
Probation Report

NESTER, MICHELLE	2018577	2013 TRC 023649	
<i>Last Name, First Name</i>	<i>Record #</i>	<i>Case # (s)</i>	
2223 WASCANA AVE	LAKESWOOD	OH, 44107	277-74-6180
<i>Street</i>	<i>City</i>	<i>State and Zip</i>	<i>SSN</i>
Cleveland Municipal Court Probation Department			Closing Summary Report

Last Known Employer and Address: KAISER HOSPITAL INTERN

Offense(s): DRIV UNDER INFLUENCE
ALC/DRUG OR COMBINATION OF THEM

Date of Sentencing: 7-11-13 **Judge:** ANGELA R. STOKES **Term of Probation :** 07/11/2013-07/11/2014

Date of Closing 4-1-14 **Record Check** NO **COMPLIANCE**

Status: INACTIVE

Total Number of Interviews:
Office 6 Field Agency Collateral
Probationer Spouse Employer

Beginning Classification MEDIUM **Closing Classification** MEDIUM
Probationer's Response to Supervision FAVORABLE

New Arrest(s)/ Complaints

Incarcerated

Probation Violation Hearing

**COURT CONDITIONS – SEE ATTACHMENTS
SELECT THE APPROPRIATE BOXES EXPLAIN "NOT MET" AND PROVIDE ADDITIONAL
COMMENTS BELOW**

MET	NOT MET	CONDITIONS	MET	NOT MET	CONDITIONS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	THREE DAY ALTERNATIVE TO JAIL	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	URINALYSIS TESTING	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	SUBSTANCE ABUSE TEST ORDERED (URINALYSIS TESTING)	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	ATTEND 5 MADD MEETINGS	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DO NOT DRIVE WITHOUT VALID LICENSE	<input type="checkbox"/>	<input type="checkbox"/>	

COMMENTS:

All conditions met. Compliance Hearing held on 4-1-14 resulted in PROBATION made INACTIVE.

TINA JANIS



4-3-14

PETE ROCHE



Probation Officer (216)420-8847

Approved by SUPERVISOR (216)664-3710

Fled

MICHELLE N NESTER	2018577	2013 TRC 023649	
Name	Record #	Case # (s)	
2223 WASCANA AVE	LAKWOOD	OH 44107	277-74-6180
Street	City	State and Zip	SSN

Cleveland Municipal Court Probation Department *Update Report*

UPDATE for JUDGE ANGELA R. STOKES on case 2013 TRC 023649, set for ~~9-16-13~~:

Ms. Nester now appears on a motion for occupational driving privileges. She is employed as a surgical nurse and has reported to this Officer as scheduled.

She completed her ATJ program at DIP on June 23, 2013.

She attended ALL 5/5 MADD meetings (8-6-13, 8-13-13, 8-20-13, 9-7-13, and 9-10-13 as of her last office visit on 9-12-13.

Results of the last SAT's given on 8-12-13 were negative.

On 9-13-13, Probation received a voicemail from the drug lab reporting the results would be forwarded when available; however, a verbal confirmation was left on a voicemail with the defendants results being negative on 9-12-13.

TINA JANIS
Probation Officer

TJ 9-13-13
(216)410-8847

PETE ROCHE
Approved by Supervisor (216)664-3710

P. Roche

09/13/2013 10:19

(FAX)

P.001/001

09-13-'13 09:42 FROM-

T-137 P0001/0001 E-297

Cuyahoga County
Court of Common Pleas
Laboratory
 1276 W. 3rd Suite LL-01
 Cleveland, Ohio 44113-1512

FINAL COPY

Patient: NESTER, MICHELLE **Acc #:** 1988328 **STAT**
Patient #: M82018577 **Birth:** 10/8/1978
Officer: JUDGE **Age:** 34 years **Collection Date:** 9/12/2013 7:10 AM
 Gender: Male
 Probation Officer: JANIS

Test Name	Result	Units	Flag	Reference Range
[8] (12) 3 SCREEN-COC/OP/THC Run by: JJK on 9/13/2013 8:29 AM				
COCAINE 150	Negative			
H-OPIATES	Negative			
H-MARIJUANA	Negative			
SAM-HEROIN	Negative			

Reviewed By: _____

Date: _____

*MOTION ARG
 COURT
 9-16-13*

*ATTN:
 DEAN
 JENKINS
 att:
 Janis*

CCS – Driver Intervention Program

James R. Columbro, Director

JD., LICDC, ICRC, S.A.P.

24726 Meadow Lane

Westlake, Ohio 44145-4948

Phone: (440) 979-0233 in house fax: (440) 979-1811

Email: olapiiii@ameritech.net

June 24, 2013

Mr. Shamus Normile, PO Cleveland
The Justice Center
1200 Ontario Street, 6th Floor
Cleveland, Ohio 44113

Re: Michelle N. Nester Cleveland Municipal Court 13 TRC 023649
CCS - Driver Intervention Program Program Id# 1806101 ODADAS Seq. # 11011
Arrest date 04/17/13 Convicted date 07/11/13 Program 06/20 to 06/23/13

Dear Mr. Normile:

Enclosed please find a copy of that single page completion report and recommendations, if any, as it relates to the above caption client having completed the 72-hour Driver Intervention Program.

If the screening recommendations call for a referral, that referral will be followed up and contacted by this program the day after discharge.

Thank you for the opportunity to provide this service to the court.

Very truly yours,

James R. Columbro lic.d.c.

James R. Columbro JD., LICDC
Director, CCS – Driver Intervention Program

Enclosures

Cc: Ms. Michelle N. Nester, 2223 Wascana Avenue, Lakewood, Ohio 44107
Lief B. Christman, Esq., 2000 Standard Building, 1370 Ontario, Cleveland, Ohio 44113

NOTICE TO RECIPIENT: This information has been disclosed to you from records protected by the Federal Confidentiality rules (42CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse client.

CCS - DIP Completion Report & Discharge Recommendations

Michelle Wester
Client Name

Cleveland
Referral Source

June 20-23-2013
Attendance Dates

The person named in this report participated in at least 21 hours of alcohol and drug addiction programming that included at a minimum:

- 1 hour of screening and individual contact; and
- 15 hours of client education on alcohol and drug abuse and addiction, including traffic safety education; and
- 5 hours of small group discussion.

A screening interview was conducted with the client named above in which the results of Screening instruments, Mast = 10 Mortimer Filken = 5 -recommendations and referrals made to the referring court were discussed. Yes No

Summary of client's participation: Client attended and participated in all class sessions including discussion groups, lectures, presentations and videos. In addition, the client completed all O&A worksheets appropriately. Client complied with all the rules and regulations of the CCS - Driver Intervention Program.

Results and recommendations of the screenings: Based on the client's screening and interview results, along with the client's participation in class, this client's use of alcohol and the negative consequences that followed DOES NOT indicate a need for further recommendations at this time.

Disclosure of information form attached? Yes No

Referrals made to alcohol and drug addiction treatment programs and any referrals made to other organizations: No further referrals are necessary at this time. The client has completed the 72 Hours of Driver Intervention Program successfully.

Recommendations made to court or other organization: No further recommendations to the Court or any other organizations at this time. Should the client receive another OVI or alcohol/drug-related legal charge within a year of completing this class, the CCS - Driver Intervention Program would recommend that the Court consider ordering a full biopsychosocial assessment at that time to rule out AoD abuse/dependency.

James Columbus LICM
Signature & Credentials of Staff making recommendations.
Client Agrees: Client Disagrees:

6-23-13
Date

Client Signature: Michelle Wester Date: 6-23-13

Note: Your signature above is acknowledgment that a release has been executed and that you have been provided a copy of this program completion report for your records. This report will be sent to your referring source and that data contained herein may be supplied the Ohio Department of Alcohol and Drug Addiction Services for management information purposes and reports. Also note that the following disclosure statement accompanies all correspondence relative to your participation in the program.

NOTICE TO RECIPIENT: This information has been disclosed to you from records protected by the Federal Confidentiality rules (42CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse client.
February 2007

**Cuyahoga County Court of
Common Pleas
Laboratory**

To: Probation Department Cashier
7th Floor-Justice Center-Courts Tower
1200 Ontario Street
Cleveland, OH 44113
From: John Kucmanic BS, D-FTCB, Laboratory Director
Re: Payment for Drug Testing from Client

Date 7-31-13 NAME Michelle Nestor

SS# 277-74-6180 DOB 10-8-78

PROBATION # 2018577

REQUESTOR JANIS

TEST Urine Drug Screen (3 test screen)

PAYMENT DUE \$ 9.00

Deposit to: Laboratory Testing Fees; Index Code # 446070, Revenue Object Code # 797-Lab Fees



METHODS OF PAYMENT: **NO PERSONAL CHECKS ACCEPTED**



- 1. Pay in person on 7th floor - Justice Center. Cash, Money order, or cashier's check
*** Credit card on payments OVER \$ 25.00. (Visa, Mastercard or Discover)

MAKE MONEY ORDERS OR CASHIER'S CHECKS PAYABLE TO: DEPARTMENT OF PROBATION

→ 6TH FLOOR PROBATION DEPARTMENT

→ THEN MAIN BUILDING TO SUBMIT

457

DRUG TESTING REQUEST FORM

RUSH 5149

Cuyahoga County Court of Common Pleas Laboratory
1276 W 3rd Street-Lower Level LL-01 Marion Building
Cleveland, OH 44113

UNMONITORED COLLECTION TEMP _____ F

CALL RESULTS TO: 216-420-8847

NAME Nester Michelle
last first

FAX RESULTS TO: _____

PARTY ID No. 82018577

ALIAS _____

SOCIAL SECURITY No. 277-74-6180

D.O.B. 10/8/78 SEX female

COLLECTION DATE 07-31-2013

REQUESTOR Tina Davis GROUP CODE 1001

PHONE NUMBER (216) 420-8847

- TEST REQUEST: COCAINE/OPIATES COCAINE/MARIJUANA OPIATES/MARIJUANA 3 SCREEN(COC/OP/THC)
- 4 SCREEN (COC/OP/THC/PCP) 5 SCREEN (COC/OP/THC/PCP/AMP)
- COCAINE OPIATES MARIJUANA AMPHETAMINE PHENCYCLIDINE
- ORAL FLUID HAIR TEST OTHER _____

DRUGS TAKEN IN THE LAST 7 DAYS (Prescription and/or over the counter)

IDENTIFICATION REQUIRED (VALID STATE ID/ DRIVERS LICENSE / PASSPORT)
IDENTIFICATION: ODL STATE ID PASSPORT OTHER STATE ID/DL _____

REGISTERED BY [Signature]

MONITORED BY [Signature]

LABORATORY HOURS:

MONDAY – THURSDAY OPEN: 7:30 AM CLOSE 6:15PM

FRIDAY OPEN: 7:30AM TO 12:30 PM AND 1:45PM TO 3:15 PM

Positive urine samples will be retained by the Laboratory for 90 days unless the Laboratory is instructed otherwise. Requestor must verify prescriptions through examination of labeled prescription container. If there are questions about the testing, interpretation of results or drug interactions, contact the Laboratory Manager.

