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October 8, 2012

Via Federal Express

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

RE: *Judge Angela Rochelle Stokes*
ODC No. B1-2911J

Dear Rob:

I am enclosing herewith a CD which contains all of the exhibits associated with the summaries comprising Exhibit A to the letter Ms. Riley forwarded to you on Friday, October 5, 2012. Please be advised that this CD should be substituted for the one I forwarded on Friday. As it turns out, the exhibits for the Kennibrew matter were inadvertently omitted. As a result, a new CD was created. The Kennibrew exhibits are in the proper order with the others. You will note that the exhibits on this CD correspond with the order in which the case summaries have been presented.

If you have any questions concerning this, please feel free to contact me at your convenience. I am sorry for any inconvenience this may have caused.

Very truly yours,

Richard C. Alkire

RCA:jmd
Encl.

cc: The Honorable Angela Rochelle Stokes
Kimberly V. Riley, Esq.

Ex. E

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December 5, 2012

Robert R. Berger, Esq.
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250 Civic Center Drive, Suite 325
Columbus, OH 43215-7411

RE: *Judge Angela Rochelle Stokes*
ODC No. B1-2911J

Dear Mr. Berger:

As a further follow-up to your letter of April 5, 2012 and Judge Stokes' initial response thereto of October 5, 2012, I provide you the following on her behalf:

As you know, in connection with Judge Stokes' initial response, she provided you a thorough summary of 118 cases and documents verifying her summaries which cases had been mentioned in Mr. Krakowski's chart related to "blue forms."

The balance of your letter mentioned additional items which are explained below.

1. <u>City of Cleveland v. Jennifer Gallagher, Case No. 2009 TRD 045427</u>:

In order to explain what occurred in this matter, the original case file covers (front and back) were obtained and reviewed. The back case file cover reflects that Ms. Gallagher's case was placed in Civil Judgment on Case No. 2009CVR023662 (see copy of electronic docket) on October 28, 2009 "for fine/or cost" (sic) for the purpose of effecting Judge Stokes' restitution order in the criminal matter by the Clerk's office. On the sentencing date of October 21, 2009, Judge Stokes did not impose a fine on Ms. Gallagher because of her "lack of employment and no verifiable income" which is reflected on **page 2 of the Pre-Sentencing Investigation Report from the Probation Department.** Judge Stokes would have to either order the transcript and/or review the DVD, if this case was recorded for DVD, to determine if there was any mention of the victim, Mr. John Haney, III, being informed on the record by Judge Stokes or the Assistant City Prosecutor that he could explore any available civil remedies for restitution in the event that Ms. Gallagher failed to make restitution payments, as a condition of probation on this case, in view of her unemployment and financial status.

Ex. F

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Attached are copies of the **three (3) Probationer Status Reports (blue forms) dated November 10, 2009, January 26, 2010 and May 21, 2010** which are contained in the Probation Report, all of which are unsigned by a supervisor. Judge Stokes does not have any record of having received the originals or copies of these forms.

Also attached is a copy of the Cleveland Municipal Court Journal provided by the Clerk of Court relative to the Criminal matter.

However, Judge Stokes does vaguely recall receiving Mr. Krakowski's letter referenced in yours, and it probably had the journal entry attached to it which reflected that probation had already expired, and that there was nothing more the court could do. At that point in time, the court no longer had jurisdiction over this individual. It should be noted that the only way Judge Stokes would be aware of whether restitution was paid would arise in two ways: First, she could be made aware of it through the Probation Department. It does not appear that the Probation Department advised her of this fact, based upon the unsigned Probation Reports. Further, Judge Stokes could check with the Clerk's office to determine whether such restitution was paid by looking at the details of the civil case which would have been opened to reflect receipt of restitution payments. Typically, Judge Stokes does not engage in this follow-up as it is impossible for her to independently track every single instance of restitution that she orders. Indeed, the civil judgment provided victims their civil remedy. As such, Judge Stokes is not aware of what restitution has been made in the Gallagher matter, although the electronic journal suggests none.

Further, reviewing the Probation Reports, which Judge Stokes does not believe she received, it appears that Ms. Gallagher could not be contacted by the Probation Department after it was ascertained that she failed to make the required contacts with this department. Mailings to her last-known address were returned as undeliverable. Thus, it is very likely that even if Judge Stokes had issued a warrant for Ms. Gallagher's arrest, nothing more would have come of this. Importantly, Mr. Henry continues to possess the civil remedies to collect the restitution if he so chooses.

As it relates to telephone calls received by Judge Stokes' office on matters such as this, she would have referred the call to the Probation Department. She does not recall receiving any such calls, and she is not in a position on a daily basis to personally take every telephone call coming to her from people who are seeking to follow up on court-ordered restitution. It would not be proper for Judge Stokes to take such a telephone call regardless. This would be tantamount to *ex parte* communication with the court. If the judge is given such a message, however, she does pass it on to the Probation Department.

Finally, nothing was placed in writing in response to Mr. Krakowski's letter, as there was nothing Judge Stokes was able to do on this matter.

2. **City of Cleveland v. Barbara Odoms, Case No. 2006 CRB 035519 and September 30, 2011 Email**

On October 26, 2011, the *Barbara Odoms* matter was scheduled on the Project HOPE docket for 9:00 a.m. The probation *capias* was issued on November 4, 2011. Judge Stokes' review of the original court file reflects that the file was not in her possession as it should have been the night before the September 26th hearing. Her files invariably reflect date stamps. It was and continues to be her practice the night before a docket to date stamp the next day's date so that there is a place on the file to record what transpires during the open court proceeding. On this file, it reflects that Judge Stokes conducted hearings on August 8, 2011, August 22, 2011 and the next entry is November 4, 2011. There is no date stamp for September 26, 2011, which to the best of Judge Stokes' knowledge and belief, means that the file was not in her possession the night before or the date of the scheduled hearing, and therefore, the matter could not have come to her attention for purposes of issuing a *capias*. It is most likely that the file came to her attention on or about the date she did issue the *capias* for which there is a date stamp, November 4, 2011. It was not and continues not to be uncommon that files required to conduct hearings do not make their way to Judge Stokes' courtroom in a timely fashion. This also happens to judges other than Judge Stokes.

As it relates to the details of the Barbara Odoms matter, Judge Stokes sentenced Ms. Odoms on August 8, 2011 for the charge of Soliciting which included a $200 fine, credit for nine days served and 171 days ordered into execution. The fine was mitigated based on the days served, and the court costs were suspended based on her indigent status. Judge Stokes placed Ms. Odoms on two years of active probation with the following conditions: no soliciting, a chemical dependency assessment due to admitted alcohol issues, successful completion of Project HOPE, the court's rehabilitative program for women convicted of solicitation offenses. In addition, Judge Stokes requested the preparation of a Post-Sentencing Investigation Report which was to also include verification of Ms. Odoms' medical conditions, whether surgery was scheduled in the near future, and whether her case needed to be advanced on the docket prior to August 22, 2011 due to her alleged medical issues.

On August 22, 2011, Judge Stokes mitigated Ms. Odoms' sentence and gave her credit for 23 days served and suspended 157 days with active probation to continue with the same conditions. The case was continued to September 22, 2011 on the Project HOPE docket.

Attached are the case file cover sheets and the original of the Cleveland Municipal Court Journal provided by the Clerk's office. It appears that Judge Stokes did not have Ms. Odoms' case file for the Project HOPE docket date of September 26, 2011. In addition, Judge Stokes did not issue the *capias* on September 26, 2011 because the Probation Compliance Hearing Report for September 26, 2011 reflected that Ms. Odoms indicated to her Probation Officer Karen Stanton "that she had a tumor

removed on 8/26/11. She further indicated that she is having an additional surgery on 9/26/11. She was informed to provide verification to this officer on 9/22/11." The Compliance Hearing Report further indicates that Ms. Odoms met with the Probation Department Receptionist on September 22, 2011, but allegedly left due to illness before meeting with a supervisor.

Thus, Judge Stokes waited to receive more information from the Probation Department which was to attempt to verify Ms. Odoms' attendance at the alleged surgery dates, and to verify whether Ms. Odoms' failure to attend probation appointments was due to her medical issues before Judge Stokes issued a probation *capias* on November 4, 2011 with no bond to be set until Ms. Odoms appeared before Judge Stokes.

A review of the August 22, 2011 Journal Entry reflects that Judge Stokes requested the Probation Officer to notify her, via a blue form, by September 1, 2011 of verification of Ms. Odoms' alleged scheduled surgery. This information was also requested to be presented for the September 26, 2011 docket. On the August 22, 2011 Journal Entry, Judge Stokes requested that the August 31, 2011 TASC chemical dependency assessment be cancelled and rescheduled when Ms. Odoms was medically able to attend after the surgery. Judge Stokes does not believe that Ms. Stanton ever sent the blue form on September 1, 2011 (it is not contained in the Probation Report), and Judge Stokes does not believe that the information sought was provided at the October 2011 Project HOPE Compliance Docket. Judge Stokes issued the *capias* on November 4, 2011 when it was finally verified that Ms. Odoms was not in compliance with the conditions ordered.

Ms. Odoms was arrested on the warrant (probation *capias*) on or about August 31, 2012. Ms. Odoms appeared before Judge Stokes on September 4, 2012, waived her probation violation hearing and admitted to having violated the terms and conditions of probation. Judge Stokes gave her credit for 30 days served and ordered 150 days into execution, noting that active probation continued on the Project HOPE docket until August 8, 2013. Judge Stokes ordered a new chemical dependency assessment to be done while Ms. Odoms was incarcerated at the Cleveland House of Corrections due to her noncompliance. On October 10, 2012, Judge Stokes mitigated Ms. Odoms' sentence and gave her credit for 66 days served and suspended 114 days with active probation to continue until August 8, 2013 with the following same conditions: no soliciting, attend outpatient treatment for her cannabis abuse issues, no more missed probation, court and treatment dates, random substance abuse testing, complete project HOPE and meet with Probation Officer Mignon Cook on October 11, 2012. Judge Stokes also requested that the Probation Department give her two bus tickets. Ms. Odoms claimed she still had medical issues, some of which were verified.

Ms. Odoms did appear for the Project HOPE (Holistic Opportunities and Preventative Education) Docket on October 22, 2012, and her case was set for a Probation Violation Hearing on October 29, 2012, in the event she failed to attend her

October 26, 2012 probation appointment and/or failed to submit to a urinalysis test on October 29, 2012. On October 29, 2012, Judge Stokes issued a probation *capias* with no bond to be set before Judge Stokes when Ms. Odoms failed to report to Probation Officer Cook on October 26, 2012 and failed to appear for the Probation Violation Hearing on October 29, 2012.

3. City of Cleveland v. Rochelle Vanleer, Case Nos. 2007 TRD 051510, 2010 TRD 036168 and 2010 CRB 027124

In respect to the Rochelle Vanleer complaint attached to Tab 13, (sic, Tab 14), Judge Stokes provides the following.

Significantly, Judge Stokes was not provided the citizen complaints referred to in your letter so that she could take immediate and appropriate action. See, Regina Daniel's November 9, 2012 Memo and Michael Negray's November 27, 2012 document, attached. On the two days mentioned by Ms. Vanleer, April 6, 2011 and April 9, 2011, Ms. Vanleer's cases were not in Judge Stokes' courtroom as reflected on the case file covers, case file coversheets and on the Cleveland Municipal Court journals as provided by the Clerk of Courts. These documents are attached.

With respect to Case No. 2007 TD 051510, on April 7, 2011, a Central Scheduling Department staff member noted that this case was set on Judge Stokes docket for May 4, 2011 for review purposes only to advise the judge that a "Motion to Mitigate" had been filed so that Judge Stokes could set the matter for a hearing date on the merits of the motion, and to notify the Public Defenders' office of the hearing date. From the handwriting on the file, Judge Stokes believes it was Michael Harvey, a Central Scheduling employee, who set this case for review on May 4, 2011.

A copy of Defendant's Motion to Mitigate filed with the court on November 12, 2010 is enclosed. It was not set for review on Judge Stokes' docket until May 4, 2011 by the Central Scheduling staff. Judge Stokes does not know if the six-month delay was due to an error on the part of the Clerk's office or the Central Scheduling staff. It was not Judge Stokes' error though.

A copy of Judge Stokes Journal Entry dated May 4, 2011 (attached) reflects that the case was "Set for Review" on May 4, 2011 and continued for a hearing on the merits on May 9, 2011 (journal entry attached). Although Ms. Vanleer's case was not set for a hearing on the merits of her Motion to Mitigate on May 4, 2011, it appears that she was present based on a Work Excuse form that Judge Stokes signed on May 9, 2011, noting that she was present in court on May 5, 2011 (should have been May 4, 2011) and May 9, 2011. Ms. Vanleer or her Public Defender Scott Malbasa requested the judge to write the Work Excuse form which she honored. Judge Stokes cannot recall if Ms. Vanleer was in court on May 4, 2011.

As referenced above, attached hereto is a memo from Regina Daniel, Deputy Court Administrator of the Cleveland Municipal Court dated November 9, 2012. She indicates there is no written policy in place at the present time, much less in 2011, for handling general complaints of which Vanleer was one, as well as Nichole Taylor, or the following matter, Allen Peterson. Instead, Ms. Daniel informed Judge Stokes that all the public incident/complaint forms are provided to Judge Adrine, which are first given to Michael Negray, Case Flow Supervisor. Mr. Negray provides a copy to Judge Adrine, Administrative Judge. (See Negray document, attached) You are specifically informed that Judge Stokes denies that she ever saw the Vanleer complaint, the Nichole Taylor complaint or the Allen Peterson complaint, or any of the complaints under Tab 14 before she received these documents in connection with the instant grievance. This procedure raises a serious question about the true purpose of these Incident forms. If they existed to address quality concerns, wouldn't it make sense to give the subject of the complaint an opportunity to address the issue immediately? Why would such forms be collected and provided only in the context of a grievance? The Judges of the Court have not approved or voted on the use of Incident Report forms and the procedure described above.

