010, Ms. Means represented that she will be able to buy books to study from home and obtain her diploma. On November 4, 2009, Judge Stokes checked the "No Action" box on the blue form, signed and returned this blue form to the Probation Department.

The Closing Summary Report (Exhibit 3), dated January 6, 2010 reflects that Ms. Means' probation expired on December 1, 2009, and that she met all conditions (substance abuse assessment, substance abuse counseling, a Petty Theft class, and reported as required with the exception of obtaining her GED which Judge Stokes elected to take no action as Judge Stokes previously noted on the blue form. Judge Stokes includes the GED condition to help build a probationer's self-esteem, and to help make one more marketable, but she has never violated a probationer for not having obtained a GED.

Charles Paster-2011 CRB 002553

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Charles Paster, Case No. 2011 CRB 002553*, is attached as Exhibit 1.

Judge Stokes sentenced Charles Paster on January 28, 2011, for Petty Theft which included credit for four days served, 176 days suspended, ten hours of Community Work Service in lieu of paying a fine of \$100.00, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Paster on one year of active probation with the following conditions: attend a petty theft class, stay off of the property of all Giant Eagle Stores, a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, due to his admitted marijuana usage, and substance abuse testing.

Mr. Krakowski's chart indicates that a blue form was issued on May 5, 2011. Probation Officer Fred Turner issued a blue form (Exhibit 2) on May 5, 2011, that was signed by Supervisor Deborah McDonald on May 6, 2011. On this blue form, Probation Officer Turner noted that Mr. Paster's conditions were not met because he failed to report to probation appointments on March 18, 2011, and April 5, 2011. In addition, Probation Officer Turner noted Mr. Paster received a new Petty Theft charge on *Case No. 2011 CRB 015001* that was scheduled to appear on Judge Stokes' docket on May 18, 2011, per the Single Judge Assignment Case Consolidation (SJACC) Rule. The Court's Central Scheduling Department staff placed both cases (*Case No. 2011 CRB 002553*, and *Case No. 2011 CRB 015001*) (Exhibit 3) on Judge Stokes' May 18, 2011, docket. Probation Officer Turner noted on this blue form that he was requesting that a probation *capias* be issued on *Case No. 2011 CRB 002553*.

On May 18, 2011, Mr. Paster failed to appear on either case. Thus, Judge Stokes issued a *capias* with a \$3500 bond because Mr. Paster failed to appear for the pre-trial on the Petty Theft *Case No. 2011 CRB 015001*. On May 18, 2011, Judge Stokes issued a probation *capias* with no bond to be set until Mr. Paster appears before Judge Stokes with respect to the Petty Theft *Case No. 2011 CRB 002553*. Accordingly, Judge Stokes issued the probation *capias* in response to the May 5, 2011, blue form issued by Probation Officer Turner noting that both cases were scheduled for May 18, 2011.

Judge Stokes has the original of this blue form which she mistakenly did not return to the Probation Department. However, pursuant to standard procedure, the probation case file and the probation report were returned to the Probation Department so that the information could be noted, and the information was also in the computer with respect to both cases. Judge Stokes kept this blue form in her records and later noted that *Case No. 2011 CRB 002553* had a probation violation hearing that was mitigated on January 25, 2012, and probation was continued to January 12, 2013, which is explained in detail.

Mr. Paster was arrested on the warrants on or about July 8, 2011, and appeared before Judge Stokes on July 11, 2011. On July 11, 2011, Mr. Paster waived his probation violation hearing on *Case No. 2011 CRB 002553*, and was found in violation. Judge Stokes gave Mr. Paster credit for 10 days served, ordered 170 days into execution, continued active probation to January 18, 2012, with the same conditions, and requested an updated report regarding a new July, 2011, Petty Theft case that was not in court on July 11, 2011. On August 9, 2011, Judge Stokes mitigated Mr. Paster's sentence, and gave him credit for 38 days served, 142 days suspended, and noted that active probation continued to January 28, 2012, with the same conditions. Judge Stokes noted that Mr. Paster was to also complete outpatient treatment per the assessment he had while confined at the Cleveland House of Corrections.

On August 9, 2011, Judge Stokes sentenced Mr. Paster for Petty Theft on *Case No. 2011 CRB 015001* which included credit for 35 days served, 145 days suspended, the \$100.00 fine was mitigated based on the days served, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Paster on one year of active probation with the following conditions: no more thefts, stay off of the property of all Giant Eagle Stores, attend a petty theft class, outpatient treatment per the assessment, and substance abuse testing.

Probation Officer Tina Janis issued another blue form noting that Mr. Paster failed to report to scheduled probation appointments on November 15, 2011, and December 6, 2011. On January 4, 2012, Judge Stokes signed and returned this blue form noting that she issued a probation *capias* with no bond to be set until Mr. Paster appears before Judge Stokes on both cases. The January 4, 2012 probation *capias* is documented in the Clerk's Journal.

On January 6, 2012, Mr. Paster was arrested on the warrants, and his cases were scheduled on Judge Stokes' docket for January 12, 2012. On January 12, 2012, Mr. Paster waived his probation violation hearing on each case, and was found in violation of probation on each case. Judge Stokes ordered into execution 135 days and 138 days respectively on each case, and requested that the Probation Department determine if a new alcohol/drug abuse assessment was needed.

On January 25, 2012, Judge Stokes granted Mr. Paster's motion to mitigate the sentence on each case, and continued active probation noting that, in addition to Mr. Paster's previous conditions, he was to complete intensive outpatient treatment per the assessment. On *Case No. 2011 CRB 015001*, active probation was continued to August 9, 2012, and on *Case No. 2011 CRB 002553*, active probation was continued to January 12, 2013.

On June 7, 2012, Probation Officer Janis issued a blue form (Exhibit 4) on June 7, 2012, that was signed by Supervisor Peter Roche on June 7, 2012, noting that Mr.