GROUP CODES

- | | | | | |
|-------------------------------|-----------------------|-----------------------|---------------------------|---------------------|
| 1 TASC | 20 DOMESTIC RELATIONS | 21 JUV DIVISION | 24 REFERRALS | 33 CAF |
| 40 EUCLID | 51 HARBOR LIGHT PROB | 60 GARFIELD HTS | 81 FRESH START PROB | 90 CATH CHAR |
| 92 MTFW | 101 NGRI | 210 DOMESTIC VIOLENCE | 250 MUNI DRUG CT.ASSESSMT | 251 MUNI DRUG COURT |
| 270 FELONY DRUG CT ASSESSMENT | 500 TASC PROBATION | 271 FELONY DRUG CT | 301 MUNI COURT | 350-365 JUV COURT |
| 401 PSI STATE | 751 MARION SUPR. | 501 PSI COUNTY | 550 PSI MARION | 601 CENTRAL SUPR. |
| 701 WESTSIDE | 860 NON-SUPPORT | 801 ISP/PIP | 825 IDU INTENSIVE | 840 RE-ENTRY |
| 850 ISP/IDU | 901 WORKRELEASE | 870 COGN BEHAVIOR | 875 MDO/MRO | 876 MDO |
| 890 SOP | 975 DIVERSION | 910 ORCA HOUSE PROB | 925 ELECT-MON. | 950 EARLY INTER. |
| 951 CSR | | 976 DIVERSION APPL | 1001 JUDGE | |



Cuyahoga County Court of Common Pleas
Adult Probation Department
 1200 Ontario Street
 Cleveland, Ohio 44113

75

R E C E I P T

Defendant: TESTING/DRUG/
 PartyID: 11429703

Receipt Number: 132000012815

Receipt Date: 07/31/2013

Received From:
 NESTER, MICHELLE

DRUG TESTING FEES	9.00
-------------------	------

Amount Tendered 9.00

PT08000369 P.O. PROBATION RESTITUTION

Cash Amount 9.00

Change 0.00

Total Paid 9.00

Case Balance 0.00

DEPUTY CLERK CPPJT

Note: 10-8-78

CASE COST SUMMARY as of 07/31/2013

PT08000369

<u>Cost Type</u>	<u>Amount Owed</u>	<u>Paid</u>	<u>Written Off</u>	<u>Balance Due</u>
Drug Test	24,469.00	23,490.00	1.00	978.00

COLLECTIONS SUMMARY (LAST 5 PAYMENTS)

<u>Payment Date</u>	<u>Payment Amount</u>	<u>Paid By</u>
07/31/2013	9.00	NESTER, MICHELLE
07/30/2013	9.00	BERLIN, EVAN
07/30/2013	9.00	VASQUEZ, ALYSSA
07/30/2013	9.00	FARINACCI, VINCENT
07/29/2013	9.00	DEMMINGS, WILLIAM

CMSR7003

2018577

DRUG TESTING REQUEST FORM

Cuyahoga County Court of Common Pleas Laboratory
1276 W 3rd Street- Lower Level LL-01 Marion Building
Cleveland, OH 44113

[] RUSH

[] UNMONITORED COLLECTION TEMP _____ F

CALL RESULTS TO: 216-420-8847

NAME Nester Michelle
last first

FAX RESULTS TO: _____

PARTY ID No. 83018577

ALIAS _____

SOCIAL SECURITY No. 277-74-6180

D.O.B. 10/8/78 SEX female

COLLECTION DATE 07-31-2013

REQUESTOR Tina Davis GROUP CODE 1001

PHONE NUMBER (216) 420-8847

- TEST REQUEST: [] COCAINE/OPIATES [] COCAINE/MARIJUANA [] OPIATES/MARIJUANA [x] 3 SCREEN(COC/OP/THC)
[] 4 SCREEN (COC/OP/THC/PCP) [] 5 SCREEN (COC/OP/THC/PCP/AMP)
[] COCAINE [] OPIATES [] MARIJUANA [] AMPHETAMINE [] PHENCYCLIDINE
[] ORAL FLUID [] HAIR TEST [] OTHER _____

DRUGS TAKEN IN THE LAST 7 DAYS (Prescription and/or over the counter)

[] IDENTIFICATION REQUIRED (VALID STATE ID/ DRIVERS LICENSE / PASSPORT)
IDENTIFICATION: [] ODL [] STATE ID [] PASSPORT [] OTHER STATE ID/DL _____

REGISTERED BY _____

MONITORED BY _____

LABORATORY HOURS:
MONDAY - THURSDAY OPEN: 7:30 AM CLOSE 6:15PM
FRIDAY OPEN: 7:30AM TO 12:30 PM AND 1:45PM TO 3:15 PM

Positive urine samples will be retained by the Laboratory for 90 days unless the Laboratory is instructed otherwise.
Requestor must verify prescriptions through examination of labeled prescription container.
If there are questions about the testing, interpretation of results or drug interactions, contact the Laboratory Manager.

GROUP CODES

- 1 TASC 20 DOMESTIC RELATIONS 21 JUV DIVISION 24 REFERRALS 33 CAF
40 EUCLID 51 HARBOR LIGHT PROB 60 GARFIELD HTS 81 FRESH START PROB 90 CATH CHAR
92 MTFW 101 NGRI 210 DOMESTIC VIOLENCE 250 MUNI DRUG CT.ASSESSMT 251 MUNI DRUG COURT
270 FELONY DRUG CT ASSESSMENT 271 FELONY DRUG CT 301 MUNI COURT 350-365 JUV COURT.
401 PSI STATE 500 TASC PROBATION 550 PSI MARION 601 CENTRAL SUPR.
701 WESTSIDE 751 MARION SUPR. 825 IDU INTENSIVE 840 RE-ENTRY
850 ISP/IDU 860 NON-SUPPORT 875 MDO/MRO 876 MDO
890 SOP 901 WORKRELEASE 925 ELEGT- MON. 950 EARLY INTER.
951 CSR 975 DIVERSION 976 DIVERSION APPL 1001 JUDGE

Cuyahoga County
Court of Common Pleas
Laboratory
1276 W. 3rd Suite LL-01
Cleveland, Ohio 44113-1512

FINAL COPY

Patient: NESTER, MICHELLE Birth: 10/8/1978 Acc #: 1975149
Patient #: M82018577 Age: 34 years Collection Date: 7/31/2013 8:50 AM
Officer: JUDGE Gender: Male
Probation Officer: JANIS

Test Name	Result	Units	Flag	Reference Range
(12) 3 SCREEN-COC/OP/THC				Run by: JK on 8/2/2013 9:45 AM
COCAINE 150	Negative			
H-OPIATES	Negative			
H-MARIJUANA	Negative			
6AM-HEROIN	Negative			

Reviewed By: _____

Date: _____

**Cuyahoga County Court of
Common Pleas
Laboratory**

To: Probation Department Cashier
7th Floor- Justice Center-Courts Tower
1200 Ontario Street
Cleveland, OH 44113
From: John Kucmanic BS, D-FTCB, Laboratory Director

Re: Payment for Drug Testing from Client

Date 8-21-13 NAME Michelle Nesten
SS# 277-74-6180 DOB 10-8-78
PROBATION # (8) 2018577
REQUESTOR JANIS
TEST Urine Drug Screen (3 test screen)

PAYMENT DUE \$ 9.00

Deposit to: Laboratory Testing Fees; Index Code # 446070, Revenue Object Code # 797-Lab Fees



METHODS OF PAYMENT: **NO PERSONAL CHECKS ACCEPTED**

1. Pay in person on 7th floor - Justice Center. Cash, Money order, or cashier's check
*** Credit card on payments OVER \$ 25.00 (Visa, Mastercard or Discover)

MAKE MONEY ORDERS OR CASHIER'S CHECKS PAYABLE TO: DEPARTMENT OF PROBATION

RUSH

DRUG TESTING REQUEST FORM

CUYAHOGA COUNTY COURT OF COMMON PLEAS LABORATORY
1276 W. 3rd Street- Lower Level LL-01 Marion Building
Cleveland, Ohio 44113

UNMONITORED COLLECTION TEMP _____ F

CALL RESULTS TO:

FAX RESULTS TO:

NAME: **MICHELLE N NESTER**

PARTY ID # **8- 2018577**

ALIAS:

SOCIAL SECURITY # **277-74-6180**

DOB: **10/08/1978**

SEX: **F**

COLLECTION DATE: **8/21/13**

REQUESTER: **TINA JANIS**

GROUP CODE: **1001**

PHONE NUMBER: **(216)420-8847**

TEST REQUEST COCAINE/OPIATES COCAINE/MARIJUANA OPIATES/MARIJUANA
 3 SCREEN(COC/OP/THC) 4 SCREEN(COC/OP/THC/PCP) 5 SCREEN (COC/OP/THC/PCP/AMP)
 COCAINE OPIATES MARIJUANA AMPHETAMINE PHENCYCLIDINE
 ORAL TEST HAIR TEST OTHER

DRUGS TAKEN IN THE LAST 7 DAYS (Prescription and/or over the counter)

BIRTH CONTROL, ALBUTEROL

IDENTIFICATION REQUIRED: DRIVERS LICENSE STATE ID PASSPORT OTHER ID _____

REGISTERED BY _____

MONITORED BY _____

LABORATORY HOURS:

MONDAY-THURSDAY OPEN: 7:30AM CLOSE: 6:15PM

FRIDAY OPEN 7:30AM TO 12:30PM AND 1:45PM TO 3:15PM

Positive urine samples will be retained by the laboratory for 90 days unless the laboratory is instructed otherwise. Requestor must verify prescriptions through examination of labeled prescription container. Contact laboratory manager with any questions about the testing, interpretation of results or drug interaction, contact laboratory manager.

GROUP CODES

251 MUNI DRUG CT

301 MUNI COURT

1001 JUDGE/SELF PAY



Cuyahoga County Court of Common Pleas

Adult Probation Department

1200 Ontario Street
Cleveland, Ohio 44113

R E C E I P T

Defendant: TESTING/DRUG/
PartyID: 11429703

Receipt Number: 132000014256

Receipt Date: 08/21/2013

Received From:
NESTER, MICHELLE

DRUG TESTING FEES	9.00
-------------------	------

Amount Tendered 9.00

PT08000369 P.O. PROBATION RESTITUTION

Cash Amount 9.00

Change 0.00

Total Paid 9.00

Case Balance 0.00

DEPUTY CLERK CPPJT

Note: 10-8-78

CASE COST SUMMARY as of 08/21/2013

PT08000369

<u>Cost Type</u>	<u>Amount Owed</u>	<u>Paid</u>	<u>Written Off</u>	<u>Balance Due</u>
Drug Test	25,061.00	24,082.00	1.00	978.00

COLLECTIONS SUMMARY (LAST 5 PAYMENTS)

<u>Payment Date</u>	<u>Payment Amount</u>	<u>Paid By</u>
08/21/2013	9.00	NESTER, MICHELLE
08/21/2013	9.00	ARMELLI, DESTINY
08/21/2013	9.00	POLLARD, DARRELL
08/21/2013	9.00	METHOD, GARY
08/21/2013	9.00	PARKER, HERBERT

CMSR7003

RTU SU

1108
2011

DRUG TESTING REQUEST FORM

CUYAHOGA COUNTY COURT OF COMMON PLEAS LABORATORY
1276 W. 3rd Street- Lower Level LL-01 Marion Building
Cleveland, Ohio 44113

1520

UNMONITORED COLLECTION TEMP _____ F

CALL RESULTS TO:

FAX RESULTS TO:

NAME: MICHELLE N NESTER

PARTY ID # 8-2018577

ALIAS:

SOCIAL SECURITY # 277-74-6180

DOB: 10/08/1978

SEX: F

COLLECTION DATE: 8/21/13

REQUESTER: TINA JANIS

GROUP CODE: 1001

PHONE NUMBER: (216)420-8847

TEST REQUEST COCAINE/OPIATES COCAINE/MARIJUANA OPIATES/MARIJUANA

3 SCREEN(COC/OP/THC) 4 SCREEN(COC/OP/THC/PCP) 5 SCREEN (COC/OP/THC/PCP/AMP)

COCAINE OPIATES MARIJUANA AMPHETAMINE PHENCYCLIDINE

ORAL TEST HAIR TEST OTHER

DRUGS TAKEN IN THE LAST 7 DAYS (Prescription and/or over the counter)

BIRTH CONTROL, ALBUTEROL

IDENTIFICATION REQUIRED: DRIVERS LICENSE STATE ID PASSPORT OTHER ID _____

REGISTERED BY JA

MONITORED BY pl

LABORATORY HOURS:

MONDAY-THURSDAY

OPEN: 7:30AM

CLOSE: 6:15PM

FRIDAY

OPEN 7:30AM TO 12:30PM

AND

1:45PM TO 3:15PM

Positive urine samples will be retained by the laboratory for 90 days unless the laboratory is instructed otherwise. Requestor must verify prescriptions through examination of labeled prescription container. Contact laboratory manager with any questions about the testing, interpretation of results or drug interaction, contact laboratory manager.

GROUP CODES

251 MUNI DRUG CT

301 MUNI COURT

1001 JUDGE/SELF PAY

Cuyahoga County
Court of Common Pleas
Laboratory
1276 W. 3rd Suite LL-01
Cleveland, Ohio 44113-1512

FINAL COPY

Patient: **NESTER, MICHELLE** Birth: 10/8/1978 Acc #: 1981103
Patient #: M82018577 Age: 34 years Collection Date: 8/21/2013 12:38 PM
Officer: JUDGE Gender: Male
Probation Officer: JANIS

Test Name	Result	Units	Flag	Reference Range
(12) 3 SCREEN-COC/OP/THC				Run by: JK on 8/23/2013 11:53 AM
COCAINE 150	Negative			
H-OPIATES	Negative			
H-MARIJUANA	Negative			
6AM-HEROIN	Negative			

Reviewed By: _____

Date: _____

MICHELLE N NESTER	2018577	2013 TRC 023649	
Name	Record #	Case # (s)	
2223 WASCANA AVE	LAKWOOD	OH 44107	277-74-6180
Street	City	State and Zip	SSN

Cleveland Municipal Court Probation Department *Update Report*

UPDATE for **JUDGE ANGELA R. STOKES** on case **2013 TRC 023649**, set for **September 6, 2013**:

Ms. Nester now appears on a motion for occupational driving privileges. She is employed as a surgical nurse.