4. City of Cleveland v. Nichole Taylor, Case Nos. 2010 TRD 045022 and 2011 TRD 005761

Nichole Taylor's cases were on Judge Stokes' docket on May 18, 2011. The Journal Entries for both cases and the Cleveland Municipal Court Journal provided by the Clerk reflect that Judge Stokes issued a *capias* on each case because Ms. Taylor was not present when the cases were called. On Case No. 2010 TRD 045022 (CCO 435.05 Owner/Operated; Allowed Another to Drive Without a Legal Right), Judge Stokes issued a *capias* and set the bond at $1,500 which remains in effect. On Case No. 2011 TRD 005761 (CCO 435.01A License Required To Operate; CCO 431.19 Operation Of Vehicle At Stop Sign; CCO 437.27B1 Driver Seat Required), Judge Stokes issued a *capias* and set the bond at $2,500 which remains in effect. Ms. Taylor has not been picked up on either of these *capias* to the best of Judge Stokes' knowledge and belief. The judge cannot explain why Ms. Taylor was not present in her courtroom when her case was called, but instead found the time to make a citizen complaint at the Administrative Services Department. Since you are in possession of the DVD, you can see what occurred in Judge Stokes' courtroom that day in detail. Judge Stokes had 124 matters set on her docket that day.

5. City of Cleveland v. Allen Peterson, Case No. 2010 TRD 042124

The attached original of the Cleveland Municipal Court Journal provided by the Clerk's office reflects that Mr. Peterson was in court on August 24, 2010 and September 16, 2010. While your letters indicates that Mr. Peterson alleges his case was not heard on August 24, 2010, the Journal Entry reflects that he was advised by Judge Stokes of

his right to have an attorney, and that he indicated that he would seek legal counsel as noted in the Journal Entry. The case was continued at his request for a pretrial on September 16, 2010 to give him an opportunity to seek legal counsel. Mr. Peterson would have first been advised to seek legal counsel when he appeared in the Arraignment Room on July 9, 2010 by Magistrate Bobette Ousley, but he had not done so when he first appeared before Judge Stokes on August 24, 2010.

On September 16, 2010, Mr. Peterson appeared before Judge Stokes and was represented by Public Defender Tina Tricarchi. He withdrew his not guilty plea, entered a no contest plea and consented to a finding of guilty to the charge of Display Of License; Refusal (CCO 435.06). He was sentenced to a fine of $1,000 of which $975 was suspended, and all of the 180 days were suspended. Judge Stokes noted that Mr. Peterson was in compliance with the financial responsibility law (CFRL), *i.e.,* had insurance, and imposed court costs. The following charges were nolled as part of the plea agreement: COO 433.07 Racing/Drag Racing; CCO 435.09 F Display of Plates; Fictitious; and CCO 431.36 Peel Tire/Exhaust Noise.

On August 24, 2010, 115 cases were on Judge Stokes' docket, and on September 16, 2010, 92 cases were on her docket.

Hopefully the above provides you the specific information you desire. An additional response to the remainder of the questions raised in your letter is currently being formulated. It will be forwarded upon completion. We will also now endeavor to respond to the matters Judge Adrine raises as allegations of intemperate behavior – tabs 19-20, 21-26, 29-30 and 32-33. As you know, a detailed response to each of these allegations takes a tremendous amount of time in addition to the time Judge Stokes devotes to her heavy caseload. She has been devoting her Fridays and weekends to assembling documents and responding to the myriad of allegations raised by this grievance. She will continue to do so while handling her existing case load. She takes these allegations very seriously. Thank you for your patience and I remain,

Very truly yours,

Richard C. Alkire

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January 11, 2013

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RE: *Judge Angela Rochelle Stokes*
ODC No. B1-2911J

Dear Mr. Berger:

In furtherance of previous responses to your letter of April 5, 2012, I provide you the following. Please be advised that it is our specific request that this detailed response, as well as our previous responses, and attachments not be provided to the grievant.

A. <u>Response to Questions Concerning Undated 5-Page Memorandum</u>

As it relates to the allegation that Judge Stokes regularly deprived court staff of lunch breaks, Judge Stokes categorically denies this. Specifically, Judge Stokes does not tell a deputy bailiff when he or she is allowed to go to lunch. They have a specific time that their supervisor requires them to leave for lunch. Different deputy bailiffs then take their place over the lunch hour and remain for the afternoon. This procedure has been in place for many years. What rules this memorandum references are unknown to Judge Stokes.

A morning crew of bailiffs is assigned to Judge Stokes' courtroom and arrives shortly after roll call at about 8:30 a.m. Then at about 12:30 p.m., the afternoon bailiffs arrive relieving the morning bailiffs for their lunch. This protocol was established at the morning roll call. Thus, Judge Stokes, and no other judge in the court, dictates when bailiffs may leave for lunch. In the afternoon, the afternoon bailiffs leave at 4:00 p.m. unless a different category of bailiffs (the 4/10 bailiffs who work four days a week for ten hours a day) are assigned. (See discussion below concerning 4/10 bailiffs.) If 4/10 bailiffs are not assigned, then they come and relieve the afternoon bailiffs and remain until 5:00 p.m.

As it relates to the allegation concerning Judge Stokes "regularly" requiring court staff to be available to provide services to her courtroom after 5:00 p.m., it is a

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misconception, first of all, to think that court staff work hours end at 4:00 p.m. as your letter suggests. Instead, as mentioned above, bailiffs are required to remain until 5:00 p.m. (the 4/10 bailiffs). We cannot place a timeframe on when that rule went into place, but it has been in place for "years." After 5:00 p.m., the 4/10 bailiffs are instructed by their superiors to leave the courtroom, which they do routinely. Indeed, Judge Stokes' practice is to say, at about 4:45 p.m. each day, "It's time to go." The 4/10 bailiffs remain in the courthouse each day until 6:00 p.m. Sometimes, if an emergency occurs after 5:00 p.m., Judge Stokes will have to call the Bailiff's Department for assistance. To address a claim as general as this is impossible, given its lack of specificity. Perhaps the writer could provide more detail about specific instances so that Judge Stokes could address them.

As it relates to the "unnecessary jury fees" allegation, suffice it to say that Judge Stokes requires jurors for every single case in which a jury trial has been demanded, as she is required to do under the Ohio and United States Constitutions. What documents support the "tens of thousands of dollars" allegation is unknown to Judge Stokes. Perhaps if documentation could be supplied to Judge Stokes which also documents all the other judges in the court for purposes of providing a fair comparison, Judge Stokes would be in a position to address the specifics of this allegation. Instead, she is left with addressing another overly general allegation without specifics. To reiterate, Judge Stokes only orders jurors when the cases on her docket warrant and require the same.

It is manifest that jury trials are required when a criminal defendant demands the same or civil litigants so demand. It is not Judge Stokes who requires that jurors be available for scheduled trials. Instead, many times cases scheduled for trial do not resolve until minutes before it would be necessary to empanel a jury, which is their choice, not the Court's. Certainly, Judge Stokes cannot be faulted for fulfilling her constitutional duty to provide a means to obtain a jury trial when the litigants so choose.

To be sure, when Judge Stokes is aware that a jury trial will not go forward in advance of the day one is scheduled, she calls the Jury Commissioner to convey that information. She is indeed mindful of the inconvenience posed to the jury pool when jury trials cancel on the day they are scheduled.

As we are sure you are aware, many courts throughout the state have addressed the costs of providing jurors for civil litigation by increasing filing fees. Further, one cannot deprive criminal defendants of jurors to whom they are constitutionally entitled by a fee or otherwise.

As it relates to the "attempt to influence the reports" of mental health and substance abuse professionals allegation, this assertion again lacks specificity making it almost impossible to address. Perhaps the writer could be asked to specify which instances have given rise to this overly broad allegation. On occasion, the Court or defense counsel disagrees with the opinion expressed by mental health and substance abuse professionals assigned to evaluate defendants. Certainly, after 18 years of

experience on the bench, Judge Stokes is entitled to seek a second opinion in a matter with which she disagrees or about which she is unclear, requiring clarification, based upon her judicial common sense and the evidence. To be sure, Judge Stokes does not request that findings be changed. On the contrary, Judge Stokes requires that she be supplied sufficient information on which to base her rulings. Again, should specific circumstances require explanation, please bring them to our attention and Judge Stokes will so respond.

We will now attempt to respond to the 15 bullet points comprising subsections under Abusive Treatment of Staff and Abusive Treatment to the General Public and other Court Attachees (sic). The nine-page response letter to the Plain Dealer dated October 14, 2009 is enclosed for your review. In many respects, this letter addresses these allegations.

Judge Stokes contends that she appropriately interacts with employees of the court. She requires that respect be displayed by employees and that they attend with due diligence to their duties. If there is a specific example of inappropriate behavior that you would like Judge Stokes to address, please provide the same, and she will so respond.

Most recently, one of the employees of the Clerk of Court's office, Tiffany Jennings, witnessed a court employee treating Judge Stokes with disrespect, having been requested to perform a routine function within the purview of her job duties and responsibilities. Ms. Jennings' comment to the judge was, "If criminal defendants see an employee treat you this way, how are they expected to act."

Judge Stokes cannot speak to why "the court" passed a rule "that prevented additional discipline for any employee who was chastised in front of the public and/or their peers by a judge." Judge Stokes' position is that the author of the rule should set forth why the rule was put in place.

Without specifics, it is impossible to address these allegations of Judge Stokes' that day banning employees from her courtroom because she perceived "inappropriate behavior." Judge Stokes cannot think of one instance where she banned an employee from working in her courtroom because they were only "whispering, shuffling paper, smiling, coughing or sneezing, [or] giving the wrong directions to a litigant, lawyer, witness or visitor." However, there is truth to the allegation that people wearing fragrances have been requested to leave her courtroom that day because of her allergic condition triggered by exposure to such fragrances. Judge Stokes has never banned an employee from working in her courtroom because of a fragrance issue or any other, but instead, has asked the employee to leave to remedy the situation. When she makes such request of an individual, she always notifies the supervisor so that appropriate remedial measures can be taken to alleviate the potential for such an event to occur in the future. Judge Stokes has never requested that an employee be disciplined for any fragrance issue. Her sole and only goal is to have the medical threat

removed so that her throat does not close, forcing her to use her Epi pen[1] to reverse the allergic reaction she has from being exposed to excessive fragrances. It also should be noted that the Employee's Manual contains a section devoted to the use of chemicals in moderation.

As it relates to the allegation concerning Judge Stokes' allegedly reprimanding the public in the courtroom for disruptions, again, without any specifics, it is impossible to expect Judge Stokes to address this allegation.[2] Judge Stokes does exercise her contempt power when appropriate. Certainly, punishment for contempt in the presence of the court is a power the judiciary may exercise. If such person is abused, an appeal can be filed.

As it relates to the police officer complaints, again, without specifics, it is impossible to respond. That police officers are required to appear to support traffic offense complaints is not Judge Stokes' fault, but the result of multiple, minor misdemeanor cases scheduled on her docket. If only a few of them require a trial, it is perfectly understandable why police officers would have to wait their turn to provide testimony in a case. If a *pro se* litigant requests a trial, Judge Stokes assures that the litigant is afforded that right. It is not Judge Stokes' call whether a "no contest" plea is given or whether a trial is required because the litigant requests that right. Finally, Judge Stokes has never received in writing from the Cleveland Police Department or any police officer any complaint about the practices in her courtroom concerning police waiting to testify.

As it relates to the allegation concerning "personal bailiffs," this matter was addressed in connection with allegations raised by Peter Roche[3] in a grievance brought before the OSBA, which, in part, involved this allegation about personal bailiffs. We are enclosing the previous response made in that context. Also, we are enclosing a letter of May 15, 2009 directed to Judge Adrine concerning personal bailiff Shirley Moss. In addition, a response was provided to the Cleveland Plain Dealer concerning this issue, and that letter has been provided to you for your review as mentioned above.

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[1] If Judge Stokes uses her Epi pen she must go to the hospital within 15 minutes, thereby preventing her from addressing the numerous cases on her docket daily.

[2] We are aware that some specific examples are set forth in the binders and will address those in the next round of responses. Also see preceding responses provided.

[3] Peter Roche, a Cleveland Municipal Court Probation Supervisor, brought a grievance against Judge Stokes with the Ohio State Bar Association (OSBA) in February 2005. Many of the allegations set forth in the current grievance bought by Judge Adrine mirror those which have already been addressed by the OSBA. Insofar as such allegations are so similar, we have elected to provide you a copy of Judge Stokes' response to that grievance, which grievance was ultimately dismissed and not pursued by the OSBA. The attacks upon Judge Stokes have been relentless as it relates to the Probation Department, and apparently Mr. Krakowski has taken up where Mr. Roche left off. Further, the issue associated with personal bailiffs is addressed in the OSBA grievance, in connection with the response provided to the Plain Dealer and in the Judge Stokes' letter to Judge Adrine regarding Shirley Moss.