Paster failed to complete substance abuse counseling, and he received a new Petty Theft charge on *Case No. 2012 CRB 016828* dated May 26, 2012, which was not initially assigned to Judge Stokes' docket per the Single Judge Assignment Case Consolidation (SJAACC) Rule due to the oversight of Probation Officer Janis, and the Central Scheduling staff. Thus, in error the new case was assigned to Judge Pinkey S. Carr. On May 30, 2012, Judge Carr sentenced Mr. Paster on *Case No. 2012 CRB 016828* with the following conditions: credit for five days served, and 175 days suspended. In addition, Judge Carr placed Mr. Paster on two years of inactive probation with the following conditions: complete a petty theft class, and no contact with the Giant Eagle Store.

This blue form was submitted to Judge Stokes on June 13, 2012. Judge Stokes signed, dated, and returned this blue form on June 14, 2012, and she noted that a probation violation hearing was scheduled for June 27, 2012, and that per Maureen Hough, an employee of the Central Scheduling staff, that *Case No. 2012 CRB 016828* (Exhibit 5) would be transferred to Judge Stokes' docket with the consent of Judge Carr.

On June 27, 2012, Judge Stokes issued a probation *capias* with no bond to be set until Mr. Paster appears before Judge Stokes on all three cases because Mr. Paster failed to appear. These three probation *capiases* remain in effect.

Gust Riley—2010 CRB 041878

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Gust Riley, Case No. 2010 CRB 041878*, is attached as Exhibit 1.

Judge Stokes sentenced Gust Riley on February 23, 2011, for Endangering Children which included credit for 14 days, 166 days ordered into execution, a fine of \$300.00, and court costs which were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Riley on two years of active probation with the following conditions: parenting skills classes, anger management classes, a formal alcohol/drug abuse assessment with treatment/counseling, as warranted and random substance abuse testing.

Judge Stokes received the Post Sentencing Investigation (PSI) Report, and mitigated Mr. Riley's sentence on April 20, 2011, after he completed his substance abuse assessment at the Cleveland House of Corrections (CHC), and the victim's mother, Christina Riley, noted that she did not object to Mr. Riley's release on probation with the conditions ordered which included a no contact order. Judge Stokes noted that active probation continued to February 23, 2013, and granted Mr. Riley's motion to complete 30 hours of Community Work Service (CWS) by May 24, 2011, in lieu of the paying the fine, and the court costs were previously suspended based on his indigent status.

Mr. Krakowski's chart indicates that a blue form was issued on June 21, 2011. Probation Officer Lisa Banks issued a blue form (Exhibit 2) on June 21, 2011, noting that Mr. Riley was terminated from community work service and completed only four out of 30 hours. This blue form was signed by Supervisor Debbie McDonald on June 21, 2011.

Judge Stokes returned the form on August 2, 2011, scheduling a probation violation hearing for August 24, 2011, and requested an updated report on all conditions ordered. Mr. Riley failed to appear on August 24, 2011, and Judge Stokes issued a probation capias with no bond to be set until Mr. Riley appeared before Judge Stokes. On or about November 14, 2011, Mr. Riley was arrested on felony warrants and the probation warrant, and his case was scheduled for a probation violation hearing on November 17, 2011, before Judge Stokes.

On November 17, 2011, Mr. Riley waived his probation violation hearing, and was found in violation of probation. Judge Stokes ordered 103 days into execution, and noted that a new substance abuse assessment was needed, but this condition could only be considered after the felony charges had been resolved. Judge Stokes mitigated the fine based on the days served, and vacated the CWS hours requirement.

On December 1, 2011, Judge Stokes granted Mr. Riley's motion to continue serving the balance of his sentence at the CHC. Judge Stokes noted that Mr. Riley had

88 more days to serve, and that he refused to comply with any of his probation conditions. Judge Stokes also noted on the December 1, 2011, Journal Entry that Deputy Chief Dean Jenkins was to notify the victim's mother of the information set forth on December 1, 2011.

Probation Officer Banks issued another blue form (Exhibit 3) on February 22, 2012, indicating Mr. Riley's refusal to complete the substance abuse assessment at the CHC on January 21, 2012. Judge Stokes returned the blue form on March 6, 2012, indicating that probation was terminated on December 1, 2011, when Judge Stokes granted Mr. Riley's motion to serve his remaining sentence at the Cleveland House of Corrections due his non-compliance.

In addition, Judge Stokes noted that as of March 6, 2012, Mr. Riley's sentence was satisfied because his sentence was served in full at the Cleveland House of Corrections. Judge Stokes noted on the Journal Entry dated March 6, 2012, that "*probation was terminated on 12-1-2011. Defendant served full sentence at CHC. Sentence Satisfied.*" This information is also set forth in the Closing Summary Report (Exhibit 4), dated February 23, 2011.

Thomas Myricks—2011TRCOO 1477

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Thomas Myricks, Case No. 2011 TRD 001477*, is attached as Exhibit 1.

Judge Stokes sentenced Thomas Myricks on March 15, 2011, for Driving Under the Influence of Alcohol/Drugs (DUI) which included credit for six days served, ten days ordered into execution, 164 days suspended, a license suspension from March 15, 2011, to January 8, 2014, a \$375.00 fine, and the court costs were suspended due to his indigent status. In addition, Judge Stokes placed Mr. Myricks on three years of active probation with the following conditions: Intensive Outpatient Treatment recommended by the Alternative To Jail (ATJ) Program that Mr. Myricks attended prior to sentencing, random substance abuse testing, and 5 MADD (Mothers Against Drunk Driving) Sessions.

On February 3, 2012, Probation Officer Liz Smith issued a blue form (Exhibit 2) that was signed by Supervisor Burma Stewart on February 6, 2012. Probation Officer Smith noted on the blue form that Mr. Myricks completed all conditions of probation which included an Intensive Outpatient Treatment Program at the Salvation Army on July 21, 2011, and he paid his fine in full. However, Probation Officer Smith noted that Mr. Myricks tested positive for marijuana on January 10, 2012. On March 2, 2012, Judge Stokes noted on the blue form that a probation violation hearing was scheduled for March 14, 2012.