Ms. Nester has been reporting to Probation Officer Tina Janis as scheduled. She completed her ATJ at DIP in late June, and had completed 3/5 MADD meetings as of her last office visit on August 21, 2013. Results of the last SAT (8/21/13) were negative. Ms. Nester's next office appointment is September 18, 2013.

TINA JANIS
 Probation Officer (216)420-8847

Peter M. Roche 
 Approved by Supervisor (216)664- 3710



Mothers Against Drunk Driving
MADD Victim Impact Panel Receipt

Name Michelle Nestor

VIP Location Berea

Amount Paid \$30 Date 8-13-13

Money Order, Cashier's Check, Cash
(circle one) Cash

MADD Representative Signature
[Signature]

** This verifies that the above named party attended the
MADD Victim Impact Panel & payment was received**

Note: Please retain this receipt as documentation of
attendance. MADD is not responsible for lost receipts.
A fee will be charged for replacement of lost receipt.

060294



Mothers Against Drunk Driving
MADD Victim Impact Panel Receipt

Name Michelle Nestor

VIP Location Lebanon

Amount Paid \$30 Date 8-20-13

Money Order, Cashier's Check, Cash
(circle one) Cash

MADD Representative Signature
[Signature]

** This verifies that the above named party attended the
MADD Victim Impact Panel & payment was received**

Note: Please retain this receipt as documentation of
attendance. MADD is not responsible for lost receipts.
A fee will be charged for replacement of lost receipt.

008998



Mothers Against Drunk Driving
MADD Victim Impact Panel Receipt

Name Michelle Nestor

VIP Location Berea

Amount Paid \$30 Date 9-10-13

Money Order, Cashier's Check, Cash
(circle one) Cash

MADD Representative Signature
[Signature]

** This verifies that the above named party attended the
MADD Victim Impact Panel & payment was received**

Note: Please retain this receipt as documentation of
attendance. MADD is not responsible for lost receipts.
A fee will be charged for replacement of lost receipt.

060406



Mothers Against Drunk Driving
MADD Victim Impact Panel Receipt

Name Michelle Nestor

VIP Location Medical Exam

Amount Paid 50.00 Date 9-7-2013

Money Order, Cashier's Check, Cash
(circle one) Cash

MADD Representative Signature
[Signature]

** This verifies that the above named party attended the
MADD Victim Impact Panel & payment was received**

Note: Please retain this receipt as documentation of
attendance. MADD is not responsible for lost receipts.
A fee will be charged for replacement of lost receipt.

009223



Mothers Against Drunk Driving
MADD Victim Impact Panel Receipt

Name Michelle Nester

VIP Location Parma

Amount Paid \$ 30 Date 8-6-13

Money Order, Cashier's Check, Cash
(circle one)

MADD Representative Signature
[Signature]

** This verifies that the above named party attended the
MADD Victim Impact Panel & payment was received**

Note: Please retain this receipt as documentation of
attendance. MADD is not responsible for lost receipts.
A fee will be charged for replacement of lost receipt.

011161

**MADD Northeastern Driver Awareness Session
Attendance Verification**

All
\$
WITHIN 90 DAY

You are sentenced to attend DAS Meetings at the following location: (circle one)

- Berea Court Euclid Court Garfield Heights Court Justice Center
Lakewood Court Parma City Hall Shaker Heights Court
Spanish Class Public Safety Central Bldg. (Noon) Coroner's Office - Tier V Only
Lake County Lorain County

The fee is \$30 money order or cash. No other form of payment accepted.

You are required to attend _____ Driver Awareness Session Meetings.

Please call the DAS Info-Line in case of inclement weather at 216.265.9239

Please print your name: _____

**TIER 1
VICTIM IMPACT**

To be initialed by a MADD representative.

Attendance Verified: [Signature]

Fee Paid Yes / No / Date: 8-20-13

This form will NOT be signed unless the meeting is a Tier 1

**TIER 2
ALCOHOL EDUCATION**

To be initialed by a MADD representative.

Attendance Verified: [Signature]

Fee Paid Yes / No / Date: 8-13-13

This form will NOT be signed unless the meeting is a Tier 2

**TIER 3
MOTIVATION**

To be initialed by a MADD representative.

Attendance Verified: [Signature]

Fee Paid Yes / No / Date: 9-10-13

This form will NOT be signed unless the meeting is a Tier 3

**TIER 4
FAMILY**

To be initialed by a MADD representative.

Attendance Verified: [Signature]

Fee Paid Yes / No / Date: 8-16-13

This form will NOT be signed unless the meeting is a Tier 4

**TIER 5
PUBLIC SAFETY/FIRST RESPONDERS**

To be initialed by a MADD representative.

Attendance Verified: [Signature]

Fee Paid Yes / No / Date: 9-7

This form will NOT be signed unless the meeting is a Tier 5



**MADD Northeastern Driver Awareness Session (DAS)
Meeting Locations & Schedule**

**** PLEASE READ BEFORE THE MEETING ****

**DAS INFO-LINE 216-265-9239
www.madd.org/oh/northeastern**

Berea Court: Second Tuesday of every month, 11 Berea Commons. Registration begins promptly at 6:30 p.m.

Euclid Court: Second Thursday of every month, 555 East 222nd Street. Registration begins promptly at 6:30 p.m.

Garfield Heights Court: First Wednesday of every month, 5555 Turney Road. Registration begins promptly at 6:30 p.m.

Justice Center: Third Thursday of every month, 1200 Ontario, 15th floor. Registration begins promptly at 6:30 p.m.

Lakewood Court: Third Tuesday of every month, 12650 Detroit Road. Registration begins promptly at 6:00 p.m.

Parma City Hall: First Tuesday of every month, 6611 Ridge Road, City Council Chambers. Registration begins promptly at 6:30 p.m.

Shaker Heights Court: Fourth Wednesday of every month, 3355 Lee Road. Registration begins promptly at 6:30 p.m.

Public Safety Central Bldg: (Day Session): Fourth Wednesday of every month, 2001 Payne Avenue. Front entrance. Registration begins promptly at 11:30 am with class beginning at 12:00.

Cuyahoga County Coroner's Office (Tier V): First Saturday of every month, 11001 Cedar Avenue. Please park in the garage - DO NOT park in outside lot. Registration begins promptly at 9:30 a.m.

Lake County : Third Wednesday of every month, Lakeland Community College, 7700 Clocktower Drive, Kirtland. Registration begins promptly at 6:30 p.m. Call 440-350-6233 for the meeting room location.

Lorain County: Second Wednesday of every month, Carlisle Township Fire Station, 11950 Lagrange Road, Elyria. Registration begins promptly at 6:30 p.m.

Spanish Sessions: Fourth Tuesday of every month, HUMADAOP, 3305 West 25th Street. Please be there at 7:00 p.m. MUST BE FLUENT IN SPANISH.

Stipulations of the Driver Awareness Program

1. You must be present at the designated time to register. If you are late, you will not be admitted. Meetings last approximately 90 minutes.
2. The cost for sentenced offenders is \$30 per session, money order payable to MADD or \$30 cash. Receipts are issued after the meeting. Money order preferred. NO OTHER FORM OF PAYMENT ACCEPTED.
3. If you are unable to pay the session fee, you must present a letter from your Probation Officer. Without this letter you will not receive credit for attending the meeting.
4. If someone accompanies you to the meeting, they will be admitted free of charge.
5. If you arrive late or leave early, you will not receive credit for attending.
6. Reservations are not needed. You do not need to call in advance. Do not call the meeting location.
7. If you fall asleep or if the odor of alcohol is detected on your person, you will be asked to leave.
8. No children admitted.
9. You must attend the meetings at the location designated by the Courts and your Probation Officer. With the exception of Tier V.
10. Please be courteous to the speakers and turn off your cell phones or pagers during the meeting.
11. If you are unable to attend the DAS meetings, contact your Probation Officer, not the MADD office.

MADD Driver Awareness Session (DAS) Meeting Schedule July to December 2013

- Registration begins 6:30 pm with class starting *promptly* at 7:00 pm.
- Lakewood registration begins 6:00 pm with class starting *promptly* at 7:00 pm.
- Public Safety Central, registration 11:30 am with class starting *promptly* at 12:00.
- Coroner's registration begins 9:30 am with class starting *promptly* at 10:00 am.
- Spanish class begins at 7:00, please be prompt. MUST BE FLUENT IN SPANISH.
- **LATE REGISTRANTS WILL NOT BE ADMITTED**
- **Fee to attend is \$30 money order or cash. No other form of payment accepted**
- Additional information call 216-265-9239 or visit www.madd.org/oh/northeastern
- **No children admitted.**

DATE	LOCATION	TIER
July 2	Parma	3
July 3	Garfield	3
July 9	Berea	1
July 10	Lorain	3
July 11	Euclid	2
July 16	Lakewood	4
July 17	Lake Cty Rm H1095	3
July 18	Justice Center	3
July 23	Spanish	-
July 24	Public Safety Bldg.	2
July 24	Shaker Hts.	2
July 6	Coroner's	5

DATE	LOCATION	TIER
Oct 1	Parma	2
Oct 2	Garfield	2
Oct 8	Berea	4
Oct 9	Lorain	2
Oct 10	Euclid	1
Oct 15	Lakewood	3
Oct 16	Lake Cty Rm H1095	2
Oct 17	Justice Center	2
Oct 22	Spanish	-
Oct 23	Public Safety Bldg.	1
Oct 23	Shaker Hts.	1
Oct 5	Coroner's	5

* Aug 6	Parma	6:30 pm	4
Aug 7	Garfield		4
* Aug 13	Berea	6:30 pm	2
Aug 14	Lorain		4
Aug 8	Euclid		3
* Aug 20	Lakewood	6:00 pm	4
Aug 21	Lake Cty Rm H1095		4
Aug 15	Justice Center		4
Aug 27	Spanish		-
Aug 28	Public Safety Bldg.		3
Aug 28	Shaker Hts.		3
Aug 3	Coroner's		5

Nov 5	Parma	NO CLASS	3
Nov 6	Garfield		3
Nov 12	Berea		1
Nov 13	Lorain		3
Nov 14	Euclid		2
Nov 19	Lakewood		4
Nov 20	Lake Cty Rm H1095		3
Nov 21	Justice Center		3
Nov 26	Spanish		-
Nov 27	Public	NO CLASS	2
Nov 27	Shaker	NO CLASS	2
Nov 2	Coroner's		5

Sept 3	Parma Memorial Hall		1
Sept 4	Garfield		1
* Sept 10	Berea	6:30 pm	3
Sept 11	Lorain		1
Sept 12	Euclid		4
Sept 17	Lakewood		2
Sept 18	Lake Cty Rm H1095		1
Sept 19	Justice Center		1
Sept 24	Spanish		-
Sept 25	Public Safety Bldg.		4
Sept 25	Shaker Hts.		4
* Sept 7	Coroner's	9:30 am	5

Dec 3	Parma		4
Dec 4	Garfield		4
Dec 10	Berea		2
Dec 11	Lorain		4
Dec 12	Euclid		3
Dec 17	Lakewood		1
Dec 18	Lake Cty Rm H1095		4
Dec 19	Justice Center		4
Dec 24	Spanish	NO CLASS	-
Dec 25	Public	NO CLASS	3
Dec 25	Shaker	NO CLASS	3
Dec 7	Coroner's		5

DRIVER AWARENESS SESSIONS

Note: You do not need to attend tiers in order.