As it relates to Judge Stokes' current personal bailiff situation, she has not had a personal bailiff since March 2011. The court has done nothing to meet Judge Stokes' need for a personal bailiff. Instead, Judge Stokes performs not only all functions required of her as a judge, but also those of a personal bailiff, which include: preparing the docket for the next day by way of assuring that the files are present, all probation reports, psychiatric reports, driver's license history forms and printed journal entries are assembled for each case. Further, a personal bailiff would create a list of documents missing so that time is not wasted in the courtroom; assist with roll call in the courtroom for a smooth transition from case to case; take entries written by the judge for journalization and transfer them to the file so that they could ultimately be journalized by the Clerk of Courts. Responding to the last sentence of this bullet point, Judge Stokes wonders why "the court does not intend to fill the Personal Bailiff's position." Other judges in the court certainly support her in her entitlement to fill such a position. Further, as it relates to the last sentence, to date no "alternative means to service Judge Stokes' Personal Bailiff function" has been provided by "the court."

Apparently, Judge Adrine has decided to prevent Judge Stokes from having the necessary support staff she needs. Perhaps Judge Adrine should explain why he is so adamantly against providing such support to Judge Stokes.

As it relates to the "calling staffers to the courtroom" allegation, Judge Stokes does require, on occasion, that certain individuals appear in her courtroom to verify facts pertinent to the decision-making process with which she is involved. Frequently, information is missing from probation reports requiring the appearance of an employee from the Probation Department.

Routinely, information generated by the Probation Department is missing which prevents Judge Stokes from completing her responsibility in respect to a particular case. For example, see attached forms completed by Judge Stokes for cases due in her courtroom on February 22nd and 29th, 2012. Judge Stokes has literally hundreds of pages of document request forms dating back many years directed to the Probation Department in advance of cases appearing before her which she has personally completed, should you wish to review them. The real question that should be asked is why hasn't more complete documentation found its way into files assigned to Judge Stokes, given the number of people she copies on each of these forms which she painstakingly completes in advance of the docket. The only reason Judge Stokes would call any of the staffers mentioned in this bullet point to her courtroom would be to supply information that should have been there in the first place and that is required for a just adjudication. Again, that anyone has to wait is many times the result of the information not being present in the first place which should have been there.

Moving to section C concerning alleged abusive treatment to the general public and other court attachees (sic), how a sign-in sheet is intimidating is beyond comprehension. Judge Stokes wants to be aware of who is present in the courtroom in an attempt to make the proceedings more efficient. These forms are then placed with

the case file in the order in which people arrive so that the docket can be appropriately handled.

As it relates to the individuals sitting in the courtroom, some of the specific examples brought to Judge Stokes' attention have been addressed previously. Never does Judge Stokes intentionally ignore people in her courtroom, and she does her best to move through the voluminous number of cases she disposes of each day. If there are other specific instances for which an explanation is requested, please cite the same and Judge Stokes will so respond by providing the context in which the alleged unwarranted delay occurred.

As it relates to the allegation concerning prisoners attending court, Judge Stokes is not aware of the particulars as it relates to the holding area and the practices employed by the bailiffs prior to the court-wide rule which is now applicable to all judges. If there are other delays which apply to prisoners, these delays are because of the lack of information pertaining to the file (such as probation information, missing psychiatric reports, etc.), or a missing file itself, and all files related to such defendant, the private attorneys not being available, protracted plea negotiations, or missing witnesses necessary for the disposition of the case. Again, without specific instances, it is impossible to address this general allegation.

It is and has been frequently the case that while Judge Stokes invariably begins court at 8:30 a.m. every morning, prisoners are not brought to her courtroom and available for adjudication until as late as 11:00 a.m. In those instances, a victim subpoenaed for the case involving that prisoner, or a police officer relative to that incident, would be waiting in Judge Stokes' courtroom until the prisoner arrives. Then, while those individuals might blame Judge Stokes, it is clearly not at all Judge Stokes' fault that a delay occurred in connection with disposing those matters. This is exactly why asking to respond to a general allegation without knowing a specific one so that the context can be investigated and an explanation provided is totally unfair.

As it relates to alleged public "complaints received against Judge Stokes," the only ones of which Judge Stokes is aware are those previously addressed in our prior correspondence. As noted in that correspondence, those complaints were not given to Judge Stokes shortly after they were made so that she could be aware of them and take corrective steps if necessary, much less for purposes of altering any procedures which may have played a role in such complaints. If there are other complaints for which a response is requested, please provide them and we will so respond.

In connection with the allegation concerning "inquiries in open court as to a person's personal or private health information," the judge categorically denies this allegation without knowing a specific allegation so that the context can be investigated and an explanation provided.

When the judge is required to elicit such information for purposes of completing an appropriate psychiatric referral form or other request form, all of the information is collected at sidebar in the presence of only those entitled to hear the information, including the bailiff, the defense attorney and the individual involved. At that time, Judge Stokes makes sure that she only whispers at sidebar so that the members of the public present in the courtroom cannot hear.

In Judge Stokes' courtroom, her proceedings are recorded by video and audio recordings, not by virtue of a court reporter's presence which results in a written transcript. As such, Judge Stokes is required to conduct this type of private information gathering at sidebar in a whisper without a court reporter recording everything that is said.

As it relates to the allegation concerning "complaints being received from public defenders and prosecutors alike," suffice it to say that Judge Stokes will be in a position to respond to the same if they are presented. Without knowing the precise complaint and the individuals involved, it is unfair to request Judge Stokes to respond to this bald allegation. Case-specific allegations will be responded to as appropriate.

As it relates to the allegation concerning "individuals with limited English proficiency," specific instances cited elsewhere in the binders will be addressed in subsequent written responses.

As it relates to the allegation concerning the public complaining that "they felt they were being proselytized," Judge Stokes categorically denies the allegation. If there is a specific instance which supports this allegation, please provide the details of the same, and Judge Stokes will so respond.

B. <u>Paul Mizerak Letter of November 24, 2008</u>

The transportation of prisoners for psychiatric evaluation directly from the courtroom to a hospital was only done after a psychiatric professional, Rita Haynes, M.A., L.P.C.C.-S, Chief Psychiatric Social Worker, would sign an Application for Emergency Hospitalization that a judge would then grant for purposes of effecting the transfer from the courtroom to the hospital. Thus, when Mr. Mizerak indicated that Judge Stokes' requests became so frequent, what he failed to mention was that it was not Judge Stokes who performed the assessment of necessity because of homicidal or suicidal ideation, but that of Ms. Haynes. His concern was really only about the economics of staff performing the function of transport and supervision which had an effect on safety.

The practice had been that those prisoners deemed to require emergency psychiatric evaluation would be transported on the bus back to the Warrensville Correctional Center, some 15 to 20 miles east of downtown Cleveland, to only be then transported back to St. Vincent Charity Hospital in downtown Cleveland, approximately

five minutes from the courthouse. The thought was that the corrections officers from the Warrensville Correctional Center would be the ones doing the transporting. This criticism is more one of appropriate staffing than Judge Stokes granting Applications attested to by a qualified mental healthcare professional. Indeed, under exceptional circumstances direct transport from the court to St. Vincent Charity Hospital can be arranged.

As it relates to prisoners being held in holding cells, Mr. Mizerak's letter is dated November 24, 2008. It is impossible for Judge Stokes to remember what particular circumstances are being addressed therein. What she can say is that prisoners were only held because their cases were not ready to be heard due to a variety of circumstances which have been mentioned above, including all of their file(s) not being present, all related documents not being present, witnesses subpoenaed not being available or police officers not being present in the courtroom.

There are presently, and have been in the past, frequent examples of where prisoners would be involved in more than one particular case. When their case is called, and it is discovered that the files of all cases in which the prisoner is involved were not present, such a prisoner would have to wait until all the files for all the cases are brought to the courtroom. Again, this is not Judge Stokes' fault, but that of the system involved in setting cases on Judge Stokes' docket and not querying the court's files to determine all cases involving that individual. A fair and complete adjudication cannot occur without the court being advised of all pending matters. This situation does not only apply to Judge Stokes, but all the judges of the court.

As it relates to the four day for ten hours per day ("4/10") work schedule allegation by Mr. Mizerak in his letter, it is unfair to ask Judge Stokes to comment on that allegation. First, she was never presented with this November 24, 2008 letter until this grievance. Further, she does not believe at all that this scheduling was created due to only practices in her courtroom. She was not copied on this letter, and she was not provided it by Judge Jones to whom it was addressed.

Also, it should be noted that the 4/10 bailiffs do not only report to Judge Stokes' courtroom on a daily basis. Thus, it seems questionable that such a staffing decision was made only to accommodate Judge Stokes' operational practices.

As it relates to the allegations concerning the bailiffs, please refer to the information provided above, including that which was supplied to the Cleveland Plain Dealer, in connection with the Peter Roche grievance to the OSBA and in the Judge Stokes' letter to Judge Adrine concerning Shirley Moss.

As it relates to your penultimate paragraph on page 3, the only Rules Established section under our Tab 12 is Probation Dept. Rules Established. We do not find the other Rules Established sections you have referenced within quotation marks in that paragraph.

In this connection, as it relates to the Probation Dept. Rules Established our response is as follows. Concerning the ten minute rule allegation, it should be noted that the February 9, 2009 memo specifically applies to "any courtroom." Thus, Judge Stokes does not believe it was instituted only because of her practices. Judge Stokes' experience with the ten minute rule is a positive one. She agrees that it is a worthwhile rule. She attempts to accommodate personnel from various departments as long as her docket permits. However, if a particular individual was summoned to the courtroom and it takes much more than ten minutes for that person to arrive, many times the court is unable to get to that person because the next case is being addressed when that person arrives. The rule therefore allows that person to leave after ten minutes. The Court then is placed in a position to have to summon that person again when the need for that person's presence arises.

Also, there are times when the bailiffs call for the presence of individuals without the judge's knowledge. In that event, Judge Stokes will ask the person why they are there and if it appears that person's presence will not be required within the next ten minutes, Judge Stokes makes sure that that individual knows they are free to leave. It should be noted that many times a request is made for the presence of an individual, and the Court has to wait for over an hour for them to arrive. What should the Court do in the interim? Of course what the Court does is move on to the next matter on the docket because of the sheer number of cases which need to be addressed during the course of a typical day.

As it relates to the 4/10 hour work week, see response above.

As it relates to Substance Abuse Screens and Traffic Cases Administrative Order (#2011-011), Judge Stokes only orders drug testing or assessment when the particular case or a related companion case warrants it. It is hard to understand what is being questioned here other than perhaps a criticism of judges in the Cleveland Municipal Court exercising their discretion in connection with individual defendants to assure, as conditions of probation, appropriate assessment and testing meant to not only benefit them but the community at large when the underlying offenses give rise to such assessment and testing. If the real problem here is economics, perhaps that's an issue that should be addressed by City Council which provides the budget.

As it relates to MDO Administrative Order (#2009-0003), again this order applies to all judges in the court. If it is truly Judge Adrine's allegation that this Administrative Order arose due to Judge Stokes' practice, we ask that the particulars be presented so that the context of each such matter can be addressed specifically.

As it relates to Court Reporters Dept. Rules Established, it is important to note that Judge Stokes has not had a court reporter regularly assigned to her courtroom since May 16, 2011. Otherwise, she does not know what rule is being referenced.

As it relates to the specifics of such rule, none is found under Tab 12 in the binder associated with this grievance, and therefore, no specific response can be made. Should you have a specific Court Reporter Dept. Rule about which you would like a comment, please supply the same.

Likewise, as it relates to Magistrate Dept. Rules Established, Clerk's Office Rules Established and Public Defender's Office Rules Established, we have no particular rules to address since none has been provided. Should you have particular rules you would like us to address, please supply the same, and we will addresses them as appropriate.

C. Conclusion

It is our belief that we have thoroughly responded to your April 5, 2012 letter by virtue of our separate responses supplied on October 8, 2012, December 5, 2012 and the current letter.

We will next address the specific allegations raised under Tabs 19-20, 21-26, 29-30 and 32-33 comprising numerous matters which are essentially allegations of intemperate behavior. We will provide you specific responses to those matters as soon as possible. You must recognize, by virtue of the previous responses, that specific responses require a substantial amount of time and effort on the part of Judge Stokes.

As such, we seek your indulgence as we continue to thoroughly address the allegations raised in this matter. As always, thank you for your cooperation, and I remain

Very truly yours,

Richard C. Alkire

RCA:jmd
Encl.

MURMAN & ASSOCIATES

ATTORNEYS AT LAW

July 15, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
PERSONAL AND CONFIDENTIAL

Richard Charles Alkire, Esq.
President
Richard C. Alkire Co., LPA
250 Spectrum Office Building
6060 Rockside Woods Boulevard
Independence, OH 44131-7300

JUL 1 6 REC'D

RE: *NOTICE OF INTENT TO FILE*
Our File No.B1-2911J

Dear Mr. Alkire:

Enclosed is a draft copy of a formal Complaint that I, in my capacity as special prosecutor to the Office of Disciplinary Counsel, intend to file with the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio for review by the Probable Cause Panel.

Pursuant to Gov. Bar R. V(4)(I)(2), you have the right to review these allegations and provide a response to my office prior to our filing of the formal Complaint. If you choose to submit a response to the proposed complaint, you must submit an original and four complete photocopies (including photocopies of all exhibits) to my office no later than August 1, 2013.

Please be advised that any response you wish to provide this office is separate and apart from the formal Answer you may be required to file under Gov. Bar R. V(6)(E), if you receive notice from the Board of Commissioners that a formal Complaint has been certified.