On March 14, 2012, Judge Stokes granted both her and Mr. Myricks' request for a psychiatric evaluation of Mr. Myricks. Mr. Myricks' probation violation hearing was continued several times until April 30, 2012, awaiting the Psychiatric Report and the supplemental alcohol/substance abuse assessment appointment date and recommendations.

On April 30, 2012, Judge Stokes noted that Mr. Myricks' case was to be transferred to Judge Pauline Tarver's Mental Health Court, per the April 17, 2012, Psychiatric Report, and the probation violation was continued to May 23, 2012, on Judge Tarver's docket.

On May 23, 2012, Judge Tarver noted that the Clerk failed to submit the case file by her notation of N.F.I.C. (No File In Court). Judge Tarver also noted that active probation was continued to March 15, 2014, and that Mr. Myricks was to see his probation officer on June 5, 2012, and attend an ATJ program. See also the Mental Health Court Compliance Hearing Report (Exhibit 3) for May 23, 2012.

Mr. Krakowski's chart indicates that a blue form was issued on April 18, 2011. The probation report does not contain the original or a copy of the April 18, 2011, blue

form, nor does Judge Stokes have any record of a blue form dated April 11, 2011. Mr. Myricks' probation report contains the February 3, 2012, blue form which Judge Stokes signed on March 2, 2012.

Antwone Kennibrew—2010 CRB 018586

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Antwone Kennibrew, Case No. 2010 CRB 018586*, is attached as Exhibit 1.

Judge Stokes sentenced Antwone Kennibrew on July 6, 2010, for Obstructing Official Business which included credit for three days served, 87 days suspended, the \$100.00 fine was satisfied based on the days served, and the court costs were suspended based on his indigent status. Judge Stokes also sentenced Mr. Kennibrew on July 6, 2010, for Aggravated Trespass which included credit for three days served, and 27 days suspended.

In addition, Judge Stokes placed Mr. Kennibrew on one year of active probation with respect to both charges which included the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling as warranted due to his marijuana usage, substance abuse testing, attendance at the Community Orientation Program ("COP"), verification of enrollment in Chancellor University, and to stay enrolled at that school. Judge Stokes continued Mr. Kennibrew's case to August 18, 2010, to review the Post Sentencing Investigation (PSI) Report.

On August 18, 2010, Mr. Kennibrew appeared before Judge Stokes for a probation violation hearing based on his positive urinalysis test results for crack cocaine and marijuana. Mr. Kennibrew waived his probation violation hearing, and was found in violation of probation. Judge Stokes ordered three days into execution, and noted that active probation was to continue to July 6, 2011, with close supervision due to Mr. Kennibrew's usage of crack cocaine and marijuana. In addition, Mr. Kennibrew was required to attend an alcohol/drug abuse assessment on September 3, 2010, and all other conditions remained in effect.

Probation Officer Ivan Pacheco issued a blue form (Exhibit 2) on December 22, 2010, noting a urinalysis test on November 17, 2010, was positive for marijuana. This blue form was signed by Supervisor Peter Roche but is not dated. Thus, Judge Stokes is not sure of when this blue was actually submitted to her. Judge Stokes signed and returned this blue form on July 5, 2011, noting that a probation violation hearing was scheduled for August 17, 2011, and that "*active probation was extended to October 6, 2011, by agreement. Atty. Potts was present. Refer for a supplement(al) assessment due to marijuana usage 2 weeks ago. Defendant obtained a certificate for (outpatient) OP treatment in April 2011, but used again.*"

On July 5, 2011, Judge Stokes also noted on the Journal Entry that the probation violation hearing was scheduled for August 17, 2011, and that active probation was extended for three months to October 6, 2011, per the motion of Judge Stokes and Mr. Kennibrew, and that Mr. Kennibrew needed a new alcohol/substance abuse assessment.

Probation Officer Pacheco issued another blue form (Exhibit 3) on June 3, 2011, which was signed by Supervisor Roche on June 3, 2011. This blue form noted that Mr. Kennibrew had a positive substance abuse test for marijuana on May 19, 2011, and that he had completed treatment through TASC on April 11, 2011, and that this was the second blue form sent to Judge Stokes. The issues set forth in both blue forms were addressed when Judge Stokes set Mr. Kennibrew's case for the August 17, 2011, probation violation hearing.

On August 17, 2011, Mr. Kennibrew waived his probation violation hearing, and was found in violation of probation. Judge Stokes ordered two days into execution, and noted that Mr. Kennibrew was to attend the August 23, 2011, TASC assessment with active probation to continue to October 6, 2011. Mr. Kennibrew's case was continued to September 21, 2011, for a motion hearing to review the length of probation which would be dependent on the assessment recommendations. Judge Stokes also noted that the urinalysis testing should be done by the treatment agency if it agrees to do so.

On September 21, 2011, Mr. Kennibrew's case was continued to September 29, 2011, for a probation violation hearing. The updated probation report (Exhibit 4) for the September 29, 2011, probation violation hearing reflected that Mr. Kennibrew failed to attend a meeting with his TASC case manager on September 28, 2011, and failed to begin intensive outpatient treatment at the Free Clinic. Mr. Kennibrew also failed to appear for the September 29, 2011, probation violation hearing.

On September 29, 2011, Judge Stokes issued a probation capias with no bond to be set until Mr. Kennibrew appears before Judge Stokes. This capias remains in effect. Judge Stokes noted on the June 3, 2011, blue form that she had issued a capias with no bond on September 30, 2011, which she mistakenly wrote instead of September 29, 2011, which is the date the probation capias was issued. Judge Stokes returned this blue form to the Probation Department on September 30, 2011. The matters set forth in the June 3, 2011, blue form were addressed in the blue form signed and returned by Judge Stokes on July 5, 2011.

