

**ARIEL REIDENBACH**  
Case No. 2013 CRB 32808

On October 31, 2013, Defendant Ariel Reidenbach appeared in the Cleveland Municipal Court's Misdemeanor Arraignment Room before Judge Joseph Zone and entered a plea of Not Guilty to the first degree misdemeanor charge of Petty Theft. See the October 31, 2013 Journal Entry. Defendant Reidenbach's case was assigned to the personal docket of Judge Angela R. Stokes, pursuant to the random lottery process. The Court's Central Scheduling Staff scheduled the first pre-trial on Judge Stokes' docket for November 26, 2013. See Clerk of Court Cleveland Municipal Court Journal.

On November 13, 2013, Judge Stokes advised Defendant Reidenbach of the maximum penalties for the Petty Theft charge, a first degree misdemeanor, and of her right to be represented by an attorney, including the free services of the Public Defenders if she were considered to be indigent. Initially, Defendant Reidenbach stated that she wanted to enter a no contest plea because she had made a dumb mistake, and she was willing to accept the consequences. Judge Stokes asked if Defendant had a job, and Defendant Reidenbach replied that she was employed. Judge Stokes asked Defendant Reidenbach if she was sure that she would not like to go talk to a Public Defender. Defendant Reidenbach indicated that she would go to the Public Defenders' Office. Judge Stokes noted that Defendant Reidenbach's case was continued, at the Defendant's request, until December 11, 2013, for another pre-trial, noting that Defendant Reidenbach will go to the Public Defenders' Office. Defendant Reidenbach agreed with the December 11, 2013 court date. See November 26, 2013 Journal Entry, and the November 26, 2013 Transcript of Court Proceedings, pp. 2-5.

On December 11, 2013, Defendant Reidenbach informed Judge Stokes that she did not go to the Public Defenders' Office because she did not have a chance to do so because of an out of town emergency. Judge Stokes informed Defendant Reidenbach that she could represent herself on a charge that carries a fine up to \$1000 and up to six months in jail, if she did not want to seek legal counsel. Judge Stokes reminded Defendant Reidenbach of her responsibility to seek legal counsel if she desired to do so. Defendant Reidenbach indicated that she understood, and wanted to seek legal counsel. Thus, the case was continued at Defendant Reidenbach's request for a pre-trial on December 16, 2013 so that she could go to the Public Defenders' Office. Judge Stokes noted on the Journal Entry: "Defendant will go to the Public Defenders' Office- 3<sup>rd</sup> opportunity to do so". Judge Stokes was taking into account said advisement in the Arraignment Room and on the last court date of November 26, 2013. See December 11, 2013 Journal Entry, and December 11, 2013 Transcript of Court Proceedings, pp. 2-3.

On December 16, 2013, Defendant Reidenbach was represented by Public Defender Michael Heffernan who informed Judge Stokes that he had discussed the case with Prosecutor Aric Kinast regarding the possibility of Defendant Reidenbach being referred for screening for the Selective Intervention Program (SIP). Attorney Heffernan stated that he understood that there would be an additional pre-trial for the witnesses from Home Depot to be present regarding the Petty Theft allegation with respect to the pre-trial, and any SIP consideration issues.

Judge Stokes stated that if Defendant Reidenbach had any substance abuse issues that a referral for the SIP would not be appropriate because the SIP was typically for 90 days, and substance abuse issues often cannot be handled properly in that amount of time. Judge Stokes stated that she did not know whether this Petty Theft charge was related to substance abuse, but, if so, a referral for a urinalysis test would be made, and 90 days would not be enough time to

address such an issue. Attorney Heffernan stated that did not know that there has been a substance abuse allegation, and Judge Stokes informed Attorney Heffernan that he and Defendant Reidenbach would have to discuss those matters among themselves. Defendant Reidenbach stated that she only smokes cigarettes.

Defendant Reidenbach's case was continued at her request for a pre-trial on January 7, 2014, and Judge Stokes noted that Prosecutor Kinast will subpoena witnesses. Also, Judge Stokes noted that the parties would see about the SIP issue on the next court date. See December 16, 2013 Journal Entry, and the December 16, 2013 Transcript of Court Proceedings.