Sincerely,

Michael E. Murman
Special Prosecutor
Office of Disciplinary Counsel

Ex. H

Enclosure (Draft complaint)

14701 DETROIT AVENUE • SUITE 555 • LAKEWOOD, OHIO 44107 • (216) 228-6996 • FAX (216) 226-9011

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August 1, 2013

Michael E. Murman, Esq.
14701 Detroit Avenue, Suite 555
Lakewood, OH 44107

RE: Disciplinary Counsel and Honorable Angela Rochelle Stokes

Dear Mr. Murman:

Please consider the following to be Judge Stokes' additional written response to the three binders of documentation and DVDs previously received and the Complaint and Certificate received July 16, 2013 in connection with your July 15, 2013 letter.

First, I request that all of the binders which have been presented to Relator, and then, in turn, presented to Respondent, be provided to each member of the Probable Cause Panel for his/her review in connection with their determination of probable cause in this matter.

Second, I request that the Probable Cause Panel review each and every written response and related attachment which has heretofore been provided by Respondent to the Relator in connection with this investigation. These responses include letters dated March 19, 2012, October 5, 2012, October 8, 2012[1], December 5, 2012 and January 11, 2013.

Finally, Respondent requests that the instant response with additional written attachments (including the aforementioned written responses) be provided to the Probable Cause Panel for its review.

As a preliminary matter, a substantial number of items alleged in the Complaint were either not contained in the three binders previously provided to the

[1] Although you have requested hard copies of all documents, the attachments to the October 8, 2012 letter numbered 4,672 documents which were assembled by Judge Stokes in order to support the summaries which she wrote concerning each of the 114 cases represented by the blue forms she was required to explain. As such, these documents have not been provided in hard copy but a copy of the disc provided to Mr. Berger is provided herewith.

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Respondent for response and/or could not be located within those binders. As such, Respondent objects to the inordinately short period of time provided to respond to these additional allegations. (In fact, none of the grievances, if there were any, for these new matters alleged have been presented to Judge Stokes for response previously.)

These new matters alleged by Count include the following:

Count Two

1. Audene Vasquez alleged incident of May 2, 2013 (Complaint, para 22)

Count Three

1. Darius Andrews (Complaint, paras. 45-53)

2. LEADS issues (Complaint, paras. 54-57): none of the defendants or case numbers associated with these allegations is provided. It is impossible to respond to these allegations as a result.

3. Scott Melbasa (Complaint, paras. 58-64)

4. Henry Hilow (Complaint, paras. 65-71)

5. Ashley Jones/Joanna Lopez (Complaint, paras. 72-79): This matter is the subject of a Motion to Disqualify, and the response provided to Judge Fuerst, the presiding judge of the Court of Common Pleas of Cuyahoga County, Ohio, is provided herewith.

Count Four

1. March 21, 2013 alleged cell phone incident. (Complaint, para. 89)

2. Novella Black alleged incident of October 28, 2010. (While I expected to find this in the binders, given the date, I could not.) (Complaint, paras. 91-102)

3. Shatauna Moore alleged incidents of November 20 and 21, 2012. (Complaint, paras. 107-116)

4. Kenneth Taylor alleged incident of November 27, 2012. (Complaint, paras. 117-122)

5. Jamese Johnson, Jamine Edward and Lisa Barbee alleged incident of March 5, 2013. (Complaint, paras. 123-133)

Count Six

1. James Luster: (Complaint, paras. 172-179)

2. Bobbi Williams: (Complaint, paras. 228-234)

We welcome the opportunity to present more specific information in connection with the new matters alleged and previously unaddressed ones asserted in this Complaint. However, the unreasonable deadline imposed for a response makes this right impossible to exercise.

Please be advised that we consider the inordinately short period of time provided an abuse of the rule set forth under Gov. Bar R. V, Section 4(I)(2). Under that rule:

> ...no complaint shall be filed with the Board, without first giving the judge...who is the subject of the grievance or investigation notice of each allegation and the opportunity to respond to each allegation.

Fifteen days does not constitute a sufficient opportunity to respond to the new allegations set forth in this Complaint. This approach by Disciplinary Counsel in the instant matter of first submitting multiple volumes of materials, much of which is not at all the subject of the instant Complaint but yet requiring Judge Stokes to review all such material and provide a response, has impeded her ability to respond to that which Disciplinary Counsel truly concluded constituted disciplinary rule violations. Instead of defining for Judge Stokes, as has now been done in the Complaint, specifics for her to respond to, she was put to the task of responding to matters that required a tremendous amount of time and which are not the subject of the instant Complaint. For example, see attached letters dated October 5, 2012 and October 8, 2012 and attachments thereto concerning "blue forms."

As such, Respondent respectfully requests 60 days to respond to the allegations of the instant Complaint before the Probable Cause Panel considers

whether probable cause exists in connection with each and every allegation set forth in the 47 page Complaint.

Further, when the time comes for a Probable Cause Panel to review these allegations and the attachments to the Complaint specified under Gov. Bar R. V, Section 4(I)(6), Respondent urges the Panel to review all materials supplied, including those of the Respondent.

What is particularly disheartening about the method employed by Disciplinary Counsel in this matter to place Respondent on notice of matters concluded by Disciplinary Counsel to be violations of Disciplinary Rules, is that some of the allegations have already been passed upon and dismissed previously.

In this regard, the following allegations in the Complaint, in whole or in part, have previously been passed upon and dismissed by either Disciplinary Counsel or the OSBA reviewing such allegations:

1. Keenan Williams (Complaint, paras. 39-44): This matter was the subject of a grievance filed by Michael Winston with Disciplinary Counsel in November or December 2010. This matter was fully responded to and was dismissed. Attorney Kimberly Riley assisted Judge Stokes in connection with that matter.

2. Mr. Roche, a Cleveland Municipal Court Probation Supervisor, brought a grievance to the Ohio State Bar Association on February 11, 2005 alleging that Judge Stokes mistreated two of his probation officers, misused court resources, needlessly referred cases back to probation, was discourteous, used her bench to practice social work, counsel the drug addled, advise the mentally ill and mistreated her personal bailiffs. This grievance was dismissed by the Ohio State Bar Association and mirror many of the allegations set forth in Counts One and Two of the Complaint.

Specifically, relating the various attachments hereto to the Counts of the Complaint, we ask that the previous response letters of March 19, 2012 and January 11, 2013 with attachments be considered in connection with Counts One and Two of the Complaint, as well as the OSBA grievance as it relates to para. 26 in Count Two involving personal bailiffs. Insofar as Count Three raises a matter involving Ashley Jones/Joanna Lopez occurring on May 7, 2013, please review all of the materials submitted by Judge Stokes in connection with a Motion to Disqualify filed in the Downing matter. As it relates to Count Four, please consider documents attached hereto concerning cell phone usage arising from meetings in July 2013

between the judges of the Cleveland Municipal Court. The January 11, 2013 letter briefly addresses the sign-in sheet issue raised in Count Five. Finally, in Count Six, please review the materials supplied in response to a grievance previously brought by Angela Beckwith to which responses have already been made. (Complaint, para. 236)

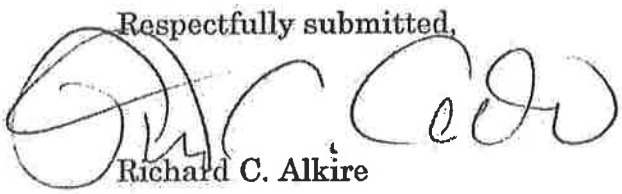
Conclusion

As can be gleaned from the various attachments and previous responses, the collection of matters asserted originally in the grievance brought by Judge Adrine and supplemented thereafter, in many respects is an attempt to infringe on the discretion that Judge Stokes has in connection with the handling of her docket. Allegations concerning her behavior can be scrutinized by resort to the DVD record created on specific days during which specific behavior has resulted in allegations in this Complaint. A review of these DVDs should result in a dismissal of each and every Count of this Complaint.

Further, what is more telling about this Complaint is the attempt by Judge Adrine to hamstring Judge Stokes in connection with her duties, most exemplified by his refusal to permit her to hire a personal bailiff, a crucial employee in the busiest Municipal Court in the State of Ohio. It is not uncommon for Judge Stokes to handle over 90 cases a day. She is a tireless worker who cares about what she does. That she is criticized for going above and beyond speaks volumes about what others in the court are willing to accept resulting from far less effort at disposing of the matters which come before them.

To the extent that a Probable Cause Panel in this matter finds any of the allegations worthy of a formal Hearing, it is urged to identify specific matters which survive probable cause scrutiny so that Judge Stokes is given a fair opportunity to present her side of this overblown and exaggerated vendetta first pursued by the grievant immediately after Judge Stokes' reelection to the court in 2011.

Respectfully submitted,



Richard C. Alkire

RCA:jmd
Encl.

TABLE OF CONTENTS

1. March 19, 2012 letter from Riley to Berger.

2. October 5, 2012 letter from Riley to Berger with Appendix A – New Offense/Probationer Status Reports and blue form summary chart.

3. October 8, 2012 letter from Alkire to Berger with exhibits associated with summaries provided with the October 5, 2012 letter.

4. December 5, 2012 letter from Alkire to Berger with attachments.

5. January 11, 2013 letter from Alkire to Berger with attachments.

6. Cell phone documents.

7. Downing Affidavit of Disqualification; June 6, 2013 letter of Judge Stokes to Judge Nancy Fuerst with attachments.

8. February 12, 2012 Beckwith grievance response of Zaring to Coughlan with enclosures.

9. February 13, 2012 Beckwith grievance supplemental response of Zaring to Coughlan.

RichardCAlkireCompanyLPA

Richard C. Alkire
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September 13, 2013

Via Email and Ordinary Mail
Michael E. Murman, Esq.
14701 Detroit Avenue, Suite 555
Lakewood, OH 44107

RE: Disciplinary Counsel and Honorable Angela Rochelle Stokes
File No. B1-2911J

Dear Mr. Murman:

In follow-up from your letter of August 3, 2013, on behalf of Judge Stokes, I provide you the following to supplement that which has been previously provided in connection with the investigation of this matter.

COUNT THREE
Abuse of Lawyers

Turning to Count Three of the formal Complaint, Judge Stokes categorically denies that which is asserted in para. 29. As it relates to the specific matters alleged, her response is as follows:

David Eidenmiller/Matthew E. Gabriel
(Paras. 30-38)

See Exhibit A and Exhibits associated with the thorough and complete explanation of the Matthew E. Gabriel matter and Mr. Eidenmiller's involvement therewith.

As the transcript demonstrates, Mr. Eidenmiller was totally unprepared at the time of the May 27, 2009 hearing, as he had not been the Public Defender assigned to that matter previously. If anyone deserves to be sanctioned over that incident, it is Mr. Eidenmiller, as he showed clear disrespect for the Court, and indeed, the transcript reflects that the Court exercised great restraint. As such, any charges related to the Eidenmiller matter ought to be dismissed.

Henry Hilow/Frank Petrucci
(Paras. 65-71)

The Hilow allegations concern a September 25, 2012 hearing in open court for an individual who would plead guilty to his fifth DUI. While the assertion was made that

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Hilow and Petrucci checked in at 8:30 a.m., the fact is the Central Scheduling Department of the Cleveland Municipal Court scheduled this case for 9:00 a.m., with about 54 cases set for 9:00 a.m. After incorrectly alleging the Court's priorities in calling cases, the Court was constrained to correct the statement made by Mr. Hilow on the record. Mr. Hilow interrupted the Court multiple times during the hearing, resulting in the Court's conclusion that he was "out of order." A review of this transcript, and in particular, the DVD which sets forth the tone of the Court, as well as that of Mr. Hilow, should result in a dismissal of this series of allegations as well. The Court remained patient, dignified and courteous at all times. See Exhibit B and all attachments.

Ashley Jones/Joanna Lopez
(Paras. 72-79)

Besides reviewing the materials supplied by Judge Stokes in connection with the Motion to Disqualify which was filed in the Downing matter related to the Ashley Jones/Joanna Lopez allegations, also see Judgment Entry dated August 13, 2013 of presiding Administrative Judge Nancy A. Fuerst ruling that the record "fails to demonstrate bias and prejudice against Robert W. Downing or his counsel." Mr. Downing's matter is set for September 30, 2013, at which time he will be sentenced and a hearing will be held in connection with the vehicle forfeiture. At the time of the vehicle forfeiture hearing, all those having a financial interest in the vehicle will be determined. See notice directed to Lease & Rental Management Corp. dated September 12, 2013. See Exhibit C attached.

Tina Tricarichi/Darius Andrews
(Paras. 45-53)

The Tricarichi matter involves a sentencing hearing applicable to Darius Andrews which took place on October 28, 2010. When the DVD of this hearing is reviewed, you will note that Ms. Tricarichi was speaking to her client while the Court was in the process of sentencing the defendant. What this DVD does not reveal is the pattern exhibited by this attorney on prior dates while present in Judge Stokes' courtroom. This was not the first day that Ms. Tricarichi failed to appreciate the requirement that she pay attention to the Court during a hearing rather than speak to her client, while the court was making a pronouncement from the bench. See transcript dated October 28, 2010.

In addition to Judge Stokes' experience with Ms. Tricarichi prior to this hearing, wherein Ms. Tricarichi had interrupted the Court, her behavior in other courtrooms within the Cleveland Municipal Court has also resulted in requests by jurists that she not represent clients in their courts. Thus, it is not only Judge Stokes who has recognized the disruptive behavior of this attorney, but others as well.