Judge Stokes returned the December 2010 form on July 5, 2011, indicating that a probation violation hearing was set for August 17, 2011, and that active probation was extended to October 6, 2011, by agreement of the prosecutor and attorney Gary Potts. She further referred the matter for a supplemental assessment since the defendant conceded marijuana usage within the previous two weeks, yet he obtained a certificate for completing treatment in April 2011 (although using often). As previously noted, Judge Stokes issued a capias on September 29, 2011, for a subsequent violation. See the Closing Summary Report (Exhibit 5), dated October 14, 2011.

Matrice Allen—2011 CRB 007956

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Matrice Allen, Case No. 2011 CRB 007956*, is attached as Exhibit 1.

Judge Stokes sentenced Matrice Allen on March 24, 2011, for Open Container Prohibited which included credit for three days served, 27 days suspended, and the court costs were suspended based on her indigent status. In addition, Judge Stokes placed Ms. Allen on one year of active probation which included the following conditions: an alcohol/drug abuse assessment with treatment/counseling as warranted due to admitted alcohol usage and possibly marijuana usage, and substance abuse testing. Judge Stokes also noted that the Probation Department staff was to provide Ms. Allen with two bus tickets.

Judge Stokes continued Ms. Allen's case to April 20, 2011, to review the Post Sentencing Investigation (PSI) Report. The PSI Report (Exhibit 3) documented that Ms. Allen had a positive urinalysis test result for cocaine. Thus, Judge Stokes scheduled a probation violation hearing for May 5, 2011. On May 5, 2011, Ms. Allen waived her probation violation hearing, and was found in violation of probation. Judge Stokes gave Ms. Allen credit for three days served, ordered one day into execution and suspended 26 days. Judge Stokes noted that close supervision was needed while on active probation to March 24, 2012, with the same conditions, and no further lying regarding usage of alcohol, marijuana, cocaine and valium.

Mr. Krakowski's chart indicates that a blue form was issued on June 16, 2011. The probation report contains a blue form (Exhibit 2) issued by Probation Officer Ivan Pacheco on June 15, 2011, that was signed by Supervisor Pete Roche on June 15, 2011. It is important to note that Probation Officer Pacheco noted on this blue form dated June 15, 2011, that Ms. Allen failed to report for a probation appointment on July 7, 2011, and that she stopped attending her substance abuse counseling at the J. Glenn Smith Center on June 3, 2011. In response to this blue form, Judge Stokes signed and returned the blue form on August 2, 2011, and noted that she issued a probation capias on August 2, 2011, with no bond to be set until Ms. Allen appears before Judge Stokes, as set forth in the Closing Summary Report (Exhibit 4), dated August 22, 2011.

Sammie Montgomery—2011 CRB 012946

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Sammie Montgomery, Case No. 2011 CRB 012946*, is attached as Exhibit 1.

Judge Stokes sentenced Sammie Montgomery on May 3, 2011, for Criminal Damaging which included credit for 13 days served, 77 days ordered into execution, a fine of \$100.00 and court costs. In addition, Judge Stokes placed Mr. Montgomery on one year of active probation with the following conditions: an alcohol/substance abuse assessment with treatment/counseling as warranted due to marijuana usage, substance abuse testing, housing was needed because the victim, Jacqueline Franklin, was Mr. Montgomery's mother, and there was a no contact order with respect to Ms. Franklin. Mr. Montgomery's case was continued to May 11, 2011, for review of the Post Sentencing Investigation (PSI) Report, and to have the victim present.

On May 11, 2011, Judge Stokes granted Mr. Montgomery's motion to mitigate his sentence. Judge Stokes gave Mr. Montgomery credit for 21 days served, suspended 69 days, and added the following conditions of probation: anger management classes, a vocational skills assessment, obtain legitimate, gainful employment, enroll in GED classes and obtain a GED with close supervision while on active probation to May 2, 2012.

Mr. Krakowski's chart indicates that a blue form was issued on June 8, 2011. The probation report contains a blue form (Exhibit 2) issued by Probation Officer Ivan Pacheco on June 3, 2011, which was signed by Supervisor Pete Roche but not dated. Therefore, Judge Stokes is not sure of when this blue form was submitted to her. Probation Officer Pacheco issued this blue form noting that Mr. Montgomery failed to appear for probation appointments on May 11, 2011, and May 30, 2011.

On August 2, 2011, Judge Stokes issued a probation capias with no bond to be set until Mr. Montgomery appears before Judge Stokes. Judge Stokes signed this blue form and returned it on August 2, 2011, noting that she had issued the probation capias.

Mr. Montgomery was arrested on this warrant on or about February 8, 2012, and his case was scheduled for a probation violation hearing before Judge Stokes on February 12, 2012. Mr. Montgomery did not appear in court on February 12, 2012, because he was improperly released from the Cleveland House of Corrections due to errors of employees of the Clerk's office and the Central Scheduling staff. Thus, on February 14, 2012, Judge Stokes issued another probation capias with no bond to be set until Mr. Montgomery appears before Judge Stokes.

On or about April 4, 2012, Mr. Montgomery was arrested on this warrant, and appeared before Judge Stokes for a probation violation hearing on April 10, 2012.

Mr. Montgomery waived his probation violation hearing, and was found in violation of probation. Judge Stokes gave Mr. Montgomery credit for 29 days served and ordered 71 days into execution with active probation to continue to April 10, 2013, with the same conditions.

Mr. Montgomery's case was continued to May 1, 2012, and he was to remain at the Cleveland House of Corrections pending receipt of the alcohol/drug abuse assessment recommendations, and housing options since he admitted to continued use of marijuana and living with his mother in violation of the no contact order.

On April 26, 2012, Judge Stokes was notified the staff at the Cleveland House of Corrections released Mr. Montgomery in error. Thus, on April 26, 2012, Judge Stokes issued another probation capias with no bond to be set until Mr. Montgomery appears before Judge Stokes. On April 27, 2012, Mr. Montgomery turned himself back into the Cleveland House of Corrections.