Tier One – Impact

Tier Two – Alcohol Education

Tier Three – Motivation

Tier Four – Family

Tier Five – Public Safety/First Responders

Spanish – MUST BE FLUENT IN SPANISH

IMPORTANT NOTICE

DAS meeting cost: \$30.00 cash

**NO OTHER FORM OF PAYMENT
WILL BE ACCEPTED.**

MEETING LOCATIONS:

- ❖ Parma City Hall – 6611 Ridge Road, Parma, OH (City Council Chambers)
- ❖ Garfield Heights Court – 5555 Turney Road, 2nd Floor, Garfield Hts., OH
- ❖ Berea Court – 11 Berea Commons, Berea, OH
- ❖ Lorain – Carlisle Twp. Fire Station, 11950 Lagrange Road, Elyria, OH
- ❖ Euclid Court – 555 East 222nd Street, Euclid, OH
- ❖ Lakewood Court – 12650 Detroit Road, Lakewood, OH
- ❖ Lake County – Lakeland Comm. College, 7700 Clocktower Dr. Kirtland, OH., (**Room H1095**)
- ❖ Justice Center – 1200 Ontario Street, Cleveland, OH (**Courtroom 15A**)
- ❖ Public Safety Central Bldg., 2001 Payne, Cleveland, OH (**FRONT ENTRANCE**)
- ❖ Shaker Heights Court – 3355 Lee Road, Shaker Heights, OH
- ❖ Coroner's Office, 11001 Cedar Avenue, Cleveland, OH (**Park in parking garage only**)
- ❖ Spanish Sessions - HUMADAOP, 3305 West 25th Street, Cleveland, OH

**Cuyahoga County Court of
Common Pleas
Laboratory**

To: Probation Department Cashier
7th Floor-Justice Center-Courts Tower
1200 Ontario Street
Cleveland, OH 44113
From: John Kucmanic BS, D-FTCB, Laboratory Director
Re: Payment for Drug Testing from Client

RUSH
STOKES

Date 9-12-13 NAME MICHELLE NESTER
SS# 277-74-6180 DOB 10-8-78

CAN RESULTS
FAP RESULTS

PROBATION # 2018577

REQUESTOR JANIS

TEST Urine Drug Screen (3 test screen)

PAYMENT DUE \$ 9.00

Deposit to: Laboratory Testing Fees; Index Code # 446070, Revenue Object Code # 797-Lab Fees



METHODS OF PAYMENT: **NO PERSONAL CHECKS ACCEPTED**

- 1. Pay in person on 7th floor - Justice Center: Cash, Money order, or cashier's check
*** Credit card on payments OVER \$ 25.00 (Visa, Mastercard or Discover)

MAKE MONEY ORDERS OR CASHIER'S CHECKS PAYABLE TO: DEPARTMENT OF PROBATION

9-13-13
LAB CASHIER
RESULTS NEGATIVE
WILL FORWARD WHEN
AVAILABLE

CLEVELAND MUNICIPAL COURT - JOURNAL ENTRY

Case Number: 2013 TRC 023649
STATE OF OHIO / CITY OF CLEVELAND
VS.
NESTER, MICHELLE N
AKA:

DOB: 10/08/1978
SSN: XXX-XX-6180
SCR Status: CLOSED
Arresting Agency: OHIO STATE HIGHWAY PATROL

Event Date: 09/05/2013 9:00 am
Event: SET FOR REVIEW
Event Location: 15TH FLOOR COURTROOM C
Event Judge: STOKES, ANGELA R

PD

No. 48

PO July
2013517
A. STOKES SEP 09 2013

Charge	Short Description	PN	NG	NC	PC	Amends Charge	FG	ENG	NOL	DWP	Days	Days	Days	Suspended Fine	Days	Days	Days	Public Defender Fee	Time to Pay Until	Indigency Hearing Had	Found	Not Found	CWS in lieu of F & C	Hrs	Date
1. MJ - 4511.19A1A	DRIV UNDER INFLUENCE OF ALC OR DRUG OR COMBINATION OF THE																								
2. MJ - 4511.19A1H	DRIV UNDER INFLUENCE OF ALC OR DRUG BREATH - 19 HUND																								
3. MM - 4511.20	RECKLESS OPERATION																								

Bond Set \$ _____
 Capias / BFC / Warrant to Issue
 Bond Forfeiture Vacated
 Warrant Block Release
 Personal Bond
 Capias Recalled
 Original Bond Reinstated
 Warrant Fee Waived
 Defendant Advised of Rights
 W/BO
 H/BO
 Demanded
 Days Held
 at 1:30 pm
 Drug Court
 COCR
 COCR
 Final
 SPW
 Prelim
 Trial
 PFS
 Trial in Progress
 Jury Sworn
 Motion Hearing
 Interpreter Requested
 Language
 Jury Waived
 Public Defender
 Atty

Found Indigent Costs Suspended
 Cost Satisfied
 Credit for Days Served \$ _____
 Sentence Ordered Executed
 Sentence Stayed Until (Date / Time)
 Refer to Probation
 PSI
 CWS
 MHD: [S][P]
 DTP: [S][P]
 DV: [A][C]
 Anger Mgmt
 Probation Duration: MO YRS
 Active
 Inactive
 Veterans Docket: [S][P]
 COP
 Get On Track
 Project HOPE

AIG
 MADD # _____
 SMT
 SFTA [C]
 AA
 Probation Violation Hearing
 Had
 Waived
 Found
 Not Found
 Probation Continued Until: 7-1-2014
 Probation / SIP Terminated

Driver's License Suspended from Date of Arrest _____ of _____
 From _____ to _____
 DUI # Within 6 Yrs _____
 Immobilization _____ Days
 Vehicle Forfeited
 TIP
 INS
 LDPG
 ALS Appeal
 ALS Term
 Motion To / For:
 Granted
 Denied
 JUDGE / MAGISTRATE: *April R. Hollis*

Probation Conditions: *Write Aceded. Defendant will be*
Arrested by Atty. Christman to submit - pay for
 Probation / SIP Terminated
 Notes: *Case held to 9-9-2013 to*
reach Atty. Fay A. Christman
Who agreed to 9-16-2013 on 9-9-13

MICHELLE N NESTER	2018577	2013 TRC 023649	
Name	Record #	Case # (s)	
2223 WASCANA AVE	LAKESWOOD	OH 44107	277-74-6180
Street	City	State and Zip	SSN

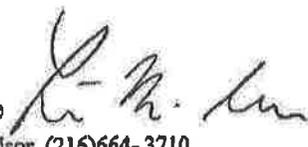
*Cleveland Municipal Court Probation Department**Update Report*

UPDATE for JUDGE ANGELA R. STOKES on case 2013 TRC 023649, set for September 6, 2013:

Ms. Nester now appears on a motion for occupational driving privileges. She is employed as a surgical nurse.

Ms. Nester has been reporting to Probation Officer Tina Janis as scheduled. She completed her ATJ at DIP in late June, and had completed 3/5 MADD meetings as of her last office visit on August 21, 2013. Results of the last SAT (8/21/13) were negative. Ms. Nester's next office appointment is September 18, 2013.

TINA JANIS
Probation Officer (216)420-8847

Peter M. Roche 
Approved by Supervisor (216)664-3710

09-05-13 15:49 FROM

T=073 P0001/0001 E=200

1676

Cuyahoga County
Court of Common Pleas
Laboratory
1276 W. 3rd Suite LL-01
Cleveland, Ohio 44113-1512

FINAL COPY

Patient: **NESTER, MICHELLE** Acc #: **1991103**
 Patient #: **M82018577** Birth: **10/2/1978**
 Officer: **JUDGE** Age: **34 years** Collection Date: **9/21/2013 12:38 PM**
 Gender: **Male**

Probation Officer **JANIS**

Test Name	Result	Units	Flag	Reference Range
(12) 3 SCREEN-COC/OP/THC				
COCAINE 160	Negative			Run by: JK on 8/23/2013 11:59 AM
H-OPIATES	Negative			
H-MARIJUANA	Negative			
3AM-HEROIN	Negative			

Reviewed By: _____

Date: _____

Richard Oriti

From: ignitioninterlock@ohiointerlock.net
Sent: Wednesday, July 10, 2013 5:40 AM
To: Richard Oriti
Subject: Michelle Nester 07.10.2013 - Ignition Interlock - No Violations
Attachments: Michelle Nester 07.09.2013.pdf
Michelle Nester 07.10.2013 - Ignition Interlock - No Violations

Jim Maroles
866-616-3133
Ohio Interlock
Ignition Interlock Department

7/10/2013

Standard Detail Report

Username: Michelle Nester
SSN: 070-920-130
Device: 000011BABB84
Source File: 07092013.0LG
Current Date: 7/9/2013

07/09/13 Name: Michelle Nester SSN: 406664332 Unit: 000011BABB84

- 2. Wed 05/29/13 16:18:26 *POWER ON
- 3. Wed 05/29/13 16:18:32 REMOTE
- 4. Wed 05/29/13 16:20:57 *POWER OFF
- 5. Thu 06/06/13 12:09:22 *POWER ON
- 6. Thu 06/06/13 12:09:22 MSG - Unit not serviced in time
- 7. Thu 06/06/13 12:09:26 REMOTE
- 8. Thu 06/06/13 12:30:55 Configuration loaded
- 9. Thu 06/06/13 12:31:02 *POWER OFF
- 10. Thu 06/06/13 13:42:26 *POWER ON
- 11. Thu 06/06/13 13:42:45 PASSED BAC=.000 PK=-9 BL=-12 AT=22.6C BT=34.6C RV=50 T=1.93s D=1
- 12. Thu 06/06/13 13:42:52 Car Start
- 13. Thu 06/06/13 13:42:55 Car Stop
- 14. Thu 06/06/13 13:43:08 *POWER OFF
- 15. Thu 06/06/13 13:58:40 *POWER ON
- 16. Thu 06/06/13 13:59:27 PASSED BAC=.000 PK=-9 BL=-12 AT=22.1C BT=33.9C RV=50 T=1.29s D=1
- 17. Thu 06/06/13 13:59:36 Car Start
- 18. Thu 06/06/13 14:01:31 Car Stop
- 19. Thu 06/06/13 14:03:03 PASSED BAC=.000 PK=-9 BL=-12 AT=23.4C BT=34.9C RV=50 T=2.25s D=1
- 20. Thu 06/06/13 14:03:10 Car Start
- 21. Thu 06/06/13 14:05:00 Car Stop
- 22. Thu 06/06/13 14:47:52 PASSED BAC=.000 PK=-10 BL=-13 AT=24.5C BT=33.8C RV=50 T=2.49s D=1
- 23. Thu 06/06/13 14:48:01 Car Start
- 24. Thu 06/06/13 14:53:11 REJECTED - Early Suction (MN=0 AN=0 Q1=0 HC=0 SC=0 Q2=0)
- 25. Thu 06/06/13 14:53:18 Invalid sample --- pressure
- 26. Thu 06/06/13 14:53:34 RETEST-PASSED BAC=.000 PK=-9 BL=-13 AT=24.9C BT=33.4C RV=50 T=2.73s D=1
- 27. Thu 06/06/13 15:13:55 RETEST-PASSED BAC=.000 PK=-11 BL=-14 AT=25.8C BT=34.1C RV=49 T=1.29s D=1
- 28. Thu 06/06/13 15:22:49 Car Stop
- 29. Thu 06/06/13 16:15:12 PASSED BAC=.000 PK=-11 BL=-14 AT=25.5C BT=33.5C RV=50 T=2.01s D=1
- 30. Thu 06/06/13 16:15:21 Car Start
- 31. Thu 06/06/13 16:20:31 REJECTED - Early Suction (MN=0 AN=0 Q1=0 HC=0 SC=0 Q2=0)
- 32. Thu 06/06/13 16:20:38 Invalid sample --- pressure
- 33. Thu 06/06/13 16:20:54 RETEST-PASSED BAC=.000 PK=-11 BL=-14 AT=26.4C BT=34.6C RV=50 T=2.09s D=1
- 34. Thu 06/06/13 16:31:28 Car Stop
- 35. Thu 06/13/13 09:12:39 PASSED BAC=.000 PK=-10 BL=-12 AT=21.6C BT=31.7C RV=50 T=0.89s D=0
- 36. Thu 06/13/13 09:12:49 Car Start
- 37. Thu 06/13/13 09:18:10 RETEST-PASSED BAC=.000 PK=-10 BL=-12 AT=22.1C BT=32.6C RV=50 T=1.37s D=0
- 38. Thu 06/13/13 09:38:35 RETEST-PASSED BAC=.000 PK=-11 BL=-13 AT=23.4C BT=33.6C RV=50 T=1.13s D=0
- 39. Thu 06/13/13 09:50:12 Car Stop
- 40. Thu 06/13/13 12:26:59 PASSED BAC=.000 PK=-10 BL=-14 AT=25.9C BT=32.1C RV=50 T=2.57s D=1
- 41. Thu 06/13/13 12:27:11 Car Start
- 42. Thu 06/13/13 12:32:33 RETEST-PASSED BAC=.000 PK=-11 BL=-14 AT=26.0C BT=32.4C RV=50 T=2.57s D=1
- 43. Thu 06/13/13 12:52:57 RETEST-PASSED BAC=.000 PK=-12 BL=-14 AT=26.3C BT=34.2C RV=50 T=1.77s D=0
- 44. Thu 06/13/13 13:01:41 Car Stop
- 45. Thu 06/13/13 13:10:34 PASSED BAC=.000 PK=-13 BL=-15 AT=27.3C BT=32.9C RV=50 T=1.37s D=0
- 46. Thu 06/13/13 13:10:44 Car Start
- 47. Thu 06/13/13 13:16:06 RETEST-PASSED BAC=.000 PK=-13 BL=-15 AT=27.8C BT=33.5C RV=50 T=1.45s D=0
- 48. Thu 06/13/13 13:25:24 Car Stop
- 49. Thu 06/13/13 13:44:21 PASSED BAC=.000 PK=-16 BL=-18 AT=34.3C BT=35.2C RV=50 T=2.41s D=0
- 50. Thu 06/13/13 13:44:28 Car Start
- 51. Thu 06/13/13 13:49:49 RETEST-PASSED BAC=.000 PK=-17 BL=-19 AT=35.7C BT=35.0C RV=50 T=1.93s D=0
- 52. Thu 06/13/13 13:51:33 Car Stop
- 53. Mon 06/17/13 07:56:40 PASSED BAC=.000 PK=-10 BL=-12 AT=22.5C BT=31.5C RV=50 T=2.17s D=0
- 54. Mon 06/17/13 07:56:47 Car Start
- 55. Mon 06/17/13 07:59:30 Car Stop
- 56. Mon 06/17/13 08:00:55 PASSED BAC=.000 PK=-10 BL=-12 AT=23.1C BT=32.3C RV=50 T=2.57s D=0
- 57. Mon 06/17/13 08:01:00 Car Start
- 58. Mon 06/17/13 08:06:13 REJECTED - Early Suction (MN=0 AN=0 Q1=0 HC=0 SC=0 Q2=0)
- 59. Mon 06/17/13 08:06:21 Invalid sample --- pressure
- 60. Mon 06/17/13 08:06:36 RETEST-PASSED BAC=.000 PK=-11 BL=-13 AT=23.9C BT=32.9C RV=50 T=0.97s D=0
- 61. Mon 06/17/13 08:07:49 Car Stop
- 62. Mon 06/17/13 08:35:49 PASSED BAC=.000 PK=-12 BL=-14 AT=26.1C BT=33.3C RV=50 T=2.33s D=0
- 63. Mon 06/17/13 08:35:53 Car Start
- 64. Mon 06/17/13 08:41:14 RETEST-PASSED BAC=.000 PK=-13 BL=-14 AT=26.9C BT=33.2C RV=50 T=0.73s D=0
- 65. Mon 06/17/13 08:50:38 Car Stop
- 66. Mon 06/17/13 08:53:31 PASSED BAC=.000 PK=-13 BL=-14 AT=26.6C BT=33.4C RV=50 T=0.73s D=0