In any event, a review of the transcript and DVD only shows Judge Stokes, at the end of the morning session when the deadline to return prisoners to the offsite jail was impending, not solicitous of Ms. Tricarichi's lack of attention to the proceedings. This explains Judge Stokes' admonition. Clearly, Ms. Tricarichi chose to further argue with the

Court about this valid observation which resulted in Judge Stokes' final warning to cease the inappropriate behavior. See Exhibit D and attachments.

Scott Malbasa/Unnamed Defendant
(Paras. 58-64)

An incident involving attorney Scott Malbasa occurred on June 16, 2011 in open court. However, the allegations of the Complaint do not indicate what case is involved. It is impossible for Judge Stokes to reply to this aspect of the Complaint, as it has not been sufficiently identified. We are unaware of the specific defendant referred to.

COUNT FOUR
Abuse of Defendants and the Public

Novella Black
(Paras. 91-102)

The Novella Black matter involves the Defendant slamming the door on her way out of the courtroom after learning that her case had to be continued because the Public Defender's Office was in a conflict of interest. Obviously, Ms. Black had expected that the matter would proceed that day and it did not. Indeed, the Public Defender's Office should have recognized this conflict before the hearing, as it represented the juvenile to whom the no contact order directed to Ms. Black applied. When Ms. Black left the podium, in the presence of Judge Stokes, she slammed the door, constituting a direct contempt of court. Judge Stokes, in her experience, recognizes that she must keep order in her courtroom and cannot allow for such behavior, as others present in the courtroom would be encouraged to engage in disrespectful behavior had Ms. Black's behavior not been addressed then and there.

Judge Stokes did not have to entertain any further statement from Ms. Black, as Judge Stokes observed her slamming the door. A further review of the attached DVD indicates that later in the afternoon, when Ms. Black returned to the courtroom, Judge Stokes was very measured in her tone with the defendant and exacted an apology from her, to which the Court was entitled.

Ms. Black was present in the courtroom that day as a result of domestic violence and endangering children charges. Ultimately, as part of a plea agreement, Ms. Black pled guilty to the domestic violence charge, and the endangering children charge was nolled.

In connection with the presentence investigation conducted thereafter, it was revealed that Ms. Black had diagnoses of schizoaffective disorder and post-traumatic stress disorder but was not under the care of a psychiatrist, and she was not taking her prescribed medication at the time. As a result of this information, which also came by way of the defendant herself, she was referred to the Cleveland Municipal Court Psychiatric Clinic per Judge Stokes' referral in order to determine eligibility for a continuation of this matter on the Court's Mental Health Docket.

The sentencing took place on December 1, 2010. Although Ms. Black's condition did not meet the criteria for her to be placed on the Court's Mental Health Docket, the January 14, 2011 psychiatric report did recommend that she be referred to a local mental health agency for counseling.

Judge Stokes did nothing inappropriate in connection with her handling of the outburst that occurred in her presence by Ms. Black on October 28, 2010. Indeed, Judge Stokes continued to demonstrate concern for Ms. Black's wellbeing by taking steps to have her treated through community counseling. See Exhibit E, Journal Entries.

Charlotte Shutes
(Paras. 103-106)

Although the point in the DVD at which the para. 105 incident allegedly occurred cannot be located, it certainly is not inappropriate for the Court to demand silence in her busy courtroom. It is not a violation of the rules to ask someone to leave during open court who is talking. Indeed, a review of the September 27, 2011 DVD shows that other members of the public well knew and understood their obligation to remain silent, as the people populating the gallery largely did. That Ms. Shutes was humiliated shows that she failed to appreciate the behavior of all the others in the courtroom. See Exhibit F, attached.

Shatauna Moore
(Paras. 107-116)

The transcript and DVD attached demonstrate that Shatauna Moore was in direct contempt of court when she rolled her eyes at the Court. There is no question that she rolled her eyes, as her attorney attempted to argue at the end of the colloquy on the record that she was rolling her eyes at her attorney, not the Court.

In any event, Judge Stokes does not countenance disrespect from defendants in her courtroom in connection with proceedings before her. Holding a defendant in direct contempt for disrespectful behavior is not a violation of Judicial Rule 2.8. See Exhibit G, attached.

Kenneth Taylor
(Paras. 117-122)

A review of the transcript and recording of the November 27, 2012 hearing demonstrates, contrary to the assertions in the Complaint, that it was Mr. Taylor who acted inappropriately in the presence of the Court. While he was a *pro se* litigant, he still is required to comport himself with respect and not be argumentative. On the contrary, Judge Stokes did not respond in a rude or condescending manner, but firmly explained to Mr. Taylor the reason that the matter was to be continued to December 14. Mr. Taylor had filed a Motion to which the City had a right to respond, and therefore, it was through his action that the continuance was necessary.

As Mr. Taylor departed the podium, he did mumble and audibly challenged the Court, which certainly justified the Court's admonishment and instruction to the bailiff present in the courtroom.

It should be noted that ultimately the Court did dismiss Mr. Taylor's case on January 9, 2013 after the police officer did not show up when the case had actually been set for trial. Also, the recording of the court proceeding which took place on December 14, 2012 well demonstrates the Court's patience with this *pro se* defendant. As this matter illustrates, taking some of Judge Stokes' comments out of context and isolating them from literally thousands of minutes of court proceedings is an unfair way in which to somehow argue that her demeanor is impatient, undignified or discourteous to the extent that it violates Judicial Rule 2.6. See Exhibit H and attachments.

Jamese Johnson, Jazmine Edwards and Lisa Barbee
(Paras. 123-132)

In respect to the March 5, 2013 incident involving Mss. Johnson, Edward and Barbee, the recording of the proceeding shows that Judge Stokes observed all three individuals disturbing her courtroom. Judge Stokes does not recall that it was the expression of a word which caused her to expel the three women from her courtroom, but instead, that all three of them created a disruption. Again, in Judge Stokes' experience, if she does not control behavior by individuals seated in the courtroom, she is not able to conduct proceedings in an orderly and effective manner. Contrary to the assertions in the Complaint in this regard, what Judge Stokes reacted to was not the expression that is recounted in para. 126, but all three women created a disruption in her courtroom. Again, as mentioned above, it is within Judge Stokes' right to control behavior in her courtroom so that she can manage the large number of cases on her docket daily.

By way of background, Jazmine Edwards was present in the courtroom that morning for a probation violation hearing. Ultimately that day, she waived the probation violation hearing and was found in violation of probation. She was ordered to serve 170 days of a 180 day sentence, pending a mitigation hearing which took place on March 27, 2013 at 1:00 p.m. The probation *capias* had been issued because she had failed to report to her probation officer.

As it relates to Jamese Johnson, she was present for a pretrial in connection with a petty theft charge. This was her first in court appearance. Judge Stokes received her no contest plea to the petty theft charge, and Ms. Johnson was permitted to return home until March 19, 2013.

As the transcript for Jamese Johnson indicates, she apologized for her disruptive behavior at the conclusion of her hearing. See Exhibit I.

COUNT FIVE
Abuse of Constitutional Freedoms

With respect to the assertion in para. 135 of the Complaint, see attached Exhibit J constituting the explanation of the sign-in procedures and the accompanying sheet used for this process.

Carolyn Massengale-Hassan
(Paras. 138-147)

As you will determine from a review of Exhibit K, attached, Ms. Massengale-Hassan made her own choice to seek legal counsel after having been granted two requests for an extension of time within which to do so.

Dezi Walker
(Paras. 148-160)

As you will determine from a review of Exhibit L, attached, Mr. Walker made his own choice to hire his own attorney despite being advised of his right to legal representation by Judge Stokes.

Fernando Taylor
(Paras. 161-166)

As you will determine from a review of Exhibit M, attached, Mr. Taylor did indicate that he would try to seek legal counsel which resulted in his cases being continued to June 14, 2011.

Due to the relatively short period of time within which to address the matters asserted in the Complaint, particularly as set forth in Count Six, due to Judge Stokes' docket, we have been unable to provide a detailed response as has been done with all of the preceding allegations of the Complaint.

Despite the deadline you have imposed, it is our intent to provide as much additional information as possible before the October Probable Cause Panel meets. We will provide you a copy and forward directly to the Board of Commissioners earmarked for the Probable Cause Panel the original for the Board's file and three copies to be distributed to the Panel.

RichardC**Alkire**CompanyLPA

I look forward to working with you on this matter, and I remain

Very truly yours,

Richard C. Alkire

RCA:jmd
Encl.

cc: Honorable Angela Stokes

RichardCAlkireCompanyLPA

Richard C. Alkire
Attorney at Law
rick@alkirelawyer.com

Dean Nieding
Attorney at Law
dean@alkirelawyer.com

October 1, 2013

Michael E. Murman, Esq.
14701 Detroit Avenue, Suite 555
Lakewood, OH 44107

Via Federal Express
Richard A. Dove, Secretary
Board of Commissioners on Grievances
and Discipline of Ohio Supreme Court
65 South Front Street, 5th Floor
Columbus, OH 43215-3431

RE: Disciplinary Counsel and Honorable Angela Rochelle Stokes
File No. B1-2911J

Gentlemen:

I am providing herewith additional information concerning cases which Judge Stokes was unable to address, given the time parameters associated with this matter and her extensive docket.

The original and three copies have been sent by Federal Express to the Board of Commissions so the Probable Cause Panel may have access to this information pursuant to Gov. Bar R. V(4)(I)(2).

In regard to allegations under Count Six concerning "Abusive Legal Errors," we provide you the following:

James Luster
(Paras. 172-179)

The alleged inappropriate conduct involving James Luster arises from his appearance before Judge Stokes on January 23, 2002 and a subsequent appeal. It is outrageous that a ten year old incident is a purported basis for any alleged misconduct. In an effort to reconstruct what occurred in this case, an effort was made to retrieve the transcript of court proceedings, but they were destroyed after five years. Further, there was no DVD of the court proceedings.

For an objective analysis of this matter, see Ex. A.

It should be noted that the instant Luster matter is the only "abuse of legal errors" example which was subject to appellate review. Besides the fact that the court of appeals in *Luster* in no way concurs in that characterization, none of the other matters have been subject to legal scrutiny. Apparently, Disciplinary Counsel is seeking to circumvent the law

Ex. K

Certified Civil Trial Specialists By:
National Board of Trial Advocacy

250 Spectrum Office Building
6060 Rockside Woods Boulevard • Independence, OH 44131-2335
phone: 216.674.0550 • fax: 216.674.0104 • www.alkirelawyer.com

by subjecting Judge Stokes' judicial discretion in connection with sentencing to review by the discipline system rather than the court of appeals.

Gabriel Matthew
(Para. 180)

See response letter dated September 13, 2013.

Daniel O'Reilly
(Paras. 181-201)

The allegations in respect to the Daniel O'Reilly matter are rife with mischaracterizations and inappropriate interpretations of the facts. Attached is an objective analysis of the Daniel O'Reilly case, Ex. B. In addition, Exhibits supporting this objective analysis are enclosed, including transcripts of court proceedings, DVD of court proceedings, Clerk of Court, Cleveland Municipal Court Journal, Journal Entries, and other pertinent documents from Case No. 2009CRB014228, psychiatric referral forms, reports and judgment entries. As the record reflects, Judge Stokes appropriately protected the confidentiality of Mr. Reilly's particular psychiatric situation and was sensitive to his needs and those of the community.

None of the allegations in respect to the O'Reilly matter, including quotations from the record, support the charges asserted in para. 238 of the Complaint. Instead, Judge Stokes' handling of this matter was certainly appropriate and within her discretion.

Melvin Cary
(Paras. 202-211)

Relator mischaracterizes the state of the record in para. 203 by indicating that "there was no information suggesting that Cary's alcohol or marijuana use was connected to the pending charge." In fact, the court transcript confirms that the victim indicated he was driving drunk. The further allegations of the Complaint, when read in connection with the thorough and complete, objective summary attached hereto as Ex. C demonstrates that Judge Stokes not only acted within her discretion, but was exemplary in her consideration of the victim's rights and those of the public given this serial offender's record and conduct and result of the injury-causing accident with which he was involved. The facts of the Cary matter in no way show a violation of any of the charges set forth in para. 238.

Denise Pederson
(Paras. 212-220

Again, the Complaint mischaracterizes, in certain material respects, what the record demonstrates. Attached as Ex. D is an objective recounting of the August 29, 2011 hearing in the arraignment room involving Ms. Pederson. Although being informed that Ms. Pederson was diagnosed with schizophrenia, she went on to indicate that she was "not supposed to" take any medications. After recognizing that Judge Stokes' intent was to place Ms. Pederson on active probation after accepting a no contest plea and sentencing her

to a $20 fine, Judge Stokes allowed the plea to be withdrawn at the request of the Public Defender.

Because Judge Stokes had a legitimate concern regarding Ms. Pederson's psychiatric condition, she was referred to the psychiatric clinic. As the attached exhibits indicate, all of this activity on the part of Judge Stokes was appropriate and within her discretion.

Project Hope
(Paras. 221-238)

A complete explanation of Project Hope is attached hereto as Ex. E. It is supported by exhibits, including statistics and a Power Point presentation. Also, a separate explanation is provided in connection with the incident alleged in para. 224 concerning Sharon Lawson-Dennis.

Once again, Disciplinary Counsel seeks to discipline Judge Stokes in connection with a program that is by no means solely administered by her. Instead, it was Judge Stokes and former Cleveland Municipal Court Judge Mary Eileen Kilbane in 1998 who established Project Hope. Currently, Judge Stokes co-chairs Project Hope with Judges Pinkey S. Carr and Pauline H. Tarver. In fact, these judges are now collaborating on a new Project Hope brochure.