On January 7, 2014, the Cleveland Municipal Court was closed due to extremely cold weather. Thus, Judge Stokes noted on the January 7, 2014 Journal Entry that was stamped on January 16, 2014, and journalized on January 17, 2014, that Defendant Reidenbach's case was continued at the Court's request for a pre-trial on January 30, 2014 at 10:00 A.M. Judge Stokes requested the Clerk's Office to summon Defendant Reidenbach, and noted that Prosecutor Tanudra will subpoena the witnesses. See January 7, 2014 Journal Entry journalized on January 17, 2014.

On January 30, 2014, Defendant Reidenbach was represented by Public Defender Linda Gonzalez who requested that Defendant Reidenbach be referred for a SIP screen. Judge Stokes noted a referral for the SIP screen had not been made because the Home Depot witnesses were needed to see if they had any objection, and it was Judge Stokes' understanding that Attorney Heffernan and Defendant Reidenbach were going to discuss if Defendant Reidenbach had any substance abuse issues to determine whether such issues could be successfully addressed in 90 days in the SIP. Initially, Defendant Reidenbach stated that she would not test positive for any illegal drugs if she were to have a urinalysis test that day. Judge Stokes explained that the SIP

was typically for 90 days, but could be as long as six (6) months to address a substance abuse issue because the substance abuse treatment professionals often required a person to be in a treatment program for at least six (6) months. Judge Stokes noted that she had funds in her Court Probation Urinalysis Testing account to pay for Defendant Reidenbach's urinalysis test since Defendant Reidenbach stated that she did not have \$9 to pay for the test. Judge Stokes noted that Defendant Reidenbach needed to be truthful about her substance abuse issues, if any.

Defendant Reidenbach stated that she had a couple of beers the night before to flush out her kidneys per the advice of a physician who told her years ago that beer would be helpful if she had kidney problems. Attorney Gonzalez asked Defendant Reidenbach if she used anything illegal, any marijuana. Defendant Reidenbach stated she only used alcohol. In as much as, the Home Depot witnesses had been subpoenaed and failed to appear on January 30, 2014, and Prosecutor Tanudra had no objection for a SIP screen, Judge Stokes stated that Defendant Reidenbach could be given a chance to be screened for the SIP. Judge Stokes explained the rights associated with the SIP, and once again let Defendant Reidenbach know that a positive test result for any illegal substance could preclude her participation in the SIP, or that the SIP could be longer than 90 days if there were substance abuse issues to be addressed.

Judge Stokes inquired if Defendant Reidenbach's urinalysis test results would be negative, to which Defendant Reidenbach said that she was not sure at all. Judge Stokes suggested that Attorney Gonzalez and Defendant Reidenbach talk privately outside of the courtroom so that Attorney Gonzalez would know the truth. Attorney Gonzalez informed Judge Stokes that Defendant Reidenbach's urinalysis test results might be positive and Defendant Reidenbach wanted to be honest with Judge Stokes. Defendant Reidenbach stated she would be positive for cocaine, and admitted to crack cocaine usage two days ago. Judge Stokes expressed

her concern that the SIP would not be appropriate for addressing the crack cocaine issues. It appears that sentencing options were discussed at side bar but a resolution could not be reached. Thus, Attorney Gonzalez stated that, on behalf of Defendant Reidenbach, the case should be set for a bench trial at the Defendant's request. Attorney Gonzalez agreed to the date of February 18, 2014 so that she would have enough time to obtain a video from Prosecutor Tanudra and review it. Judge Stokes noted that the case was continued at the Defendant's request for a bench trial on February 18, 2014 at 2:00 P.M., and that Prosecutor Tanudra would subpoena the witnesses. See January 30, 2014 Journal Entry, and January 30, 2014 Transcript of Court Proceedings, pp. 2-12.

On February 18, 2014, Defendant Reidenbach was represented by Public Defender Scott Hurley who requested that he and Prosecutor Tanudra have a side bar conversation with Judge Stokes. Attorney Hurley informed Judge Stokes and Prosecutor Tanudra of his client's desire to change her plea. It was agreed that Judge Stokes would pass for sentencing so that Defendant Reidenbach's case would be referred to the Probation Department to obtain a formal alcohol/substance abuse assessment to address substance abuse issues, urinalysis test results for which would be paid by Probation Department funds, and review any restitution issues. Attorney Hurley explained that Defendant Reidenbach's urinalysis test "would likely be positive anyways", and "she was concerned about that." See February 18, 2014 Transcript of Court Proceedings, pp. 2-3.