67. Mon 06/17/13 08:53:49 Car Start
68. Mon 06/17/13 08:54:33 Car Stop
69. Mon 06/17/13 09:19:34 *UNAUTHORIZED START
70. Mon 06/17/13 09:23:28 *UNAUTHORIZED START
71. Mon 06/17/13 09:23:47 REJECTED - No attempt made
72. Mon 06/17/13 09:24:03 REJECTED - No attempt made
73. Mon 06/17/13 09:24:19 REJECTED - No attempt made
74. Mon 06/17/13 09:24:34 REJECTED - No attempt made
75. Mon 06/17/13 09:24:50 REJECTED - No attempt made
76. Mon 06/17/13 09:24:51 Breath samples requested: 5
77. Mon 06/17/13 09:25:05 REJECTED - No attempt made
78. Mon 06/17/13 09:26:11 *UNAUTHORIZED START
79. Mon 06/17/13 09:26:30 REJECTED - No attempt made
80. Mon 06/17/13 09:26:50 RETEST-PASSED BAC=.000 PK=-13 BL=-15 AT=28.5C BT=34.4C RV=50 T=2.57s D=0
81. Mon 06/17/13 09:30:30 PASSED BAC=.000 PK=-14 BL=-16 AT=29.5C BT=34.6C RV=50 T=1.37s D=0
82. Mon 06/17/13 09:30:39 Car Start
83. Mon 06/17/13 09:36:01 RETEST-PASSED BAC=.000 PK=-14 BL=-16 AT=29.2C BT=34.4C RV=50 T=1.29s D=0
84. Mon 06/17/13 09:37:39 Car Stop
85. Mon 06/17/13 09:50:58 PASSED BAC=.000 PK=-15 BL=-17 AT=31.1C BT=34.9C RV=50 T=2.25s D=0
86. Mon 06/17/13 09:51:05 Car Start
87. Mon 06/17/13 09:56:27 RETEST-PASSED BAC=.000 PK=-16 BL=-18 AT=32.6C BT=34.9C RV=50 T=0.89s D=0
88. Mon 06/17/13 10:08:11 Car Stop
89. Mon 06/17/13 15:27:05 PASSED BAC=.000 PK=-20 BL=-21 AT=37.5C BT=34.7C RV=50 T=0.81s D=0
90. Mon 06/17/13 15:27:31 Car Start
91. Mon 06/17/13 15:32:50 RETEST-PASSED BAC=.000 PK=-17 BL=-20 AT=36.6C BT=34.9C RV=50 T=1.85s D=1
92. Mon 06/17/13 15:46:00 Car Stop
93. Mon 06/17/13 15:55:34 PASSED BAC=.000 PK=-18 BL=-20 AT=35.7C BT=34.9C RV=50 T=1.69s D=0
94. Mon 06/17/13 15:55:39 Car Start
95. Mon 06/17/13 15:56:34 Car Stop
96. Mon 06/17/13 16:01:15 PASSED BAC=.000 PK=-17 BL=-19 AT=35.8C BT=35.1C RV=50 T=2.33s D=0
97. Mon 06/17/13 16:01:21 Car Start
98. Mon 06/17/13 16:06:40 RETEST-PASSED BAC=.000 PK=-18 BL=-19 AT=35.8C BT=34.8C RV=50 T=1.05s D=0
99. Mon 06/17/13 16:06:44 Car Stop
100. Tue 06/18/13 06:16:18 PASSED BAC=.000 PK=-10 BL=-12 AT=22.3C BT=31.3C RV=50 T=1.85s D=0
101. Tue 06/18/13 06:16:30 Car Start
102. Tue 06/18/13 06:21:49 RETEST-PASSED BAC=.000 PK=-10 BL=-12 AT=22.7C BT=32.5C RV=50 T=2.41s D=0
103. Tue 06/18/13 06:32:52 Car Stop
104. Tue 06/18/13 15:20:53 PASSED BAC=.000 PK=-19 BL=-21 AT=37.9C BT=36.6C RV=50 T=2.89s D=0
105. Tue 06/18/13 15:21:04 Car Start
106. Tue 06/18/13 15:26:25 RETEST-PASSED BAC=.000 PK=-18 BL=-22 AT=40.0C BT=37.8C RV=50 T=2.73s D=1
107. Tue 06/18/13 15:41:11 Car Stop
108. Wed 06/19/13 06:15:19 PASSED BAC=.000 PK=-9 BL=-11 AT=19.5C BT=30.6C RV=50 T=1.21s D=0
109. Wed 06/19/13 06:15:25 Car Start
110. Wed 06/19/13 06:20:50 RETEST-PASSED BAC=.000 PK=-9 BL=-11 AT=20.1C BT=31.5C RV=50 T=1.21s D=0
111. Wed 06/19/13 06:32:09 Car Stop
112. Wed 06/19/13 15:03:53 PASSED BAC=.000 PK=-21 BL=-22 AT=39.7C BT=37.7C RV=50 T=0.89s D=0
113. Wed 06/19/13 15:04:02 Car Start
114. Wed 06/19/13 15:09:21 REJECTED - No attempt made
115. Wed 06/19/13 15:09:37 REJECTED - No attempt made
116. Wed 06/19/13 15:09:53 REJECTED - No attempt made
117. Wed 06/19/13 15:10:08 RETEST-PASSED BAC=.000 PK=-17 BL=-22 AT=41.4C BT=36.7C RV=50 T=2.33s D=1
118. Wed 06/19/13 15:19:05 Car Stop
119. Thu 06/20/13 06:18:02 PASSED BAC=.000 PK=-9 BL=-11 AT=18.9C BT=30.3C RV=50 T=0.73s D=0
120. Thu 06/20/13 06:18:09 Car Start
121. Thu 06/20/13 06:23:30 RETEST-PASSED BAC=.000 PK=-9 BL=-11 AT=19.5C BT=31.1C RV=49 T=1.13s D=0
122. Thu 06/20/13 06:35:29 Car Stop
123. Thu 06/20/13 15:18:39 PASSED BAC=.000 PK=-24 BL=-24 AT=44.9C BT=40.6C RV=49 T=0.73s D=0
124. Thu 06/20/13 15:18:46 Car Start
125. Thu 06/20/13 15:24:06 RETEST-PASSED BAC=.000 PK=-21 BL=-24 AT=44.3C BT=39.2C RV=50 T=1.93s D=1
126. Thu 06/20/13 15:38:33 Car Stop
127. Mon 06/24/13 06:16:34 PASSED BAC=.000 PK=-11 BL=-15 AT=26.6C BT=32.8C RV=50 T=1.85s D=1
128. Mon 06/24/13 06:16:40 Car Start
129. Mon 06/24/13 06:22:02 RETEST-PASSED BAC=.000 PK=-11 BL=-14 AT=26.3C BT=31.9C RV=50 T=1.77s D=1
130. Mon 06/24/13 06:31:54 Car Stop
131. Mon 06/24/13 15:07:01 PASSED BAC=.000 PK=-25 BL=-25 AT=47.4C BT=42.8C RV=42 T=0.17s D=0
132. Mon 06/24/13 15:07:08 Car Start
133. Mon 06/24/13 15:12:27 REJECTED - No attempt made
134. Mon 06/24/13 15:12:43 REJECTED - No attempt made
135. Mon 06/24/13 15:12:59 REJECTED - No attempt made
136. Mon 06/24/13 15:13:14 REJECTED - No attempt made
137. Mon 06/24/13 15:13:30 REJECTED - No attempt made
138. Mon 06/24/13 15:13:31 Breath samples requested: 5
139. Mon 06/24/13 15:13:45 REJECTED - No attempt made
140. Mon 06/24/13 15:14:01 RETEST-PASSED BAC=.000 PK=-22 BL=-26 AT=48.4C BT=41.9C RV=52 T=2.97s D=1

216. Tue 07/09/13 06:40:41 MSG - Service in 1 days
217. Tue 07/09/13 15:16:07 PASSED BAC=.000 PK=-22 BL=-23 AT=42.1C BT=39.5C RV=50 T=1.45s D=0
218. Tue 07/09/13 15:16:12 Car Start
219. Tue 07/09/13 15:21:33 RETEST-PASSED BAC=.000 PK=-19 BL=-22 AT=41.8C BT=38.7C RV=50 T=2.33s D=1
220. Tue 07/09/13 15:37:59 Car Stop
221. Tue 07/09/13 15:38:06 MSG - Service in 1 days
222. Tue 07/09/13 15:40:56 *POWER OFF
223. Tue 07/09/13 15:41:32 *POWER ON
224. Tue 07/09/13 15:41:38 REMOTE