On May 1, 2012, Judge Stokes mitigated Mr. Montgomery's sentence so that he could be transported to The City Mission to reside since he was homeless with the same conditions previously ordered. On May 8, 2012, Probation Officer Pacheco issued a blue form (Exhibit 3), noting that Mr. Montgomery left The City Mission on or May 4, 2012. Supervisor Burma Stewart signed this blue form on May 8, 2012. This blue form was submitted to Judge Stokes on May 15, 2012. On May 17, 2012, Judge Stokes issued a probation capias with no bond to be set until Mr. Montgomery appears before Judge Stokes. Judge Stokes signed and returned this blue form on May 17, 2012, noting that she had issued the probation capias, as reflected in the Closing Summary Report (Exhibit 4), dated May 22, 2012.

Mr. Montgomery was arrested on the warrant, and appeared before Judge Stokes on June 15, 2012, for a probation violation hearing. On June 15, 2012, Mr. Montgomery waived his probation violation hearing, and was found in violation of probation. Judge Stokes gave Mr. Montgomery credit for 57 days served, and ordered the balance of his 33 days into execution which he requested. Judge Stokes terminated probation, noting that Mr. Montgomery "refuses to comply with probation conditions." On July 6, 2012, Judge Stokes mitigated Mr. Montgomery's sentence, due to overcrowding at the Cleveland House of Corrections, and gave him credit for 78 days, suspended 12 days, and noted that the sentenced was satisfied.

James Cefalo—2010 CRB 037640

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. James Cefalo, Case No. 2010 CRB 037640*, is attached as Exhibit 1.

Judge Stokes sentenced James Cefalo on Possession of Drug Paraphernalia on September 29, 2010. Mr. Cefalo was given credit for five days served, with 85 days ordered into execution, a \$100.00 fine, and court costs were suspended due to his indigent status. Judge Stokes placed Mr. Cefalo on two years of active probation with the following conditions: a substance abuse assessment due to his admitted cocaine addiction for the past 15 years, substance abuse testing, and a verifiable residential address. On November 2, 2010, Judge Stokes mitigated Mr. Cefalo's sentence as follows: credit for 39 days served, 51 days were suspended, and the fine was satisfied based on the days served. Judge Stokes noted that Mr. Cefalo was to attend his TASC assessment on November 29, 2010 and all other conditions remained in effect until September 29, 2012.

Probation Officer Kevin McGlynn issued a blue form (Exhibit 2) on November 16, 2010, indicating a positive cocaine screen and an arrest for felony Aggravated Theft of a Motor Vehicle; and noted the defendant was currently incarcerated in county jail. Probation Officer Karen Stanton issued a blue form (Exhibit 3) on May 25, 2011, noting Mr. Cefalo was charged with a new felony Theft and Aggravated Theft that was set for sentencing on June 2, 2011.

On July 5, 2011, Judge Stokes set a status hearing/probation violation hearing for July 15, 2011, and sought an updated probation report to review the status to determine if the felony County Probation terms were duplicative of the probation conditions Judge Stokes had ordered on the misdemeanor Possession of Drug Paraphernalia case. In addition, Judge Stokes requested that the Probation Officer/Staff was to notify Mr. Cefalo of the hearing which is the standard procedure.

On July 15, 2011, Mr. Cefalo's case file was not in court before Judge Stokes because the Probation Staff failed to notify the Clerk's office to place the case on Judge Stokes' docket. A review of the probation report reflects that the Probation Staff never sent a notice to Mr. Cefalo regarding the July 15, 2011, and never prepared an updated report for the July 15, 2011 hearing. Thus, Judge Stokes did not receive Mr. Cefalo's case file or probation report for the July 15, 2011 docket, as a result no action was taken on that date. It appears that this was just an oversight or error by the Probation Staff.

On March 24, 2012, Judge Stokes also issued a probation capias. On or about June 29, 2012, Mr. Cefalo was arrested on the capias, and appeared before Judge Stokes on July 5, 2012. On July 5, 2012, Mr. Cefalo waived his probation violation hearing, admitted to the violations. Judge Stokes found Mr. Cefalo in violation, gave him credit

for 90 days that he had served in county jail on felony Case No. CR-11549886, terminated probation, and noted that his sentence was satisfied.

Tyrone Jackson—2010 CRB 040673

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Tyrone Jackson, Case No. 2010 CRB 040673*, is attached as Exhibit 1.

Judge Stokes sentenced Tyrone Jackson on January 10, 2011, for Sexual Imposition which included credit for 17 days, 43 days ordered into execution, a fine of \$200.00 was mitigated based on the days served, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Jackson on active probation for one year with the following conditions: no more acts of sexual imposition, no contact with the victims, a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, and random substance abuse testing.

Mr. Jackson's case was continued to January 11, 2011, so that Mr. Jackson could be released to reside at the City Mission because he was homeless. The Post Sentencing Investigation (PSI) Report was due in court on January 27, 2011. Mr. Jackson was not brought to court or released on January 11, 2011, because the Clerk's Office failed to submit the case file on January 11, 2011, and did not locate the case file until January 27, 2011. On January 28, 2011, Mr. Jackson's case was continued to January 31, 2011, for a mitigation hearing.

On January 31, 2011, Judge Stokes mitigated Mr. Jackson's sentence and gave him credit for 38 days served, suspended 22 days, with active probation to continue January 12, 2102, with the added condition that he was to stay off of the property of Tower City. Also, Judge Stokes noted that she was making a second request for an alcohol/drug abuse assessment that had not been scheduled since the first request was made on January 10, 2011.

Mr. Krakowski's chart indicates that a blue form was issued on April 29, 2011. However, Mr. Jackson's probation report does not contain a blue form or a copy of a blue form dated April 29, 2011. Mr. Jackson's probation report does not contain any blue forms. Judge Stokes does not have any record of any blue forms for Mr. Jackson. Mr. Jackson's probation expired on January 10, 2012.