Back on the record, Attorney Hurley stated that Defendant Reidenbach would enter a no contest plea. Judge Stokes read the date of the Petty Theft Complaint (October 7, 2013) and read the Probable Cause Statement to Defendant Reidenbach (in summary it alleged that Defendant Reidenbach took a Rigid Power Drill priced at \$159 from the Steel Yard Home Depot without

paying for it). Defendant Reidenbach said yes to recalling and understanding the basis for the Petty Theft charge. Judge Stokes explained the maximum possible penalties, and reviewed all of the Rule 11 rights with Defendant Reidenbach before accepting her no contest plea with a consent to a finding of guilty to the Petty Theft charge. Mr. Payne, the Home Depot representative, noted that restitution regarding the cost of the drill would be dealt with by Home Depot, and not ordered on this matter. See the February 18, 2014 Transcript of Court Proceedings, pp. 4-8, the Complaint, and the Probable Cause Statement.

Judge Stokes confirmed that Attorney Hurley wanted her to refer Defendant Reidenbach's case to the Probation Department and pass for sentencing to receive a Pre-Sentencing Investigation (PSI) Probation Report. Judge Stokes specifically asked Defendant Reidenbach if the theft was related to her substance abuse issues as follows:

The Court: "Did you take this item because of a substance abuse problem, Miss Reidenbach?"

The Defendant: "Yes, your Honor."

The Court: "And so that is what substance or substances? I don't know."

The Defendant: "Cocaine."

The Court: "I'm sorry?"

The Defendant: "Cocaine."

The Court: "Any other substances, because you're going to have a urinalysis test in just a few moments?"

The Defendant: "No."

Mr. Hurley: "Heroin?"

The Court: "Anything else?"

The Defendant: "No, your Honor."

See February 18, 2014 Transcript of Court Proceedings, pp. 9-10.

Judge Stokes informed Defendant Reidenbach and Attorney Hurley that the Probation Department would pay for the urinalysis test because Defendant Reidenbach stated that she did not have \$9 to pay for it. In addition, Attorney Hurley agreed to the sentencing date of March 4, 2014. Judge Stokes noted on the Journal Entry that the case was continued at the Defendant's request to pass for sentencing (PFS) until March 4, 2014 at 10:00 A.M., and referred to the Probation Department for a PSI Probation Report. Judge Stokes wrote that "Defendant shall submit to a urinalysis test today which Court funds can pay for." Further, Judge Stokes noted that "Anthony Payne was and stated Home Depot will address restitution on its own." Judge Stokes, per standard procedure, placed Deputy Chief Probation Officer Dean Jenkins' name on the Journal Entry who would see that the Probation Staff addressed the matters set forth. See the February 18, 2014 Journal Entry, and the February 18, 2014 Transcript of Court Proceedings, pp. 9-13.

On March 4, 2014, Defendant Reidenbach appeared for sentencing, and was represented by Public Defender Gary Potts. Judge Stokes had thoroughly reviewed the PSI Probation Report that included, but was not limited, the following critical and important information:

1. Defendant Reidenbach admitted to being drug dependent on crack cocaine
2. Defendant Reidenbach stated she has had suicidal thoughts since the age of six (6), had attempted suicide on two (2) occasions
3. Defendant Reidenbach admitted that she was high on crack cocaine when she stole the drill from Home Depot. Defendant Reidenbach stated she would like to receive help for her crack cocaine addiction.
4. Defendant Reidenbach stated that she was molested by her older brother's father when she was six (6) years old; and that due to "a great deal of hard times in her life, she was experiencing continual thoughts of suicide when feeling stressed or pressured"
5. Defendant Reidenbach identified herself as a "Cutter", the most recent act of attempting suicide being three (3) months ago when she claimed to have used a screw driver and dug into the skin between her hips and private area