**CLEVELAND MUNICIPAL COURT
PROBATION DEPARTMENT
INTAKE FACE SHEET**

C of C CMC 1038
REV. 3/09

LAST NAME Nester, Michelle		FIRST	MAIDEN NAME	PROBATION RECORD NO. 2018577	DATE OF REFERRAL 6-10-13 @ 3:24 PM
LEGAL RESIDENCE 2223 WASCANA AVE			1.) FILE NO. 2013TRC023649		
LAKELAND, OHIO 44107			1.) OFFENSE(S) 4511.19A1A DUI MI		
PREV. ADDRESS (440) 666-4332			2.) FILE NO.		
TELE. NO. 216 228-6304	SOC. SEC. NO. 277-74-6180		2.) OFFENSE(S)		
DRIVER LIC. RP980572	STATE OH	DATE EXP.	3.) FILE NO.		
BIRTHPLACE Palma, OH	CITIZENSHIP yes	LANGUAGE ENG	3.) OFFENSE(S)		
D.O.B. 10-8-78	AGE 34	RACE W	SEX F	JUDGE STOKES	PLEA NGW
HT 5'8"	WT 115	HAIR BRN	EYES HAZ	DEFENSE COUNSEL Neil Christman	VERDICT FG
MARITAL STATUS Single	RELIGION Catholic	COMPLAINANT		TEL. NO.	
VETERAN No	EDUCATION 12th West Lake	COMP. ADDRESS 1997; Maria Brown Mackey AA 9/13			
EMPLOYER Unemployed	ADDRESS	TEL. NO.	NATURE OF EMP.	DATES	WAGES
Asthma - diagnosed age 21 Advair, Albuterol Drink on occasion age 24; Drugs					
FAMILY	ADDRESS	TEL. NO.	BIRTHPLACE	AGE	EMPLOYMENT
FATHER Michael Nester Fraizerberg				70	
MOTHER Barbara Poole Streetsboro, OH			Cleve	55	Medical Asst-Teacher
SPOUSE D	MAIDEN NAME				
CHILDREN/DEPENDENTS 0					p/u 6/4/13
Policy # 192281550170 FPPA OH Effective 4-12-13 to 9-10-13 @ 4/13 Neg Drug Test					
CASE CONTINUED TO 11-11-13 @ 8:30 AM					
PRESENTENCE P.O. Guacoe			SUPERVISING P.O.		
DISPOSITIONS 1. provide DEPD w/ ATJ program info, & verif.; DEPD w/ PAY FOR HER URINALYSIS TEST TO BE DONE NOW (KUSH); 2. RICHARD ORTI shall provide DEPD w/ INTERLOCK INFO TODAY; cont. ALCOHOL MONITORY DEVICE COST INFO; DEPD 3. w/ REPORT ON 6/5/13 @ 5pm; 6-6-13 DRG					

NAME: NESTER, MICHELLE N
 ADDRESS: 2223 WASCANA AVE
 LAKEWOOD OH 44107
 PHONE: (216)228-6304

Page: 1
 Run Date: 07/02/2013

SSN: 277-74-6180
 DATE OF BIRTH: 10/08/1978
 RACE: CAUCASIAN

Date: 12/19/1996
 Court Case #: 1996TRD12307
 Court: ROCKY RIVER MUNICIPAL COURT

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		FAILURE TO CONTROL/WEAVING/FULL TIME & ATTENTION		1-7-97 FG \$50.00F; \$36.00 CC

Date: 04/06/1998
 Court Case #: 1998TRD03158
 Court: ROCKY RIVER MUNICIPAL COURT

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		TRAFFIC CONTROL DEVICES		4-6-98 GWP \$100.00 F/C

Date: 06/29/1999
 Court Case #: 1999TRD09869
 Court: ROCKY RIVER MUNICIPAL COURT

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		SEAT BELT		7-8-99 GWP \$80.00 F/C

Date: 06/22/2002
 Court Case #: 2002TRD07455
 Court: LYNDHURST MUNICIPAL COURT

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		SPEED		6-28-02 FG 2 PTS F/C

Date: 12/16/2002
 Court Case #: 2002TRD29298
 Court: ROCKY RIVER MUNICIPAL COURT

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		SPEED		12-30-02 GWP \$120.00 F/C

Date: 04/17/2003
 Court Case #: 2003CRB0772
 Court: ROCKY RIVER MUNICIPAL COURT

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		DISORDERLY CONDUCT/INTOX		4-22-03 GWP \$125.00 F/C

Date: 04/25/2003
 Court Case #: 2003TRD040033
 Court: CLEVELAND MUNICIPAL COURT, JUDGE PERK

NAME: NESTER, MICHELLE N
ADDRESS: 2223 WASCANA AVEPage: 2
Run Date: 07/02/2013

LAKEWOOD OH 44107

SSN: 277-74-6180
DATE OF BIRTH: 10/08/1978
RACE: CAUCASIAN

PHONE: (216) 228-6304

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		MAX SPEED		5-14-03 FG \$55.00 F; PD \$125.00 F/C; 2 PTS

Date: 07/25/2003
Court Case #: 2003T00991
Court: BRATENAHL MAYORS COURT

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		SPEED		8-3-03 FG; F/C 2 PTS

Date: 02/25/2004
Court Case #: 2004TRD010503
Court: CLEVELAND MUNICIPAL COURT, JUDGE TRIOZZI

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		DRIVE ON WALKS/STRLAWNS/CURBS		4-13-04 FG \$75.00 F/C; \$159.00 F/C PD
2		FULL TIME AND ATTENTION		4-13-04 FG \$75.00 F/C
3		MAX SPEED		4-13-04 NOLLED; 2 PTS
4		FAILURE TO CONTROL		4-13-04 NOLLED
5		DRIVER SEAT REQUIRED		4-13-04 NOLLED

Date: 11/17/2005
Court Case #: 2005TRD076673
Court: CLEVELAND MUNICIPAL COURT, JUDGE STOKES

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		TRAFFIC CONTROL SIGNAL;TERMS		12-8-05 DWOP

Date: 05/16/2008
Court Case #: 2008TRD030451
Court: CLEVELAND MUNICIPALCOURT

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		MAX SPEED/ASSURED CLEAR DIST		5-26-08 GWP \$180.00 F/C; 2 PTS
2		DRIVER SEAT REQUIRED		5-26-08 GWP \$25.00

Date: 10/14/2009
Court Case #: 2009TRD05032
Court: LAKEWOOD MUNICIPAL COURT

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		SPEED		10-19-09 GWP \$170.00 F/C

Criminal History Report
2013 PROB 023649 TRC

NAME: NESTER, MICHELLE N
ADDRESS: 2223 WASCANA AVE

LAKEWOOD OH 44107

PHONE: (216) 228-6304

Page: 3
Run Date: 07/02/2013

SSN: 277-74-6180
DATE OF BIRTH: 10/08/1978
RACE: CAUCASIAN

Date: 09/07/2011
Court Case #: 2011TRD052526
Court: CLEVELAND MUNICIPAL COURT

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		SIGNAL LIGHT;STEADY RED/RIGHT		9-7-11 FG \$55 F; \$141 CC

Date: 04/22/2013
Court Case #: 2013TRC023649
Court: CLEVELAND MUNICIPAL COURT, JUDGE STOKES

<u>Chrg#</u>	<u>Action Code</u>	<u>Description</u>	<u>Counts</u>	<u>Disposition / Comments</u>
1		DUI		6-10-13 FG PSI CONT 7-11-13 AT 8:30 A.M.; SELF PAY URINALYSIS TES (RUSH REGARDING OCCUPATIONAL DRIVING PRIV.; 6-6-13 DRIV. PRIVILEGES GRANTED
2		DUI		6-4-13 NOLLED
3		RECKLESS OPERATION		6-4-13 NOLLED

*** End of Report ***

Cuyahoga County
Court of Common Pleas
Laboratory
1276 W. 3rd Suite LL-01
Cleveland, Ohio 44113-1512

FINAL COPY

Patient: NESTER, MICHELLE
Patient #: M8277746180
Officer: CLEVELAND MUNICIPAL
Birth: 10/8/1978
Age: 34 years
Gender: Female
Acc #: 1959830
Collection Date: 6/4/2013 1:05 PM

STAT

Probation Officer: ORITI

Test Name	Result	Units	Flag	Reference Range
[S] (12) 3 SCREEN-COC/OP/THC				Run by: JK on 6/4/2013 1:27 PM
COCAINE 150	Negative			
H-OPIATES	Negative			
H-MARIJUANA	Negative			
6AM-HEROIN	Negative			

Reviewed By: _____

Date: _____

*CONFID PFS
7-11-13
Judge [unclear]*

*Att:
Jenkins*

Columbro Consultation Services
 24726 Meadow Lane
 Westlake, Ohio 44145-4948
 Phone: 440-979-0233
 Fax: 440-979-1811

CCS – Driver Intervention Program
ODADAS Program ID. 1806101 Seq. No. 11011

Fax Registration

To: Shamus Normile, Cleveland Probation **From:** James R. Columbro JD. LICDC
Fax: 216-664-4267 **Pages:** Cover sheet only
Phone: 216-664-6695 **Date:** June 12, 2013
Re: Michelle N. Nester - dob 10/08/78 **CC:**

Urgent For Review Please Comment Please Reply Please Recycle

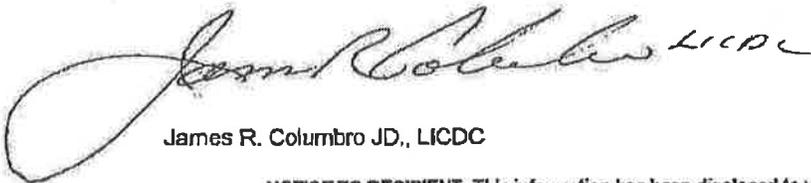
• **Comments:** **Your case number** 13 TRC 023649 **Judge Stokes** 15-C

Dear Mr. Normile: defendants' next appearance June 11, 2013

Please accept this fax as and for confirmation of registration for Michelle N. Nester who has registered and intends to participate in the 72-hr Driver Intervention Program commencing June 20, 2013. She has indicated her pre sentence PO is a Grace Babis. Please forward this because I could not find this probation officer.

You will be notified in the event of a no show, incomplete and/or successful completion immediately after the program discharges followed by a report of the client's participation and recommendations, if any are applicable.

Very truly,



James R. Columbro JD., LICDC

NOTICE TO RECIPIENT: This information has been disclosed to you from records protected by the Federal Confidentiality rules (42CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse client.

Columbro Consultation Services
24726 Meadow Lane
Westlake, Ohio 44145-4948
Phone: 440-979-0233
Fax: 440-979-1811

CCS – Driver Intervention Program
ODADAS Program ID. 1806101 Seq. No. 11011

Fax Completion

To: Gracie Davis, Cleveland Probation PSI	From: James R. Columbro JD., LICDC
Fax: 216-664-4287	Pages: Cover sheet, report and letter
Phone: 216-664-3201	Date: July 2, 2013
Re: Michelle Nester dob 10-08-78	CC:

Urgent For Review Please Comment Please Reply Please Recycle

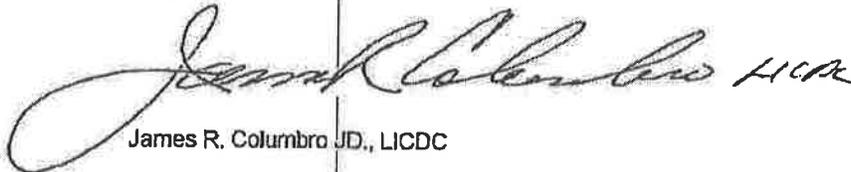
● **Comments:** **Your case number** 2013 TRC 023649 Judge Stokes

Dear Ms. Davis: This defendant has a sentencing date of **July 11, 2013**

Faxed here is the completion report as it relates to **Michelle Nester** who has completed the ATJ commencing **June 20** and discharging **June 23, 2013**. This fax is in lieu of mail.

You, or the supervising probation officer, will be notified in the event of a no show, incomplete and/or successful completion immediately after the program discharges followed by a narrative report of the clients participation and recommendations, if any are applicable.

Very truly,


James R. Columbro JD., LICDC

NOTICE TO RECIPIENT: This information has been is expressly permitted by the written consent of the person to whom it disclosed to you from records protected by the Federal Confidentiality rules (42CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure pertains or as otherwise permitted by 42CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse client.

CCS - DIP Completion Report & Discharge Recommendations

Michelle Wester Client Name Cleveland Referral Source June 20-23-2013 Attendance Dates

The person named in this report participated in at least 21 hours of alcohol and drug addiction programming that included at a minimum:

- 1 hour of screening and individual contact; and
15 hours of client education on alcohol and drug abuse and addiction, including traffic safety education; and
5 hours of small group discussion.