Yaquisha Cold—2010 CRB 008830

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Yaquisha Cold, Case No. 2010 CRB 008830*, is attached as Exhibit 1.

Judge Stokes sentenced Yaquisha Cold on December 21, 2010, for Possession/Use of Drug Paraphernalia which included credit for two days served, 88 days suspended, 20 hours of Community Work Service (CWS) in lieu of paying a fine of \$200.00, and the court costs were suspended based on her indigent status. In addition, Judge Stokes placed Ms. Cold on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling as warranted due to Ms. Cold's use of marijuana for four years, including large amounts each weekend—all weekend, and substance abuse testing. Judge Stokes continued Ms. Cold's case to February 15, 2011, to review the Post Sentencing Investigation (PSI) Report for a status/probation violation hearing; however, the Clerk failed to submit the case file, and the PSI Report was not submitted either.

Mr. Krakowski's chart indicates that a blue form was issued on May 3, 2011. Ms. Cold's probation report does not contain any blue forms, including one dated May 3, 2011, and Judge Stokes does not have any record of this blue form, or any blue forms for Ms. Cold.

However, there was some type of communication to Judge Stokes regarding Ms. Cold's non-compliance because on June 20, 2011, Judge Stokes scheduled a probation violation hearing for July 6, 2011, as noted on the Journal Entry that was journalized on June 21, 2011. The probation report (Exhibit 2) contains an Update Report for the July 6, 2011, probation violation hearing which makes reference to a blue form that was "*forwarded to the Court on April 28, 2011, regarding the positive test*" for marijuana on March 15, 2011.

The Update Report also noted that Ms. Cold was discharged from TASC on May 11, 2011, due to non-compliance with the rules of the program, including failure to provide verification of eight AA meetings. The Update Report further noted that on June 9, 2011, Ms. Cold claimed that she was unaware of why she did not receive a completion certificate from TASC regarding her Intensive Outpatient (IOP) Treatment.

Finally, Ms. Cold had received a new conviction for Misconduct on Public Transportation (*Case No. 2011 CRB 014778*) on May 20, 2011, in the Cleveland Municipal Court's Arraignment Room which had an outstanding Time To Pay capias issued by the Clerk of Court. The new case was not consolidated to Judge Stokes' docket.

On July 6, 2011, Ms. Cold failed to appear for her probation violation hearing. On July 6, 2011, Judge Stokes issued a probation capias with no bond to be set until Ms. Cold appears before Judge Stokes. On or about July 16, 2011, Ms. Cold was arrested on this warrant, and her case was placed on Judge Stokes' docket on July 21, 2011. On July 21, 2011, Ms. Cold waived her probation violation hearing, and was found in violation of probation. Judge Stokes ordered three days into execution and suspended 78 days, and noted that active probation continued to December 21, 2011, with the same conditions. See also, the Update Report (Exhibit 3) for the July 21, 2011, probation violation hearing.

The Closing Summary Report (Exhibit 4) dated December 29, 2011, reflects that Ms. Cold met all of her conditions of probation which included the successful completion of substance abuse counseling (SAC) on November 14, 2011, and that probation expired on December 21, 2011.

David Bentz—2004 CRB 010691

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. David Bentz, Case No. 2004 CRB 010691*, is attached as Exhibit 1.

On June 3, 2004, David Bentz withdrew his not guilty plea, entered a plea of no contest, and consented to a finding of guilty to the charge of Domestic Violence. Judge Stokes referred Mr. Bentz' case to the Probation Department for preparation of the Pre-Sentencing Investigation (PSI) Report, and scheduled the sentencing hearing for June 16, 2004. On June 16, 2004, the sentencing could not take place because the PSI Report was inaccurate due to the errors of the PSI Probation Officer who improperly combined the criminal arrest/conviction records of Mr. Bentz with those of Mr. Bentz' father. Mr. Bentz and his attorney, Robert Sidloski, waited three hours while the Probation staff attempted to correct these errors. Judge Stokes continued the sentencing hearing to June 22, 2004, for a corrected PSI Report to be prepared, and requested Supervisor Brian Siggers to assist with these issues.

On June 22, 2004, Judge Stokes sentenced Mr. Bentz for Domestic Violence which included credit for nine days, 171 days suspended, 20 hours of Community Work Service (CWS) in lieu of paying the \$200.00 fine, and court costs. In addition, Judge Stokes placed Mr. Bentz on one year of active probation with the following conditions: a formal alcohol/substance abuse assessment with treatment/counseling as warranted, substance abuse testing, participation in the Batterers Intervention Program (BIP), and a no contact order with the victim.

Mr. Krakowski's chart indicates that a blue form was issued on March 17, 2011. Mr. Bentz' probation report does not contain the original or a copy of a blue form dated March 17, 2011. Judge Stokes does not have any record of a blue form issued on March 17, 2011.

Mr. Bentz' probation report contains two blue forms. The first blue form (Exhibit 2) was issued on September 29, 2004, by Probation Officer Ken Faber that was signed by Supervisor Patricia Schneider on October 4, 2004. Probation Officer Faber noted on this blue form that Mr. Bentz submitted a dilute urinalysis sample on September 2, 2004, and all other screens were negative. On October 19, 2004, Judge Stokes signed and returned this blue form on which she noted that Mr. Bentz' case was scheduled for a probation violation hearing on November 23, 2004.

In addition, Judge Stokes noted that an updated report was needed, that the September 2, 2004, diluted sample was to be sent for further testing, and that Probation Faber was to be present. On November 23, 2004, the probation report reflected that Mr. Bentz failed to report to probation appointments on August 4, 2004, and October 20, 2004, that he was terminated from BIP, for failing to report to class, and the

urinalysis sample sent for further testing was diluted as well. The probation report also noted that Mr. Bentz completed his Community Work Service hours, and his substance abuse assessment.