6. Defendant Reidenbach admitted that a couple of years ago she helped her brother sell crack/cocaine and as her life became more chaotic she began using crack cocaine instead of selling it
7. Defendant Reidenbach stated she uses crack cocaine as a means of handling unwanted pressures, and that she uses crack cocaine on a weekly to bi-weekly basis
8. Defendant Reidenbach viewed herself as having abandonment issues
9. Defendant Reidenbach had never been in counseling or drug treatment, and she expressed her desire for help for all of her issues
10. Defendant Reidenbach's February 18, 2014 urinalysis test result was positive for cocaine
11. The PSI Report listed Defendant Reidenbach's residence in Cleveland, Ohio, not West Virginia

See PSI Probation Report.

Attorney Potts informed Judge Stokes at sidebar that Defendant Reidenbach had used crack cocaine after the February 18, 2014 court date and that she wanted to get treatment; and that she just got a job which he wanted her to be able to keep. Judge Stokes and Attorney Potts discussed the majority of the information contained in the PSI Probation Report, noting Defendant Reidenbach's desire to get help, and Judge Stokes' willingness to allow Defendant Reidenbach to get the needed help while on probation, and to not impose any jail time.

At another side bar conversation with Attorney Potts and Prosecutor Tanudra, Attorney Potts and Judge Stokes agreed that Judge Stokes would obtain the telephone number to the Cleveland Rape Crisis Center so that Defendant Reidenbach could schedule an intake appointment that morning regarding the trauma/abuse issues she had experienced, and schedule assessment appointments for the trauma and substance abuse issues, if she were willing to do so. Judge Stokes was informed that Defendant Reidenbach was willing to participate in the telephone intake appointment, and schedule all of her substance abuse and trauma assessment appointments.

Judge Stokes was able to provide the Cleveland Rape Crisis Center's intake telephone number to Attorney Pott for Defendant Reidenbach who agreed to call for the intake appointment at 11:00 A.M. that morning. Judge Stokes sentenced Defendant Reidenbach as follows: all of the 180 days were suspended, all of the \$1000 fine was suspended, and the court costs were suspended based upon a finding of indigency. In addition, Judge Stokes placed Defendant Reidenbach on one year of active probation with the following conditions: No more thefts; Stay off of the property of all Home Depot stores; attend a formal alcohol/substance abuse assessment with treatment/counseling as recommended; attend the March 6, 2014 formal assessment for trauma suffered issues; and substance abuse testing, noting that Defendant Reidenbach would pay for her weekly urinalysis testing which she stated she could pay due to her new job. Judge Stokes noted that Defendant Reidenbach would contact Kendra at Tri-C's Women In Transition Program to get enrolled in her GED classes. Defendant Reidenbach expressed her desire to get her GED since she had not completed the ninth grade. Judge Stokes specifically stated that Defendant Reidenbach would not be violated on probation if she decided not to attend the GED classes, but the information was given to assist her.

Judge Stokes noted that Defendant Reidenbach admitted to use of crack cocaine on March 3, 2014. Judge Stokes wrote that "Defendant's crack cocaine addiction is due to trauma abuse issues and which is why she steals for money for [her] addiction." Defendant Reidenbach's case was continued at her request for a motion hearing on March 25, 2014 regarding her request to travel to West Virginia during the month of April, 2014 to visit an friend whose cancer was no longer in remission. Judge Stokes requested an Updated Report for the March 25, 2014 hearing, and noted that Defendant Reidenbach needed time to attend her formal alcohol/substance abuse assessment, and to get into treatment. Judge Stokes was very concerned

for Defendant Reidenbach in view of her trauma, suicidal issues, and addiction issues. Thus, Judge Stokes requested an Updated Report to make an appropriate decision with respect to Defendant's motion to travel that was to be heard on March 25, 2014. Judge Stokes specifically noted and wrote that if Defendant Reidenbach was in full compliance that she did not need to be present in court on March 25, 2013, and that Judge Stokes would grant the motion to travel, if there was compliance with the conditions ordered. Defendant Reidenbach explained that she had moved to West Virginia 2 years ago, but her current desire was to continue living with her mother in Cleveland which is why she just got a job, but eventually had plans to move back to West Virginia. Judge Stokes never gave Defendant Reidenbach permission to travel out of the State of Ohio. See March 4, 2014 Journal Entry, and the March 4, 2014 Transcript of Court Proceedings, pp. 2-35.