A screening interview was conducted with the client named above in which the results of Screening instruments, Mast = 10 Mortimer Filken = 5 -recommendations and referrals made to the referring court were discussed. Yes No

Summary of client's participation: Client attended and participated in all class sessions including discussion groups, lectures, presentations and videos. In addition, the client completed all Q&A worksheets appropriately. Client complied with all the rules and regulations of the CCS - Driver Intervention Program.

Results and recommendations of the screenings: Based on the client's screening and interview results, along with the client's participation in class, this client's use of alcohol and the negative consequences that followed DOES NOT indicate a need for further recommendations at this time.

Disclosure of information form attached? Yes No

Referrals made to alcohol and drug addiction treatment programs and any referrals made to other organizations: No further referrals are necessary at this time. The client has completed the 72 Hours of Driver Intervention Program successfully.

Recommendations made to court or other organization: No further recommendations to the Court or any other organizations at this time. Should the client receive another OVI or alcohol/drug-related legal charge within a year of completing this class, the CCS - Driver Intervention Program would recommend that the Court consider ordering a full biopsychosocial assessment at that time to rule out AoD abuse/dependency.

Signature & Credentials of Staff making recommendations. Date 6-23-13
Client Agrees: Client Disagrees:

Client Signature: Michelle Wester Date: 6-23-13

Note: Your signature above is acknowledgment that a release has been executed and that you have been provided a copy of this program completion report for your records. This report will be sent to your referring source and that data contained herein may be supplied the Ohio Department of Alcohol and Drug Addiction Services for management information purposes and reports. Also note that the following disclosure statement accompanies all correspondence relative to your participation in the program.

NOTICE TO RECIPIENT: This information has been disclosed to you from records protected by the Federal Confidentiality rules (42CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse client. February 2007

CCS – Driver Intervention Program*James R. Columbro, Director*

JD., LICDC, ICRC, S.A.P.

24726 Meadow Lane

Westlake, Ohio 44145-4948

Phone: (440) 979-0233 in house fax: (440) 979-1811

Email: olap@icr.com

June 24, 2013

Mr. Shamus Normile, PO Cleveland
The Justice Center
1200 Ontario Street, 6th Floor
Cleveland, Ohio 44113

Re: Michelle N. Nester Cleveland Municipal Court 13 TRC 023649
CCS - Driver Intervention Program Program Id# 1806101 ODADAS Seq. # 11011
Arrest date 04/17/13 Convicted date 07/11/13 Program 06/20 to 06/23/13

Dear Mr. Normile:

Enclosed please find a copy of that single page completion report and recommendations, if any, as it relates to the above caption client having completed the 72-hour Driver Intervention Program.

If the screening recommendations call for a referral, that referral will be followed up and contacted by this program the day after discharge.

Thank you for the opportunity to provide this service to the court.

Very truly yours,

James R. Columbro licdc

James R. Columbro JD., LICDC
Director, CCS – Driver Intervention Program

Enclosures

Cc: Ms. Michelle N. Nester, 2223 Wascana Avenue, Lakewood, Ohio 44107
Lief B. Christman, Esq., 2000 Standard Building, 1370 Ontario, Cleveland, Ohio 44113

NOTICE TO RECIPIENT: This information has been disclosed to you from records protected by the Federal Confidentiality rules (42CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse client.

CLEVELAND MUNICIPAL COURT
PROBATION NO. 2018577
SENTENCING REPORT



NAME: MICHELLE N NESTER
ALIAS:
COURT NAME: MICHELLE N NESTER

JUDGE: ANGELA R. STOKES
FILE#: 2013 TRC 023649
OFFENSE(S): 4511.19A1A DRIV UNDER
INFLUENCE ALC/DRUG OR COMBINATION OF
THEM TYPE: M1

ADDRESS: 2223 WASCANA AVE
LAKEWOOD, OH 44107

PHONE #: 216-228-6304 (H); 440-666-4332 (C) **RACE:** CAUCASIAN

BIRTH PLACE: PARMA, OHIO

DOB: 10/08/1978

SOCIAL SECURITY#: 277-74-6180

CONTINUED TO: 7-11-13 AT 8:30 A.M.

SEX: FEMALE

AGE: 34 **HT:** 5'8" **WT:** 115 **HAIR:** BROWN **EYES:** HAZEL

ATTORNEY: LEIF B CHRISTMAN ESQ

TELEPHONE#: (216)-214-7329

COMPLAINANT'S NAME:

PHONE:

ADDRESS:

INSURANCE CO.:

ALCOHOL TEST:

DRIVER'S LICENSE#: RP980572

STATE: OHIO **EXPIRATION:** 10-8-14
IMMOBILIZATION SITE:

DRIVER'S LICENSE STATUS:

SUSPENDED

DATE OF REFERRAL: 6-10-13 **DISP:** FG

SOCIAL SUMMARY: **MARITAL STATUS:** SINGLE
PAYS CHILD SUPPORT:

MINOR CHILDREN: 0
AMOUNT PAID:

SHELTER: **(RENT/OWN/OTHER):** OWN **MONTHLY PAYMENT:** \$1,240.00
LENGTH OF TIME AT CURRENT ADDRESS: 11 YEARS
RESIDES WITH: LIVE ALONE **RELATION:**

HEALTH: MAJOR HEALTH CONCERNS (EXPLAIN):
DIAGNOSIS/TREATMENT/DATES: ASTHMA (DIAGNOSED AT AGE 21)
MEDICATIONS: ADVAIR, ALBUTERAL
HISTORY OF CHEMICAL ABUSE: YES (ALCOHOL ON OCCASION)
DESCRIBE PROBLEM/TREATMENT/DATES:
HISTORY OF MENTAL HEALTH PROBLEMS:

EDUCATION: LITERATE (GOOD/AVERAGE/POOR): AVERAGE
POSSIBLE LEARNING DISABILITIES:
DESCRIBE: YEARS COMPLETED: 12
YEAR GRADUATED: 1997
DEGREE(S) / CERTIFICATION(S) OBTAINED: HIGH SCHOOL DIPLOMA;
EXPECTED AA DEGREE
9/2013
SCHOOLS ATTENDED: WESTLAKE HIGH; BROWN MACKIE COLLEGE

MILITARY: BRANCH: NO YRS SERVED:
DISCHARGE TYPE:
VETERAN STATUS: DATE:
RANK:

EMPLOYMENT: CURRENT EMPLOYER: UNEMPLOYED
JOB TITLE:
TERM OF EMPLOYMENT:
HOURLY WAGE OR SALARY AMOUNT:
NUMBER OF HOURS WORKED PER WEEK:

INCOME SOURCES:

UNEMPLOYED (DOES ODD JOBS TO GET MONEY FOR MORTGAGE – SUCH AS BABYSITTING;
PASSING OUT FLYERS ETC.)

ASSETS AND DEBTS:

OFFENSE SUMMARY:

On 4-17-13 at approximately 11:06 a.m., the defendant operated a 2001 4-door silver Nissan, license plate NON3460, on I-90 West, when she was cited for Driving Under the Influence with a BAC of .210%, Reckless Operation, and Driving without Financial Responsibility. There was no accident involved.

COMPLAINANT'S STATEMENT:

DEFENDANT'S STATEMENT:

The defendant admitted to the charge. She stated that the vehicle belonged to her and was insured by American Family Insurance, policy # 192281550170FPPA0H, effective 4-12-13 to 9-10-13. Ms. Nester said that she was having anxiety issues and went to the Hustler Club where she had several drinks of vodka. She left the club going home when she was stopped by an Officer initially because she was speeding. They smelled alcohol on her breath and arrested her for this offense. Ms. Nester said she spent one night in jail.

CURRENT LEGAL STATUS:**EVALUATION:**

On 6-4-13 Michelle Nester appeared before Judge Stokes and was found guilty of Driving Under the Influence. Her case was referred to the Probation Department for a Pre-Sentencing Investigation and she was ordered to pay for her urinalysis test the same day; as it was a rush regarding her request for occupational driving privileges. Also, Richard Oriti was ordered to provide the defendant with Interlock and Continuous Alcohol Monitoring Device information. Ms. Nester was to report to the Probation Department on 6-5-13 at 5:00 p.m. and she was to be provided with ATJ information and be informed to verify attendance. Her case was continued to 7-11-13 at 8:30 a.m. Please note, this Officer received this case as a pick-up on 6-10-13 and therefore the defendant was not interviewed initially. She phoned this Officer on 6-11-13 and was interviewed over the phone. Mr. Oriti did provide the defendant with the information required and she did submit to a urinalysis; which was negative; the result is enclosed. An ATJ listing was mailed to the defendant on 6-11-13 and she was informed that she needed to return to the Probation Department to have her picture taken prior to her next appearance in court; which she did. This Officer received a fax from Mr. Columbro, of CCS -- Driver Intervention Program, which indicated that the defendant would be enrolled in the ATJ program commencing June 20, 2013; which is enclosed. Verification has been received from DIP that the defendant attended the ATJ June 20-23, 2013 (see attached).

Michelle Nester is 34 years old, born to parents, Michael Nester and Barbara Poole. She graduated from Westlake High School in 1997 and currently attends Brown Mackie College, majoring in Surgical Technician. Ms. Nester indicated that she expects to graduate in September 2013. She is single and does not have any children. She is unemployed and indicated that she works odd jobs to make ends meet. She is single and does not have any children. She is in good health but was diagnosed with Asthma at age 21 and takes Advair and Albuterol.

A record check revealed minor traffic infractions.

RECOMMENDATION:

N/A

Gracie Davis, 664-3201
Probation Officer 

Gail Hillmon, 664-4775
Probation Supervisor 

Gad / 6-11-13

Cuyahoga County
Court of Common Pleas
Laboratory
1276 W. 3rd Suite LL-01
Cleveland, Ohio 44113-1512

FINAL COPY

Patient: NESTER, MICHELLE	Acc #: 1959830	STAT
Patient #: M8277746180	Birth: 10/8/1978	
Officer: CLEVELAND MUNICIPAL	Age: 34 years	Collection Date: 6/4/2013 1:05 PM
	Gender: Female	

Probation Officer ORITI

Test Name	Result	Units	Flag	Reference Range
[S] (12) 3 SCREEN-COC/OP/THC				
COCAINE 150	Negative			Run by: JK on 6/4/2013 1:27 PM
H-OPIATES	Negative			
H-MARIJUANA	Negative			
3AM-HEROIN	Negative			

Reviewed By: _____

Date: _____

*Att
Oriti*

file

5-14-13 Transcript

1 STATE OF OHIO,)
2 COUNTY OF CUYAHOGA,) SS: STOKES, A. R., J.
3 CITY OF CLEVELAND,)
4)
5 IN THE MUNICIPAL COURT
6)
7)
8)
9)
10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

CITY OF CLEVELAND,)
Plaintiff,)
V.) Case No. 2013TRC023649
MICHELLE NESTER.)
Defendant.)

Transcript of digitally recorded proceedings had
before the Honorable Judge Angela R. Stokes, on
Tuesday, the 14th day of May, 2013, in Courtroom 15C.

APPEARANCES:

On behalf of the plaintiff:
Victor Perez, Chief Police Prosecutor
By: Joanna Lopez, Assistant Police
Prosecutor

On behalf of the defendant:
Leif B. Christman, Esq.

Cindy L. LaRosa, RPR, CRI, MSCJ

1 P-R-O-C-E-E-D-I-N-G-S

2 THE COURT: Michelle Nester's case.
3 If the attorneys are ready for me to call
4 that matter. Docket number 65.

5 I'm still waiting for the white out to
6 dry. Thank you.

7 MR. CHRISTMAN: Good morning, your
8 Honor. Leif Christman on behalf of Michelle
9 Nester. 241-5019.

10 THE COURT: Good morning. Have you
11 pretried this matter with Prosecutor Lopez?

12 MR. CHRISTMAN: Briefly, your Honor,
13 may it please the Court, I had an
14 opportunity to speak with the Prosecutor.
15 It's my request for Discovery at the
16 defendant's request, so I could complete
17 some Discovery, get copies of the police
18 report. There is an audio/video from the
19 trooper. And I need to do some due
20 diligence with the Intoxilyzer test that was
21 done out in Linndale, to take a look at that
22 equipment. So I would ask for a brief
23 continuance for counsel to do some due
24 diligence with respect to those issues.

25 Secondly, Judge, if I may address the

1 issue of driving privileges.