On November 23, 2004, Mr. Bentz waived his probation violation hearing and was found in violation of probation. Judge Stokes ordered 30 days into execution, suspended 141 days, with active probation to continue to June 22, 2005. Judge Stokes noted that Mr. Bentz was to be re-referred to the BIP, and that all conditions remained in effect.

On November 23, 2004, Judge Stokes continued Mr. Bentz' case to December 21, 2004, to review the updated probation report to verify Mr. Bentz' compliance with all conditions. On December 21, 2004, Judge Stokes issued a probation capias with no bond to be set until Mr. Bentz appears before Judge Stokes because he was not in compliance. On or about January 21, 2005, Mr. Bentz was arrested on the probation capias, and appeared before Judge Stokes on January 25, 2005. On January 25, 2005, Mr. Bentz waived his probation violation hearing, and was found in violation. Judge Stokes gave Mr. Bentz credit for 17 days served, suspended 163 days, and noted that the same conditions of probation were in effect.

The second blue form (Exhibit 3) contained in Mr. Bentz' probation report was issued on February 2, 2005, by Probation Officer Faber that noted that Mr. Bentz failed to report for the BIP orientation on February 1, 2005, because he reported one hour late, and was not admitted. Probation Officer Faber noted on this blue form that this was the third time Mr. Bentz failed to go to the BIP, and that Probation Officer Faber was requesting that a probation capias with no bond be issued. This blue form was signed by Supervisor Dean Jenkins on February 7, 2005. On February 7, 2005, Judge Stokes signed and returned the blue form noting that she issued a probation capias with no bond to be set until Mr. Bentz appears before Judge Stokes which is also reflected on the February 7, 2005, Journal Entry.

On or about May 6, 2010, Mr. Bentz was arrested on the probation capias, and his case was placed on Judge Stokes' docket on May 10, 2010. On May 10, 2010, Mr. Bentz waived his probation violation hearing, and was found in violation of probation. Judge Stokes gave Mr. Bentz credit for time served, suspended 164 days, and noted that he was placed on one year of active probation to May 10, 2011, with the following conditions: a formal alcohol/drug abuse assessment, substance abuse testing, completion of the D.I.E.T. Domestic Violence Program, and that the no contact order was terminated pursuant to the joint request of Mr. Bentz and the Assistant City Prosecutor, on behalf of the victim. Judge Stokes noted that, upon Mr. Bentz' release from county jail, he was to report to the Probation Department on the next business day. Mr. Bentz' probation period expired on May 10, 2011.

Brian Warsheskie—2009 CRB 042161

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Rufus Davis, Case No. 2009 CRB 042161*, is attached as Exhibit 1.

Judge Stokes sentenced Brian Warsheskie on February 9, 2010, for an amended charge of Aggravated Disorderly Conduct which included credit for four days served, 176 days were suspended, the \$200.00 fine was satisfied based on the days served, and the court costs were partially suspended based on his financial hardship status. In addition, Judge Stokes placed Mr. Warsheskie on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, substance abuse testing, to complete the D.I.E.T. Domestic Violence classes, and no contact with the victim.

Mr. Krakowski's chart indicates that a blue form was issued on January 6, 2011. However, the probation report does not contain a blue form dated January 6, 2011, nor do Judge Stokes' records contain a January 6, 2011, blue form. Judge Stokes does have the blue forms dated July 20, 2010 (Exhibit 2), and October 19, 2010, (Exhibit 3) that were issued by Probation Officer Beth Eddelman noting that Mr. Warsheskie had a positive test result for cocaine on July 12, 2010.

Judge Stokes found both of these blue forms on May 27, 2012, in a folder in her office closet that was mistakenly placed there unbeknownst to Judge Stokes. Thus, Judge Stokes did not take any action because she was unaware of these blue forms when they were issued.

Mr. Warsheskie's probation period expired on February 9, 2011. The Closing Summary Report (Exhibit 4) dated February 16, 2011, reflects that Mr. Warsheskie did not complete the D.I.E.T. classes, but he completed the substance abuse assessment, completed residential treatment for his substance abuse issues on October 9, 2010, substance abuse testing, and abided by the no contact order.

Mr. Warsheskie appeared in the Arraignment Room on April 14, 2012, and Judge Anita Laster Mays granted the motion to mitigate the outstanding court costs, due to his indigent status, gave him credit for three days served, and noted that the sentence was satisfied.

Johnny Cooper—2010 TRD 007438, 2007 CRB 007279, 2010 TRD 013439, 2009 TRD 030392, 2007 TRD 071642 and 2009 TRC 041990

The Clerk of Court's Cleveland Municipal Court Journal for *City of Cleveland vs. Johnny Cooper, Case No. 2009 TRD 030392*, (Exhibit 1), *2007 TRD 071642* (Exhibit 2), *2009 TRC 041990* (Exhibit 3), *2010 TRD 013439* (Exhibit 4), *2010 TRD 007438* (Exhibit 5), and *2007 CRB 007279* (Exhibit 6).

Judge Stokes sentenced Johnny Cooper on September 2, 2009, for Driving Under Suspension (*Case No. 2009 TRD 030392*) which included credit for three days served, 177 days were suspended, a fine of \$100.00, and court costs. In addition, Judge Stokes placed Mr. Cooper on one year of inactive probation with the condition not to drive until valid with insurance.

On September 2, 2009, Judge Stokes also sentenced Mr. Cooper for Driving Under Suspension (*Case No. 2007 TRD 071642*) which included credit for three days served, 177 days were suspended, court costs, and a fine of \$100.00 was satisfied based on the days served.

Judge Stokes sentenced Mr. Cooper on March 16, 2010, for DUI (*Case No. 2009 TRC 041990*) which included credit for 17 days served, 163 days ordered into execution, a fine of \$525.00, court costs, and a license suspension from March 16, 2010, to July 1, 2014. In addition, Judge Stokes placed Mr. Cooper on two years of active probation with the following conditions: an alcohol/drug abuse assessment with treatment/counseling, as warranted, which Judge Stokes noted may have to be done once Mr. Cooper's felony case was resolved, substance abuse testing, and 5 MADD Sessions. On June 29, 2010, Judge Stokes mitigated Mr. Cooper's sentence, and gave him credit for 121 days served, 59 days were suspended with active probation to continue with the same conditions.