A Cleveland State University review performed by two Cleveland State University professors is alleged in para. 223 as if it was some authoritative analysis of a program which had been going on for 13 years by that point in time. These professors never even interviewed Judge Stokes, much less interviewed any of the Project Hope speakers or successful Project Hope graduates. See pp. 10-12 of Ex. E. For the reasons set forth in Ex. E, the discipline sought against Judge Stokes in regard to this program is totally unwarranted, and in fact, is an unfounded attempt to penalize Judge Stokes for an innovative and beneficial program to the offenders involved in and victims of prostitution in the City of Cleveland community.

Sharon Lawson-Dennis
(Para. 224)

As it relates to the allegations concerning Sharon D. Lawson-Dennis, Relator mischaracterizes the facts when he suggests in para. 223(b) that "Lawson-Dennis had not been charged with any solicitation offenses." The traffic citation attached to the complete explanation of the Sharon Lawson-Dennis matter (Ex. F) proves otherwise. Further, Relator appears to chastise Judge Stokes for holding Ms. Lawson-Dennis in contempt when later, on April 28, 2011, she admitted she had disrespected those present in the courtroom at that time.

In fact, Ms. Lawson-Dennis admitted that the program helped her, contrary to the impression left by the skewed allegations at para. 224. Clearly, Judge Stokes exercised her discretion in an appropriate way in her adjudication of Ms. Lawson-Dennis' criminal offenses.

Conclusion

Respondent submits that Relator's Complaint is rife with mischaracterizations of fact and unsubstantiated allegations of misconduct. In many respects, as it relates to the examples cited in support of Count Six of the Complaint, discipline appears to be sought for Judge Stokes' proper exercise of her discretion. As such, all allegations of Count Six characterized under para. 238 as examples of misconduct cited therein should be dismissed.

Since this is likely to be the last information Judge Stokes is able to supply to place her conduct into context, given the multiple incidents alleged over a period of time in excess of a decade, Respondent respectfully requests that the Probable Cause Panel take the necessary time to review all of Judge Stokes' responses and, if necessary, complete its review during the December Probable Cause meeting preceding the December meeting of the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court.

Very truly yours,

Richard C. Alkire

RCA:jmd
Encl.

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

FILED
OCT 27 2014
BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE

In re:
Complaint against

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

RESPONDENT

Case No. 2013-057

AMENDED NOTICE OF FORMAL HEARING

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

RELATOR

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

The formal hearing shall be held at Cleveland Metropolitan Bar Association, 1375 East Ninth Street, Second Level, Cleveland, OH 44114 commencing on the dates listed below at 9:00 o'clock a.m., or such other time as may be designated by the panel chair, and shall continue from day to day, or at such other time or place to which it may be adjourned by the panel, until concluded:

- 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
- June 15-19, 2015

The parties are asked to review and comply with the Prehearing Instructions posted on the Board's web page.

Dated October 27, 2014.

RICHARD A. DOVE, Secretary

Rev. 9/1/2012

Ex. L

cc: Judge Angela Rochelle Stokes, Cleveland Municipal Court, 1200 Ontario, PO Box 94894, Cleveland, OH 44113
Richard Charles Alkire, 6060 Rockside Woods Blvd., Suite 250, Independence, OH 44131-2335
Dean Clark Nieding, 6060 Rockside Woods Blvd., Suite 250, Independence, OH 44131-2335
Disciplinary Counsel, 250 Civic Center Drive, Suite 325, Columbus, OH 43215
Michael E. Murman, 14701 Detroit Avenue, Suite 555, Lakewood, OH 44107
Karen H. Osmond, 250 Civic Center Drive, Suite 325, Columbus, OH 43215-7411
Audrey Varwig, 250 Civic Center Drive, Suite 325, Columbus, OH 43215

CLEVELAND MUNICIPAL COURT
Judicial Division
Inter-Office Correspondence

TO: Judge Angela R. Stokes

FROM: Ronald B. Adrine
Administrative & Presiding Judge

DATE: October 31, 2014

RE: Sessions Schedule for the Balance of 2014

Judge:

Because the Supreme Court has, to-date, failed to act on my Motion for Clarification following the issuance of its Alternative Writ of Prohibition, I have revised the court's Particular Sessions Schedule to reflect the assignments in place before the Alternative Writ was granted. If the Supreme Court orders that I should show cause as to why I should not be held in contempt for failure to comply with the Alternative Writ or if, in response to my Motion for Clarification, the Supreme Court declares that I am required to vacate my original orders of March 14, 2014, I will revisit the Particular Sessions Schedule for the balance of the year and make the required adjustments accordingly.

If you have questions or concerns, feel free to contact me.

RBA:cmr

Attachment

Ex. M

CLEVELAND MUNICIPAL COURT
PARTICULAR SESSION ASSIGNMENTS
FOURTH QUARTER - 2014

DATE	SESSION 1 JUDGE	SESSION 3 JUDGE	SESSION 4 JUDGE
OCTOBER 6	STOKES	PATTON	MAYS*8
OCTOBER 13	EARLEY	CARR	WADE
OCTOBER 20	STOKES	ZONE	GROVES
OCTOBER 27	STOKES	GROVES	TARVER
NOVEMBER 3	PATTON	CASSIDY	EARLEY
NOVEMBER 10	STOKES*11	WADE	ADRINE*11
NOVEMBER 17	STOKES	MOORE	CASSIDY*8
NOVEMBER 24	MOORE	TARVER	PATTON
DECEMBER 1	STOKES	EARLEY	CARR
DECEMBER 8	STOKES*12	ADRINE*12	ZONE
DECEMBER 15	GROVES	MAYS	MOORE
DECEMBER 22	STOKES	PATTON	CASSIDY
DECEMBER 29	STOKES	CARR	WADE

* Indicates a change from the original schedule.

NOTE - The Central Scheduling Department must be notified immediately of any change regarding assignment to a particular session.

2014
HOLIDAY SCHEDULE

HOLIDAY		OBSERVED
NEW YEARS DAY	WEDNESDAY	JANUARY 1, 2014
MARTIN LUTHER KING DAY	MONDAY	JANUARY 20, 2014
PRESIDENTS' DAY	MONDAY	FEBRUARY 17, 2014
MEMORIAL DAY	MONDAY	MAY 26, 2014
INDEPENDENCE DAY	FRIDAY	JULY 4, 2014
LABOR DAY	MONDAY	SEPTEMBER 1, 2014
COLUMBUS DAY	MONDAY	OCTOBER 13, 2014
VETERANS DAY	TUESDAY	NOVEMBER 11, 2014
THANKSGIVING HOLIDAY	THURSDAY & FRIDAY	NOVEMBER 27 & 28, 2014
CHRISTMAS DAY	THURSDAY	DECEMBER 25, 2014

In compliance with the ORC §1.14, 5.20 and 5.21 the Judicial Division of the Court will be closed in observance of these holidays.

10/31/2014 cmr

Please note: Session 4 begins on Monday and ends on Sunday

PARTICULAR SESSIONS

SESSION ASSIGNMENT

The following particular sessions are established: Session One (Duty); Session Two (administrative judge - Miscellaneous Matters); Session Three (Misdemeanor Arraignment); and Session Four (Felony Arraignment and Preliminary Hearing).

A. SESSION ONE

Matters before the judge assigned to Session One shall include:

1. default judgments
2. cognovit judgments
3. post-judgment proceedings in session cases including but not limited to:
   a. garnishments and proceedings in aid of execution
   b. motions for revivor of dormant judgments
   c. third party claims
   d. claims for exemption
   e. motions for relief from judgment
4. small claims
5. marriages
6. indigency affidavits

In addition, the judges so assigned shall review all of the magistrate decisions falling into any of the above categories during their term of assignment. Further, the judge assigned to Session One shall perform the marriage ceremonies of all couples arriving at court for that purpose during the specified hours.

B. SESSION TWO

The administrative judge shall be continuously assigned to Session Two. Hearings had in this session shall include, but shall not be limited to:

1. leaves to move or plead prior to assignment
2. dismissals for failure of service
3. motions to amend complaints
4. notary requests for instructions
5. special deputy approvals
6. receivership proceedings
7. direct contempt proceedings
8. Bratenahl criminal docket
9. State of Ohio unemployment fraud cases
10. City of Cleveland income tax cases
11. license suspension hearings
12. replevin preliminary hearings, other than motions for immediate seizure
13. pre-judgment dismissals prior to judge assignment
14. post-judgment dismissals
15. bond forfeitures
16. foreclosures
17. parking violations bureau appeals

C. SESSION THREE

Judges/Magistrates assigned to Session Three shall arraign all individuals arrested and charged with misdemeanor offenses during their term of assignment.

D. SESSION FOUR

Judges assigned to Session Four shall hold preliminary hearings for all individuals arrested and charged with felony offenses committed within the court's jurisdiction. Hearings had in this session shall also include, but shall not be limited to:

1. initial bail determinations
2. misdemeanors not heard by the judge assigned to Session Three
3. confirmation of traffic court magistrate proceedings and objections to traffic court magistrate rulings
4. probable cause determinations not made at time of arraignment

Cleveland Municipal Court

JUSTICE CENTER
1200 ONTARIO STREET
CLEVELAND, OHIO 44113

RONALD B. ADRINE
ADMINISTRATIVE AND
PRESIDING JUDGE

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

October 28, 2013

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

Dear Mr. Tobik:

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

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

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

Very truly yours,

Ronald B. Adrine

Ronald B. Adrine
Administrative and Presiding Judge

RBA:cmr

cc: Judge Angela R. Stokes ✓

Ex. N

CUYAHOGA COUNTY PUBLIC DEFENDER

Robert L. Tobik
Public Defender

October 28, 2013

Hon. Ronald Adrine
Administrative and Presiding Judge
Cleveland Municipal Court
Room 15-A, Justice Center
1200 Ontario Street
Cleveland, Ohio 44113
Hand Delivered

RE: Removal of criminal cases (M-4 and above) from docket of Hon. Angela R. Stokes, Cleveland Municipal Court

Dear Judge Adrine,

As Cuyahoga County Public Defender, I formally and respectfully request that, in the exercise of your supervisory powers, you

(1) Reassign all cases currently pending before Judge Angela Stokes in which the defendant is not represented by private counsel and is charged with a fourth-degree misdemeanor or more serious offense; and

(2) Refrain from assigning to Judge Stokes any future cases in which the defendant is charged with a fourth-degree misdemeanor or more serious offense.

The reasons for this request are set forth below.

I. Background

By Entry filed October 14, 2013, a probable cause panel of the Ohio Board of Commissioners on Grievances and Discipline made a finding of probable cause regarding a formal, Complaint against the Honorable Angela R. Stokes, Judge of the Cleveland

310 Lakeside Avenue Suite 200, Cleveland, OH 44113
(216) 443-7223 Felony• (216) 443-7583 Appeals•(216) 443-2190 Municipal
Fax (216) 443-6911 Felony• Fax (216) 443-3632 Appeals •
Fax (216) 698-3233 Municipal Division

Municipal Court. The Complaint (copy attached as Exhibit A) alleges that Judge Stokes (1) abused court resources, (2) abused court personnel, (3) abused lawyers, (4) abused defendants and the public, (5) abused constitutional freedoms, and (6) committed abusive legal errors. In these various acts, she is alleged to have violated Cannons 1, 2, and 3(B)(4) of the Code of Judicial Conduct; Judicial Rules 1.2, 2.2, 2.6, and 2.8; Disciplinary Rules 1-102(A)(5) and 1-102(A)(6), and Professional Conduct Rules 8.4(d) and 8.4(h).

Among the specific allegations of the Complaint are several in which Judge Stokes is alleged to have engaged in abusive behavior against present and former employees of the office of the Cuyahoga County Public Defender.

Count Three, captioned "Abuse of Lawyers," includes the following allegations referencing Assistant Public Defenders David Eidenmiller and Tina Tricarichi and former Assistant Public Defender Scott Malbasa:

> 29. Prosecutors, public defenders, and private defense counsel that appear before respondent are prohibited from asking questions about courtroom procedure or requesting further clarification of respondent's rulings. If they do so, they are told that they are "out of order" and threatened with contempt or referral to a disciplinary authority. The following are some examples of the confrontations that respondent has had with prosecutors, public defenders, and private defense counsel in her courtroom.
>
> *David Eidenmiller*
>
> 30. On May 21, 2009, Matthew Gabriel appeared before respondent with his attorney, David Eidenmiller, for sentencing on a Driving Under Suspension (DUS) charge. (Case No. 2008 TRD 07151.) Gabriel's license had been suspended due to a DUI conviction.
>
> 31. The maximum penalty for DUS is 180- days in jail and a $1,000 fine.
>
> 32. Gabriel had already spent two days in jail. Respondent sentenced Gabriel to an additional three days in jail and a $300 fine. She suspended the remaining 175 days.

33. Respondent requested the location of Gabriel's vehicle so that she could have it immobilized.

34. Gabriel informed respondent that he had sold the vehicle in January 2009, but that he did not have proof of the sale with him in court.

35. Respondent noted that the probation report indicated that as of April 21, 2009, Gabriel still appeared to be the titled owner of the vehicle.

36. Based on this information, respondent ordered the full 178 days into execution, but set the matter for a mitigation hearing on May 27, 2009.

37. When Eidenmiller tried to advocate on behalf of his client and explain that the probation report only reflects the last person who registered the vehicle, respondent threatened to hold Eidenmiller in contempt and place him in the holding cell with Gabriel.

38. The following day, Gabriel's family was able to provide proof that the vehicle had been sold, and respondent reduce d Gabriel's sentence to the original three days.