On March 25, 2014, Judge Mabel Jasper was assigned to hear cases previously on Judge Stokes' personal criminal docket that had been removed from Judge Stokes per Judge Adrine's March 14, 2014 Administrative Orders. Judge Jasper wrote on the Journal Entry what was suggested to her by Mr. David Fann, Judge Adrine's personal bailiff, which was that the case was continued at the Defendant's request until April 9, 2014 for a probation update, and "Def to be summons (sic)." See the March 25, 2014 Journal Entry signed by Judge Jasper, and March 25, 2014 Transcript of Court Proceedings, pp. 2-5.

On April 9, 2014, Defendant Reidenbach appeared before Judge Adrine, and was represented by Public Defender Kelsey Taylor who stated that she and Defendant Reidenbach acknowledged that Defendant Reidenbach violated probation when she failed to report to her probation officer alleging once due to illness, and a second time due to "either a miscommunication or just an error on my client's part about the day she was set to report." The

Probation Report has documentation of the March 12, 2014 Notice of Failed Appointment regarding March 11, 2014 and March 18, 2014. In addition, the Probation Report has the April 9, 2014 Probation Update that sets forth in detail that Defendant Reidenbach failed to report to her probation officer and failed comply with the conditions ordered by Judge Stokes. See the Probation Report; and the April 9, 2014 Transcript of Court Proceedings, p. 2.

Judge Adrine and Defendant Reidenbach had the following conversation regarding why she was ordered to undergo a substance abuse assessment by Judge Stokes, and whether it was related to the theft conviction:

The Court (Judge Adrine): “Why were you ordered to undergo substance abuse assessment?”

The Defendant: “Because at the time I was using heroin.”

The Court (Judge Adrine): “Did it have anything to do with the theft?”

The Defendant: “At the time, yes. But I am getting help for it. I am trying [to] do everything I possibly can.

See April 9, 2014 Transcript of Court Proceedings, pp. 2-3.

Judge Adrine stated that the probation violation hearing was waived, and that Defendant Reidenbach was found in violation of probation. Judge Adrine re-suspended the sentence, noting that active probation continued to the original end date set forth when Defendant Reidenbach was sentenced by Judge Stokes. In addition, Judge Adrine wrote “No further judicial updates required, absent allegation of prob. violation.” Also, Judge Adrine informed Defendant Reidenbach that if she appeared before him again as a probation violator that he would send her to jail for the maximum time that Judge Stokes originally had noted at the time of sentencing. See April 9, 2014 Transcript of Court Proceedings, p. 3, and April 9, 2014 Journal Entry.

On May 5, 2014, Attorney Taylor and Defendant Reidenbach appeared before Judge Adrine with respect to a Motion to Transfer Probation to Fort Gay, West Virginia alleging that Defendant Reidenbach needed to disassociate with locations and certain people who are a bad influence on her, and that Defendant Reidenbach requested to be under probation supervision in West Virginia “to become a productive and law-abiding member of society.” Attorney Taylor acknowledged on the record that the original theft incident “stemmed from addiction issues that she [Defendant Reidenbach] is facing.” Judge Adrine found Defendant Reidenbach in violation of probation again, re-suspended her sentence and terminated probation. Thus, there would be no supervision of probation in West Virginia. See April 18, 2014 Motion To Transfer Probation; May 5, 2014 Journal Entry; May 5, 2014 Transcript of Court Proceedings, pp. 2-5. See May 15, 2014 Closing Summary Report in the Probation Report, signed by Probation Officer Tina Janis and Supervisor Peter Roche, that verifies that Defendant Reidenbach failed to complete any conditions of probation.

Instead of inquiring as to the details of Defendant’s lack of adherence to the conditions of probation or her clear and unequivocal history of psychological and substance abuse issues, Judge Adrine seemed to be fixated on the number of appearances before Judge Stokes in this matter, having been unsuccessful on April 9, 2014 in establishing a lack of connection of the conditions of probation with the underlying offense. On that date as well, he was fixated on the number of appearances.