On March 16, 2010, Judge Stokes also sentenced Mr. Cooper for Driving Under Suspension (*Case No. 2010 TRD 013439*) which included credit for 14 days, 166 days were suspended, the fine of \$200.00 was satisfied based on the days served, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Cooper on one year of active probation with the condition not to drive until valid and have insurance. Mr. Cooper's case was continued at his request for a mitigation hearing on April 27, 2010, with an updated report needed on his pending felony since he was in county jail.

Due to the Clerk's journalizer's error, Mr. Cooper's case file did not appear on Judge Stokes' docket on April 27, 2010. The clerk did not submit the file until July 9, 2010, which Judge Stokes noted on the July 9, 2010, Journal Entry. On July 9, 2010, Judge Stokes granted Mr. Cooper's motion to mitigate his sentence, and gave him credit

for 84 days served, suspended 96 days, and noted that active probation continued to March 16, 2011, with the same conditions. On January 28, 2011, Judge Stokes issued a probation *capias* with no bond to be set until Mr. Cooper appears before Judge Stokes.

Judge Stokes sentenced Mr. Cooper on August 17, 2010, for Driving Under Suspension (*Case No. 2010 TRD 007438*) which included credit for 12 days served, 168 days were suspended, the fine of \$200.00 was mitigated based on the days served, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Cooper on one year of inactive probation with the condition not to drive until valid with insurance.

On August 17, 2010, Mr. Cooper waived his probation violation hearing on the DUS *Case No. 2009 TRD 030392*. On *Case No. 2009 TRD 030392*, Judge Stokes found Mr. Cooper in violation of probation, and gave Mr. Cooper credit for 15 days served, suspended 165 days, terminated probation, mitigated the fine and court costs due to his indigent status, and noted that the sentence was satisfied. On August 17, 2010, the Clerk's Office, the Central Scheduling Department staff, and the Probation Officer failed to query all of Mr. Cooper's cases, and each failed to place *Case Nos. 2010 TRD 013439* and 2009 TRC 041900 on Judge Stokes' docket with *Case Nos. 2010 TRD 007438*, and 2009 TRD 030392 on August 17, 2010. Thus, there was no action taken with respect to *Case Nos. 2010 TRD 013439* and 2009 TRC 041900.

Judge Stokes sentenced Mr. Cooper on October 13, 2010, for Negligent Assault (*Case No. 2007 CRB 007279*) which included credit for 15 days served, 45 days ordered into execution, the \$200.00 fine was satisfied based on the days served, and the court costs were suspended based on his indigent status. In addition, Judge Stokes placed Mr. Cooper on one year of active probation with the following conditions: a formal alcohol/drug abuse assessment with treatment/counseling, as warranted, anger management classes, substance abuse testing, and no contact with the victim.

On October 13, 2010, Judge Stokes noted that the 2007 Negligent Assault case file was not in court on her docket in August 2010, with Mr. Cooper's traffic cases that were on her docket on August 17, 2010. In addition, Judge Stokes noted on the October 13, 2010, Journal Entry that the Negligent Assault case was continued to November 2, 2010, to receive an updated probation report to determine if the December 23, 2009, assessment completed on the DUI case could be used on the Negligent Assault case.

On January 28, 2011, based upon information received from the Probation Department, Judge Stokes ordered the following case files and issued probation *capiases* with no bonds to be set until Mr. Cooper appears before Judge Stokes on *Case Nos. 2010 TRD 013439* and 2009 TRC 041990. It appears that Judge Stokes was not notified to order the rest of Mr. Cooper's files. On or about June 25, 2012,

Mr. Cooper was arrested on these warrants. On July 3, 2012, Mr. Cooper appeared before Judge Stokes, and waived his probation violation hearing on each case. On July 3, 2012, Judge Stokes found Mr. Cooper in violation on the DUI *Case No. 2009 TRC 041990*, gave him credit for 132 days served, 48 days were suspended, and terminated probation and the sentence due to his medical issues. On July 3, 2012, Judge Stokes found Mr. Cooper in violation of the Driving Under Suspension *Case No. 2010 TRD 013439*, and gave Mr. Cooper credit for 95 days served, 105 days suspended and terminated probation.

Mr. Krakowski's chart only lists *Case Nos. 2010 TRD 007438* and *2007 CRB 007279*, and indicates that a blue form (Exhibit 7) was issued on May 19, 2011. Mr. Cooper's probation report contains a copy of a blue form that was issued by Probation Officer Gary Kopchak on May 15, 2011, noting that Mr. Cooper failed to report to his probation appointment on December 22, 2010, and he was unsuccessfully discharged from intensive outpatient treatment on February 2, 2011. This blue form only lists *Case No. 2007 CRB 007279*, the Negligent Assault case, not *Case No. 2010 TRD 007438*, or any of Mr. Cooper's other cases. In addition, this blue form is not signed or dated by a supervisor. Judge Stokes does not have any record of this blue form in her files, and does not believe this blue form was submitted to her.

The following summary has been provided on Mr. Cooper's cases:

1. Probation expired on *Case No. 2010 TRD 007438* (DUS) on August 17, 2011;
2. Probation expired on *Case No. 2007 CRB 007279* (Negligent Assault) on October 13, 2011;
3. Probation was terminated on *Case No. 2009 TRD 030392* (DUS) on August 17, 2010, following a finding of Mr. Cooper's violation of probation;
4. Probation was terminated on *Case No. 2009 TRC 041990* (DUI) on July 3, 2012, following a finding of Mr. Cooper's violation of probation with 132 days served; and
5. Probation was terminated on *Case No. 2010 TRD 013439* (DUS) on July 3, 2012, following a finding of Mr. Cooper's violation of probation with 95 days served.