* * *

Tina Tricarichi

45. On October 28, 2010, Tina Tricarichi was in respondent's courtroom with her client, Darius Andrews, for sentencing on several cases. (Case nos. 2010 CRB 040350, 2010 CRB 008032, 2010 TRD 001047.)

46. During the sentencing, Tricarichi did not hear one of the conditions imposed on Andrews because Andrews was talking to her.

47. Tricarichi said "Pardon," and repeated what she believed was the condition to ensure that she had heard it correctly.

48. Respondent stated that Tricarichi was correct, but that she should have been listening to the court in the first place. Respondent further stated that it was "outrageous" that she had to repeat herself "three or four times" during a sentencing.

49. After the sentencing was complete, Andrews stated "Thank you, your Honor."

50. Respondent continued to berate Tricarichi by stating, "He [the defendant] understands. He knows. She [Tricarichi] doesn't understand what the court is saying." [*sic.*]

51. Respondent accused Tricarichi of talking during the sentencing, but when Tricarichi attempted to explain herself, respondent stated that she was "tired of going through this for the past two months" and that she was not "going to tolerate it."

52. Respondent then stated – in open court – that she had already spoken to Tricarichi's supervisors about Tricarichi.

53. The confrontation ended with respondent threatening to hold Tricarichi in contempt and placing her in the holding cell if she said "one other word."

. . .

Scott Malbasa

58. On June 16, 2011, Attorney Scott Malbasa was representing a defendant in a trial before respondent.

59. One of the defense witnesses was being cross-examined by the prosecutor; however, the individual was not seated in the witness stand. He was standing at the podium with Malbasa.

60. At one point during the prosecutor's questioning, the witness began talking at the same time as the prosecutor.

61. Respondent interrupted the trial and instructed the witness not to speak at the same time as the prosecutor.

62. Respondent then stated that it would be better for the individual to sit in the witness stand because he was "out of control in this courtroom" and she was "not going to permit it."

63. At that point, Malbasa attempted to place an objection on the record.

64. Respondent would not permit Malbasa to make his objection, and the situation quickly deteriorated into a shouting match between Malbasa and respondent with respondent telling Malbasa to "shut your mouth" and threatening to hold him in contempt.

Count Four of the Complaint, captioned "Abuse of Defendants and the Public," includes an allegation regarding Shatauna Moore. Count Six, captioned "Abusive Legal Errors," includes allegations regarding James Luster, Gabriel Matthew, and Daniel O'Reilly. The Complaint specifically mentions that Ms. Moore and Mr. Luster were represented by Margaret Walsh, an Assistant Public Defender, and that Mr. O'Reilly was represented by Assistant Public Defender Eidenmiller. The allegation regarding Mr. Matthew is a repeat of the allegation in Count Two regarding Eidenmiller. Both Eidenmiller and Walsh are, necessarily, likely witnesses against Judge Stokes.

Shatauna Moore

107. On November 20, 2012, Shatauna Moore was in court with her attorney, Margaret Walsh, for a probation violation hearing. (Case No. 2012 TRD 007856.)

108. Moore had also been charged with a felony that was set for a pre-trial on the following day, November 21, 2012.

109. Walsh requested a continuance of the probation violation hearing due to the fact that the felony was still pending.

110. In deciding whether or not to grant the continuance, respondent began reviewing Moore's file.

111. Respondent inquired into whether Moore had taken a urinalysis test recently. Moore stated that she had approximately two weeks earlier through Key Decisions Treatment Center.

112. Respondent informed Moore that she needed to take a urinalysis test through the probation department and that she needed to do it before she would grant a continuance of the probation violation hearing.

113. Walsh advised respondent that Moore did not have the $9 to pay for the urinalysis test that day, but that she could have it the following day.

114. Respondent told Moore that she was not going to place the matter on her docket for tomorrow and that Moore needed to figure out how she was going to pay for the urinalysis test that day.

115. Moore responded by rolling her eyes.

116. At first, respondent stated that if Moore rolled her eyes one more time, she was going to take Moore into custody; however respondent quickly changed her mind and decided to take Moore into custody immediately for rolling her eyes.

. . .

James Luster

172. On January 31, 2002, James Luster appeared before respondent with his attorney, Margaret Walsh, for sentencing on a License Required to Operate Charge. (Case No. 2001 TRD 108484.)

173. Luster had previously been in court on January 7, 2002 and January 30, 2002 for sentencing; however both times, Luster's sentencing had been continued.

174. On January 31, 2002, respondent sentenced Luster to 180 days in jail, with 150 days suspended, an alcohol assessment, and substance abuse counseling. She also fined Luster $100.

175. Following the sentencing order, Walsh challenged the court's imposition of an alcohol assessment and substance abuse counseling because they were not reasonably related to the charge against Luster. Walsh also requested that Luster be given credit for time served for the two days that Luster spent in respondent's courtroom waiting for his sentencing hearing.

176. Respondent denied Walsh's request and instead decided to suspend only 120 days of the Luster's sentence thereby doubling Luster's actual time in jail to 60 days.

177. On February 15, 2002, Luster filed a Notice of Appeal with the eighth District Court of Appeals.

178. On March 15, 2002, respondent suspended all fines against Luster and gave him credit for the 34 days of jail time that he had already served. She suspended the remaining 146 days of Luster's sentence.

179. On November 27, 2002, the Court of Appeals dismissed Luster's appeal as moot because Luster had already served his time in jail; however, the court noted that "a trial court abuses its discretion when it imposes a sentence based upon the conduct of the defense attorney."

Gabriel Matthew

180. See Paragraphs 30 through 38 of Count Two for facts regarding Gabriel Matthew.

Daniel O'Reilly

181. On June 3, 2009, Daniel O'Reilly appeared before respondent on charges of aggravated trespass and aggravated menacing. (Case NO. 2009 CRB 014228.) He was not represented by counsel.

182. O'Reilly politely asked respondent for permission to say something on his own behalf, but respondent would not permit him to speak without legal counsel present. At that point, Attorney David Eidenmiller (public defender) agreed to assist O'Reilly with his case.

183. O'Reilly's file indicated that O'Reilly had some kind of mental illness. Accordingly, respondent asked O'Reilly whether he was taking his medication.

184. O'Reilly responded that he was not taking his medication and that he had not taken his medication for over 30 days due to a number of reasons involving medicate, Social Security, etc.

185. Respondent then requested a sidebar on the record; however, halfway through the sidebar, respondent muted all microphones in the courtroom.

186. During the sidebar, O'Reilly agreed to speak with Jerome Saunders, a court psychiatric employee, regarding his mental health condition and lack of medication.

187. Thereafter, O'Reilly met with Saunders.

188. O'Reilly's case was recalled approximately two hours later.

189. When the case was recalled, respondent asked Saunders to place his findings on the record as to whether O'Reilly was suicidal, homicidal, or needed emergency psychiatric hospitalization.

190. Saunders testified that O'Reilly was not suicidal or homicidal and that he did <u>not</u> require emergency psychiatric hospitalization. Saunders stated, however, that O'Reilly needed to obtain and take his medication.

191. Based on Saunder's testimony, respondent continued the matter until June 9, 2009 (six days later). She allowed O'Reilly's personal bond to remain in effect on condition that he not go to Tower City Mall, not have any contact with his alleged victim, and go immediately to Lakewood Hospital to obtain his medication. O'Reilly confirmed that the understood the court's orders and that he would abide by them.

192. As everyone was preparing to leave the courtroom or move on to the next case, respondent told Saunders that O'Reilly takes four Tylenol PM per night, which was against the dosage recommendation on the box.

193. Saunders stated that O'Reilly had not told him this information during their conversation, but that he still believed that O'Reilly was willing and able to obtain his medication as previously indicated.

194. Respondent then commented that if O'Reilly overdoses on the Tylenol PM, it will be "on all our consciences for the rest of our lives."

195. Respondent then ordered that O'Reilly appear in her courtroom on June 4, 2009, rather than June 9, 2009, with proof that he had gone to Lakewood Hospital to obtain his medication.

196. Thereafter, respondent changed her mind again because she did not have "peace" with the situation.

197. Respondent ordered O'Reilly to be taken into custody immediately and transported to St. Vincent's Charity Hospital. She stated that "it is not going to be on my conscience. It is <u>not</u> going to be on my conscience." She then continued O'Reilly's case until June 5, 2009. (Emphasis added.)

198. On June 5, 2009, O'Reilly appeared in court with Attorney Eidenmiller.

199. Eidenmiller informed the court that O'Reilly had been seen by the court's psychiatric clinic and by St. Vincent's, and both had released him without providing him with any medications.

200. Based on this information, respondent initially stated that she was not going to release O'Reilly from custody because she believed that he was harm to himself and other. She stated, "If I don't have peace, he won't be released."

201. However, respondent later changed her mind and gave O'Reilly a personal bond on condition that he obtain his medication immediately.

II. The Appearance of Impropriety and Bias

The Office of the Cuyahoga County Public Defender, through its assistant public defenders, represents the overwhelming majority of the indigent criminal defendants who are represented by counsel in the Cleveland Municipal Court. Those defendants, like all litigants and like the public itself, are entitled to be tried in a courtroom where the judge

has no bias which will work to their disadvantage *and* where it appears that the judge has no such bias. As Chief Justice Moyer explained in *In re Disqualification of Lewis*, 117 Ohio St.3d 1227, 2004-Ohio-7359,

> A judge should step aside or be removed if a reasonable and objective observer would harbor serious doubts about the judge's impartiality. Canon 3(E)(1) of the Code of Judicial Conduct ("A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned").

Id. at ¶ 8.

Under the circumstances, where current and former assistant public defenders are specifically named as victims of and witnesses to Judge Stokes' alleged misconduct, neither defendants represented by the Cuyahoga County Public Defender nor the public at large can feel any confidence that the judge can be impartial or that the Public Defender can be an effective advocate in her courtroom. No one, after all, would voluntarily choose to be represented by a lawyer who has publicly accused a judge of misconduct in the course of the judge's duty – and indigent defendants deserve the same quality of legal representation that they would choose if they had the funds to hire counsel.

Moreover, because indigent defendants cannot be confident that, if they were to desire counsel, they would be effectively represented before Judge Stokes by the Public Defender, the determination of whether to waive counsel cannot be understood to be knowing, intelligent, and voluntary as the Sixth Amendment requires.

Accordingly, all persons charged with misdemeanors of the fourth degree or above should have their cases assigned to a different courtroom.

III. The Remedy

Rule 1.02 of the Local Rules of this Court provides in pertinent part, that "the authority of the administrative judge shall extend . . . to those matters relating to docket and case control." Rule 1.03(A), setting forth the duties and authority of the presiding judge, says that

> The enforcement of all administrative orders of the court, as well as the enforcement of compliance with these rules, shall be the responsibility of the presiding judge, except as set forth in Rule 1.02. Subject to the approval of a majority of the court, he or she shall have the authority to issue or modify any procedural order of court to obtain conformity with such orders and/or rules. *Any other action taken by the presiding judge may be disapproved and rescinded by a majority of the members of this court.*

(Italics added.)

The broad authority embodied in those rules provides the Administrative and Presiding Judge the power to control the docket of this Court for its efficient operation and, implicitly, so that the Court will serve the very interests of justice which are its underlying purpose.

Under the circumstances, that purpose, and the requirements of justice, fundamental fairness, due process, and the Code of Judicial Conduct, can only be served by the recusal of Judge Stokes from all criminal cases involving fourth-degree misdemeanors and above, current and future, as to which the Cuyahoga County Public Defender is counsel for the defendant. Indeed, it would be proper for all criminal cases to be removed from her docket at least until the disciplinary process is resolved.

Conclusion

Accordingly, I ask that you exercise your supervisory powers, to (1) reassign all cases currently pending before Judge Angela Stokes in which the defendant is not

Angela R.Stokes, Judge

From: Angela R.Stokes, Judge
Sent: Monday, November 10, 2014 12:35 PM
To: Grace Evangelou
Subject: Request for Transcripts Sent on 11-5-14
Attachments: TransciptRequestsAmendedRe 11-5-14Vic.doc

Dear Grace:

Please note that the attached Inter-Office Correspondence corrects the one that I sent to you on 11-5-14 to reflect court reporter instead of court report. I apologize for the typo.
Sincerely,
Judge Stokes

Ex. O

CLEVELAND MUNICIPAL COURT

JUDICIAL DIVISION

INTER-OFFICE CORRESPONDENCE

To: Ms. Grace Evangelou
Chief Court Reporter

From: Judge Angela R. Stokes

Date: November 5, 2014

Re: Request for Transcripts and DVDS

I learned today that I will need the Transcripts of Court Proceedings, and the corresponding DVDS for the following cases:

1. City of Cleveland vs. Frederick Philhower, Case No. 2012 TRC 030161
2. City of Cleveland vs. Ariel Reidenbach, Case No. 2013 CRB 032808
3. City of Cleveland vs. Isabelle Bucsanyi, Case No. 2014 TRC 002967
4. City of Cleveland vs. Matthew Lewandowski, Case No. 2013 TRD 002588

For each of the foregoing cases, I will need the transcripts and DVDS for all event dates. I am aware that the usual business process for receipt of transcripts is seven (7) to ten (10) days. However, please note that I am requesting that the transcripts be prepared and delivered on an expedited basis, if possible, because I have to submit a response in court by November 14, 2014. Thus, in order to meet the November 14, 2014 court date, I will need the transcripts and DVDS within two (2) to six (6) days.

Please know that I am aware that you will need to consult with each court reporter as to his or her availability to prepare the transcripts based on his or her routine courtroom assignments, vacation days, and the November 11, 2014 holiday when the court will be closed. In addition, I am aware that consideration must be given to the number and length of transcripts involved for each case. Upon review of each of these matters, if it is at all possible, please advise me on November 7, 2014, of the respective dates that you and your staff anticipate that you will be able to provide me with the transcripts and DVDS for each case. If I am able to receive an extension of my November 14, 2014 court date, I will let you know immediately once I have been informed.

Thank you very much for your assistance with these matters.

Angela R.Stokes, Judge

From: Grace Evangelou
Sent: Friday, November 07, 2014 5:24 PM
To: Angela R.Stokes, Judge
Subject: Transcripts Requested on November 5, 2014 Re: Philhower, Reidenbach, Bucsanyi, and Lewandowski

Hello Judge:

Regarding the transcript requests for defendants Frederick Philhower, Ariel Reidenbach, Isabelle Bucsanyi, and Matthew Lewandowski, the Events Screen in Court View shows a total of 48 court dates for all defendants. Only 35 transcripts can be provided due to the fact that on the remaining dates the cases did not appear on the DVD log. The following is a status report for this request:

Ariel Reidenbach - Completed and Delivered on 11-7-14
12-11-13
12-6-13

Matthew Lewandowski – Completed and Delivered on 11-7-14
4-16-13
5-1-13
7-10-13

THE FOLLOWING DEFENDANTS AND COURT DATES WILL BE COMPLETED BY 11-12-14:

Frederick Philhower
6-26-12
7-25-12
1-9-13
1-10-13
2-1-13
5-9-13

Ariel Reidenbach
11-26-13
3-25-14
4-9-14
5-5-14

Isabelle Bucsanyi
2-7-14
2-26-14

Matthew Lewandowski
2-21-13
3-5-13
11-13-13
6-23-14

Ex. P

The estimated number of pages for this request is 500 pages. Because the transcripts for the remaining 14 court dates are lengthier than the ones being provided by the November 12th date, a request is being made for a completion date of November 26, 2014, on the remaining 14 court dates.

Thank you for your consideration in this matter.

Grace Evangelou
Chief Court Reporter
Cleveland Municipal Court
1200 Ontario Street
Cleveland, Ohio 44113
216-664-4725
216-420-8040(fax)
evangeloug@cmcoh.org

Grace Evangelou

From: Grace Evangelou
Sent: Friday, November 07, 2014 5:24 PM
To: Angela R.Stokes, Judge
Subject: Transcripts Requested on November 5, 2014 Re: Philhower, Reidenbach, Bucsanyi, and Lewandowski

Hello Judge:

Regarding the transcript requests for defendants Frederick Philhower, Ariel Reidenbach, Isabelle Bucsanyi, and Matthew Lewandowski, the Events Screen in Court View shows a total of 48 court dates for all defendants. Only ~~35~~ 36 transcripts can be provided due to the fact that on the remaining dates the cases did not appear on the DVD log. The following is a status report for this request:

Ariel Reidenbach - Completed and Delivered on 11-7-14
12-11-13
12-6-13

Matthew Lewandowski – Completed and Delivered on 11-7-14
4-16-13
5-1-13
7-10-13

THE FOLLOWING DEFENDANTS AND COURT DATES WILL BE COMPLETED BY 11-12-14:

Frederick Philhower
6-26-12
7-25-12
1-9-13
1-10-13
2-1-13
5-9-13

Ariel Reidenbach
11-26-13
3-25-14
4-9-14
5-5-14

Isabelle Bucsanyi
2-7-14
2-26-14

Matthew Lewandowski
2-21-13
3-5-13
11-13-13
6-23-14

Ex. Q

The estimated number of pages for this request is 500 pages. Because the transcripts for the remaining ~~14~~ 15 court dates are lengthier than the ones being provided by the November 12th date, a request is being made for a completion date of November 26, 2014, on the remaining 14 court dates.

Thank you for your consideration in this matter.

Grace Evangelou
Chief Court Reporter
Cleveland Municipal Court
1200 Ontario Street
Cleveland, Ohio 44113
216-664-4725
216-420-8040(fax)
evangelougg@cmcoh.org

Grace Evangelou

From: Grace Evangelou
Sent: Friday, November 07, 2014 5:56 PM
To: Angela R.Stokes, Judge
Subject: Addendum to Transcripts Requested on November 5, 2014 Re: Philhower, Reidenbach, Bucsanyi, and Lewandowski

Hello Judge Stokes:

I neglected to say in my prior email that also due to our daily court assignments and the November 11, 2014, holiday it would not be possible to have all the court dates completed by November 12, 2014. I am therefore requesting a completion date of November 26, 2014, for the remaining court dates.

Thank you,

Grace Evangelou
Chief Court Reporter
Cleveland Municipal Court
1200 Ontario Street
Cleveland, Ohio 44113
216-664-4725
216-420-8040(fax)
evangeloug@cmcoh.org

Ex. R

Angela R.Stokes, Judge

From: Angela R.Stokes, Judge
Sent: Friday, November 07, 2014 8:58 PM
To: Grace Evangelou
Subject: RE: Transcripts Requested on November 5, 2014 Re: Philhower, Reidenbach, Bucsanyi, and Lewandowski

November 7, 2014
Dear Grace:
Thank you for this information, and for the Transcripts that you delivered to me this evening.
Sincerely,
Judge Stokes

From: Grace Evangelou
Sent: Friday, November 07, 2014 5:24 PM
To: Angela R.Stokes, Judge
Subject: Transcripts Requested on November 5, 2014 Re: Philhower, Reidenbach, Bucsanyi, and Lewandowski

Hello Judge:

Regarding the transcript requests for defendants Frederick Philhower, Ariel Reidenbach, Isabelle Bucsanyi, and Matthew Lewandowski, the Events Screen in Court View shows a total of 48 court dates for all defendants. Only 35 transcripts can be provided due to the fact that on the remaining dates the cases did not appear on the DVD log. The following is a status report for this request:

Ariel Reidenbach - Completed and Delivered on 11-7-14
12-11-13
12-6-13

Matthew Lewandowski – Completed and Delivered on 11-7-14
4-16-13
5-1-13
7-10-13

THE FOLLOWING DEFENDANTS AND COURT DATES WILL BE COMPLETED BY 11-12-14:

Frederick Philhower
6-26-12
7-25-12
1-9-13
1-10-13
2-1-13
5-9-13

Ariel Reidenbach
11-26-13
3-25-14
4-9-14
5-5-14

Ex. S

Isabelle Bucsanyi
2-7-14
2-26-14

Matthew Lewandowski
2-21-13
3-5-13
11-13-13
6-23-14

The estimated number of pages for this request is 500 pages. Because the transcripts for the remaining 14 court dates are lengthier than the ones being provided by the November 12th date, a request is being made for a completion date of November 26, 2014, on the remaining 14 court dates.

Thank you for your consideration in this matter.

Grace Evangelou
Chief Court Reporter
Cleveland Municipal Court
1200 Ontario Street
Cleveland, Ohio 44113
216-664-4725
216-420-8040(fax)
evangeloug@cmcoh.org

Angela R.Stokes, Judge

From: Angela R.Stokes, Judge
Sent: Friday, November 07, 2014 9:11 PM
To: 'glorybutterfly@aol.com'
Subject: FW: Addendum to Transcripts Requested on November 5, 2014 Re: Philhower, Reidenbach, Bucsanyi, and Lewandowski

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From: Angela R.Stokes, Judge
Sent: Friday, November 07, 2014 9:10 PM
To: Grace Evangelou
Subject: RE: Addendum to Transcripts Requested on November 5, 2014 Re: Philhower, Reidenbach, Bucsanyi, and Lewandowski

November 7, 2014
Dear Grace,
Thank you for this information. I will call you on the morning of Monday, November 10, 2014, so that we can review the specific Transcripts that may not be able to be prepared until November 26, 2014. Once again, thank you and your staff for all of your assistance and consideration regarding these matters. Have a good weekend!
Sincerely,
Judge Stokes

From: Grace Evangelou
Sent: Friday, November 07, 2014 5:56 PM
To: Angela R.Stokes, Judge
Subject: Addendum to Transcripts Requested on November 5, 2014 Re: Philhower, Reidenbach, Bucsanyi, and Lewandowski

Hello Judge Stokes:

I neglected to say in my prior email that also due to our daily court assignments and the November 11, 2014, holiday it would not be possible to have all the court dates completed by November 12, 2014. I am therefore requesting a completion date of November 26, 2014, for the remaining court dates.

Thank you,

Grace Evangelou
Chief Court Reporter
Cleveland Municipal Court
1200 Ontario Street
Cleveland, Ohio 44113
216-664-4725
216-420-8040(fax)
evangeloug@cmcoh.org

Ex. T

Grace Evangelou

From: Grace Evangelou
Sent: Monday, November 10, 2014 12:10 PM
To: Angela R.Stokes, Judge
Subject: Transcript Requests for Philhower, Reidenbach, Bucsanyi, and Lewandowski

Dear Judge Stokes:

After the court reporters had more time to review these matters, they believe the following outstanding dates on the following defendants will be completed by Friday, November 21, 2014:

Frederick Philhower
6-6-12
6-12-12
7-24-12
12-13-13
1-16-13
1-18-13
4-30-13
5-6-13
5-21-13
7-18-13
9-4-13 SP
Ariel Reidenbach
1-30-14
2-18-14
3-4-14

Matthew Lewandowski
3-26-13

If any of the above-mentioned dates are completed before the 21st of November, they will be delivered to your Chambers.

Thank you,

Grace Evangelou
Chief Court Reporter
Cleveland Municipal Court
1200 Ontario Street
Cleveland, Ohio 44113
216-664-4725
216-420-8040(fax)
evangeloug@cmcoh.org

Ex. U

216-674-0104 (fax)

Board Certified in Civil Trial Advocacy
Board Certified in Civil Pretrial Procedure Advocacy

[Quoted text hidden]

November 6, 2014

Mr. Earle B. Turner
Clerk of Courts
Cleveland Municipal Court
1200 Ontario Street
Cleveland, Ohio 44113

Re: Request for Case Files

Dear Mr. Turner:

I am requesting the following case files for review purposes only:

1. **City of Cleveland vs. Frederick Philhower, Case No. 2012 TRC 030161**
2. **City of Cleveland vs. Ariel Reidenbach, Case No. 2013 CRB 032808**
3. **City of Cleveland vs. Isabelle Bucsanyi, Case No. 2014 TRC 002967**
4. **City of Cleveland vs. Matthew Lewandowski, Case No. 2013 TRD 002588**
5. **City of Cleveland vs. Michelle Nester, Case No.2013 TRC 023649**
6. **Cash LLC vs. Donnells Davis, Case No. 2014 CVF 001342**

This letter serves to confirm my telephone conversation of November 5, 2014, with Mr. Ron Tabor when I advised him that I will need to review the above-listed case files, and that I would submit a written request. If possible, please submit the requested information by November 7, 2014. Also, I will need the Cleveland Municipal Court Journals for each case file.

Thank you very much for your assistance with these matters. I would like to extend a special thank you to Mr. Tabor for his assistance with this matter.

Very truly yours,

Judge Angela R. Stokes

ARS/ars

Cc: Mr. Donald Rice, Chief of Staff, Clerk of Courts
Mr. Ronald Tabor, Assistant Director of the Criminal Division, Clerk of Courts

Ex. V

CLEVELAND MUNICIPAL COURT

JUDICIAL DIVISION

INTER-OFFICE CORRESPONDENCE

To: **Mr. Dean Jenkins**
Deputy Chief Probation Officer

From: Judge Angela R. Stokes

Date: November 6, 2014

Re: Request for Probation Reports

This correspondence serves to confirm that, on November 5, 2014, I made an oral request for probation reports, and psychiatric reports and/or records regarding the case files listed. I assured you that I would submit my request in writing, per standard procedure. As per our telephone conversation, on November 5, 2014, I learned yesterday that I will need to review the probation reports, and any psychiatric reports and/or records pertaining to the following cases as soon as possible:

1. **City of Cleveland vs. Frederick Philhower, Case No. 2012 TRC 030161**
2. **City of Cleveland vs. Ariel Reidenbach, Case No. 2013 CRB 032808**
3. **City of Cleveland vs. Isabelle Bucsanyi, Case No. 2014 TRC 002967**
4. **City of Cleveland vs. Matthew Lewandowski, Case No. 2013 TRD 002588**
5. **City of Cleveland vs. Michelle Nester, Case No.2013 TRC 023649**
6. **Cash LLC vs. Donnells Davis, Case No. 2014 CVF 001342**

If possible, please submit the requested information by November 7, 2014. Thank you very much for your assistance with these matters.

ARS/ars

Ex. W

LAW OFFICE OF
Richard C. Alkire Co., L.P.A.
250 Spectrum Office Building • 6060 Rockside Woods Boulevard • Independence, Ohio 44131-2335
(216) 674-0550 • Fax: (216) 674-0104

CERTIFICATE OF SERVICE

A copy of the foregoing **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** has been e-mailed this 10th day of November, 2014 to:

Scott Drexel, Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, OH 43215-7411
Scott.Drexel@sc.ohio.gov

Karen Osmond, Assistant Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411
Karen.Osmond@sc.ohio.gov

Audrey Varwig, Assistant Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411
Audrey.Varwig@sc.ohio.gov

Michael E. Murman, Esq.
14701 Detroit Avenue, Suite 555
Lakewood, OH 44107
murmanlaw@aol.com

Richard C. Alkire

Attorney for Respondent