2 THE COURT: You may.

3 MR. CHRISTMAN: My client is a surgical
4 tech student at Brown Mackie College in
5 Akron. She lives in Lakewood. She's
6 34 years old. She's had no prior traffic
7 violations with respect to any kind of
8 alcohol-related issues. She's single. She
9 lives on her own, she's trying to do
10 something to better herself. She does
11 clinicals. Absolutely no indication that
12 there will be any further issues. She
13 abided by the suspension that she's
14 currently under. She has not had the
15 opportunity to drive, and she's abided by
16 that since April 17th. We're now almost 30
17 days on what would have been a 15-day
18 mandatory suspension.

19 We ask the Court to humbly consider
20 privileges even if there is additional
21 requirements. I know that this Court
22 doesn't normally grant driving privileges
23 until the case is disposed of, but there
24 could be even some additional measures if
25 you wanted a breath machine in the car,

1 anything? I mean, it's just, my client's in
2 the middle of this surgical assistant's
3 program. She's paid her money, she's doing
4 well, and she gets good grades from her
5 professors. She is just stuck though with
6 this one unfortunate incident, and she's in
7 Lakewood, and her school is all the way in
8 Akron. She's been able to secure rides, but
9 that's not easy to get to Akron, and she's
10 starting clinicals soon. It's just really
11 kind of a desperate situation that we humbly
12 beg the Court, your Honor, in this
13 particular case for driving privileges.

14 THE COURT: The reading in this
15 case was a .210; is that correct?

16 THE DEFENDANT: That's correct.

17 MR. CHRISTMAN: Judge, it's well
18 documented problems with that Intoxilyzer
19 8000.

20 THE COURT: Maybe so, but I'm not
21 going to grant driving privileges.

22 Are there priors, Prosecutor Lopez?

23 THE PROSECUTOR: No priors, your Honor.

24 MR. CHRISTMAN: 34 years old, Judge, no
25 record, whatsoever, other than a couple of

1 speeding tickets.

2 THE COURT: I don't grant the
3 privileges unless there is something in
4 place. I usually don't do it at the
5 pretrial stage. The matter has to be
6 resolved because the Court then has the
7 benefit of a urinalysis test and everything
8 before I could allow someone to operate a
9 motor vehicle, putting their life at risk
10 and the community's at risk.

11 PRIVATE ATTORNEY: Your Honor, she would
12 provide that today. She's absolutely clean.

13 THE COURT: And I would also -- but
14 with a reading like this -- once there is a
15 conviction -- I might order a SCRAM device,
16 an alcohol monitoring device, and I might
17 order both also an Interlock device. That's
18 why it usually does not happen at the
19 pretrial stage.

20 MR. CHRISTMAN: Right. Well --

21 THE COURT: I'm not really privy to
22 the urinalysis test or anything like that.
23 I mean this is the pretrial stage.

24 Would you like to approach side bar,
25 please?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -

(Side bar off the record.)

- - -

THE COURT: All right. Miss Nester's case -- maybe you could call to find out (inaudible.) Do you need her name again?

A VOICE: A fax.

THE COURT: Miss Nester's case is continued at the defendant's request for a pretrial, June 4, 2013, at 9 a.m. The City has provided some documentation to Attorney Christman this morning, and the DVD and the rest of the documentation should be available to Attorney Christman on or before June 4, 2013. At this time, the request for driving privileges is denied.

MR. CHRISTMAN: Thank you, Judge, have a good day.

- - -

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State of Ohio,)
County of Cuyahoga,) SS:
City of Cleveland.)

City of Cleveland,)
V.)
Michelle Nester.)

I, Cindy L. LaRosa, Registered Professional Reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the digitally recorded proceedings had in said Cleveland Municipal Court in the above-entitled case on the date set forth; that I have transcribed my said stenotype notes into typewritten form as appears in the foregoing transcript of the proceedings; that said transcript is a complete record of the proceedings had in the hearing of said case and constitutes a true and correct transcript of the proceedings had therein.

Dated this 12th day of September, 2014.



Cindy L. LaRosa, RPR, CRI, MSCJ

6-4-13 Transcript

1 STATE OF OHIO,
2 COUNTY OF CUYAHOGA,) SS: STOKES, A. R., J.
3 CITY OF CLEVELAND,)

4 IN THE MUNICIPAL COURT

5 CITY OF CLEVELAND,)
6 Plaintiff,)

7 V.) Case No. 2013TRC023649

8 MICHELLE NESTER.)
9 Defendant.)

10 - - -
11 Transcript of digitally recorded proceedings had
12 before the Honorable Judge Angela R. Stokes, on
13 Tuesday, the 4th day of June, 2013, in Courtroom 15C.

14 - - -
15 APPEARANCES:

16
17 On behalf of the plaintiff:
18 Victor Perez, Chief Police Prosecutor
19 By: Joanna Lopez, Assistant Police
20 Prosecutor

21
22 On behalf of the defendant:
23 Leif B. Christman, Esq.

24
25 Cindy L. LaRosa, RPR, CRI, MSCJ

P-R-O-C-E-E-D-I-N-G-S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: What is your client's name? I can't reach it.

MR. CHRISTMAN: Michelle Nester, your Honor.

THE COURT: Thank you. This is docket number 53, Michelle Nester's case.

 May I have that file, please.

N-E-S-T-E-R. Thank you.

 Your name for the record, Counsel?

MR. CHRISTMAN: Your Honor, Leif Christman, 241-5019, on behalf of Miss Nester.

THE COURT: All right. So, I think that there is a Motion to Suppress that was filed May 29th, and the City, have you been served with the Motion?

MS. LOPEZ: Yes, your Honor. I believe the Motion is being withdrawn. We have a resolution.

THE COURT: Okay. Just one second.

 Is the Journal Entry ready for Mr. Casper? The one that says attention of Michael Negray. A prisoner. \$15,000 cash.

1 Would you like a copy for Mr. Negray?
2 A VOICE: Okay.
3 THE COURT: Mr. Negray, these
4 are --
5 A VOICE: Oh, just make a copy of
6 this Journal Entry.
7 THE COURT: (Inaudible).
8 -- -- --
9 (Discussion had off the record.)
10 -- -- --
11 THE COURT: I'm sorry. You may
12 proceed.
13 MS. LOPEZ: It's the City's
14 understanding that the defendant wishes to
15 enter into a plea of guilty to Count 1, and
16 the City moves to nolle the balance. This
17 was a first in a lifetime. Reading was
18 .210.
19 THE COURT: Is that correct?
20 MR. CHRISTMAN: That is correct. I
21 have had an opportunity to meet with the
22 City Prosecutor, and they provided me with
23 Discovery. I have filed a suppression
24 motion on the case, but we were able to
25 reach a resolution with my client pleading

1 to the straight OVI charge. With that said,
2 your Honor, I had explained to my client her
3 constitutional rights. It's her desire to
4 withdraw her previously entered not guilty
5 plea, and enter a plea of guilty to the DUI
6 charge.

7 THE COURT: Thank you.

8 (Inaudible).

9

10 (Discussion had off the record.)

11

12 A VOICE: I'm going to text you
13 the date.

14 THE COURT: (Inaudible.)

15 A VOICE: I'll get you a date.

16 THE COURT: Okay. Thank you. You
17 could text it to me.

18 A VOICE: I'm going to text it to
19 you.

20 THE COURT: (Inaudible). Thank
21 you.

22 This is a first OVI ever in a lifetime?

23 MS. LOPEZ: Yes, your Honor.

24 THE COURT: Thank you.

25 Miss Nester, on docket number 53, Count

1 1, the charge is Driving Under the Influence
2 of Alcohol and/or Drugs, or a Combination of
3 Them. It is a first degree misdemeanor. In
4 as much as this is a first OVI conviction
5 ever in your lifetime. The maximum fine
6 that can be imposed by the Court is \$1,075;
7 do you understand that?

8 MR. CHRISTMAN: Yes, your Honor.

9 THE COURT: The mandatory minimum
10 fine is \$375 and court costs; do you
11 understand?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: With respect to the
14 jail time, you are required to serve a
15 minimum of three consecutive days in jail
16 unless you have an opportunity to attend an
17 alternative to jail, alcohol/education
18 program that would be in lieu of or instead
19 of serving three consecutive days in jail;
20 do you understand?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: However, you could be
23 sentenced to serve up to six months, or up
24 to 180 days in jail; do you understand?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: Your driver's license
2 has to be suspended for a minimum of six
3 months; do you understand?
4 THE DEFENDANT: Yes, your Honor.
5 THE COURT: You can be suspended
6 for a period of up to three years; do you
7 understand?
8 THE DEFENDANT: Yes, your Honor.
9 THE COURT: If there was an
10 administrative license suspension involved
11 in this case, the Court would have to give
12 you credit for that suspension against any
13 suspension of your driver's license imposed
14 by the Court; do you understand?
15 THE DEFENDANT: Yes, your Honor.
16 A VOICE: The 19th at 9:30. 6-19
17 at 9:30.
18 THE COURT: (Inaudible.) Thank
19 you.
20 A VOICE: All right, Judge.
21 THE COURT: Let's see. The Bureau
22 of Motor Vehicles will assess six points
23 against your driver's license; do you
24 understand?
25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: This citation is dated
2 April -- did you get the same date?
3 A VOICE: It's at 10:30.
4 THE COURT: 6-19?
5 A VOICE: At 10:30.
6 THE COURT: He told me 9:30, but I
7 could put 10:30.
8 A VOICE: Yes.
9 THE COURT: He just came up to take
10 care of your other client's medication
11 issue.
12 A VOICE: Oh, that's great.
13 THE COURT: If you want to talk to
14 him.
15 A VOICE: Sure.
16 THE COURT: I gave him a little
17 post-it note and a copy of the JE.
18 I am sorry for the interruption.
19 The citation is dated April 17, 2013 --
20 is that someone on my docket? Why don't I
21 know about it if it's on my docket? Is that
22 person on my docket?
23 A VOICE: No.
24 THE COURT: Then they cannot
25 disturb this courtroom. Go outside and

1 handle it. They have to leave this floor if
2 it's not on my docket. They cannot stay on
3 the floor disturbing all of the courtrooms.
4 If it's on my docket, I'll take care of it.

5 THE BAILIFF: Okay, Judge.

6 THE COURT: I'm so sorry.

7 The citation is dated April 17, 2013,
8 operating a 2011 Nissan at I90, westbound,
9 in the city of Cleveland, Ohio. And it says
10 that the breath test .210, in Cleveland,
11 Ohio. Do you recall and understand the
12 charge?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Is it your desire to
15 withdraw your not guilty plea, enter a plea
16 of guilty, with a finding of guilty to this
17 charge.

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: By doing so, you are
20 waiving or giving up your right to have a
21 bench trial to the Judge; do you understand?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Or a jury trial that
24 would be tried to eight jurors; do you
25 understand?

1 THE DEFENDANT: Yes, your Honor.
2 THE COURT: You are presumed,
3 considered to be innocent, until the city of
4 Cleveland proves your guilt beyond a
5 reasonable doubt if your guilt is to be
6 proven at a trial; do you understand?
7 THE DEFENDANT: Yes, your Honor.
8 THE COURT: If you were to have a
9 trial, you have a right to remain silent at
10 trial. No one can force you to testify or
11 say anything at trial; do you understand?
12 You are also giving up your right to
13 subpoena witnesses who could testify at a
14 trial if you were to have one; do you
15 understand?
16 THE DEFENDANT: Yes, your Honor.
17 THE COURT: And you are giving up
18 your right to confront your accusers at a
19 trial; do you understand?
20 THE DEFENDANT: Yes, your Honor.
21 THE COURT: Have there been any
22 threats or promises made to force you to
23 change your plea to this charge?
24 THE DEFENDANT: No.
25 THE COURT: Are you satisfied with

1 your attorney's representation?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you have any
4 questions regarding the rights that you are
5 giving up?

6 THE DEFENDANT: No.

7 THE COURT: Do you have any
8 questions regarding the penalties --
9 potential penalties that can be imposed by
10 the Court?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: Are you a citizen of
13 the United States?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you have any
16 questions?

17 THE DEFENDANT: I don't think so.

18 THE COURT: I will accept your plea
19 of guilty with a finding of guilty to Count
20 1, Driving Under the Influence of Alcohol or
21 Drugs, or a Combination of Them.

22 Count 2 is Driving Under the Influence
23 of Alcohol or Drugs, breath test .1700th.
24 That charge will be nollied or dismissed.

25 And the minor misdemeanor, Reckless

1 Operation charge will also be nollied or
2 dismissed; do you understand?
3 THE DEFENDANT: Yes, your Honor.
4 THE COURT: Attorney Christman, did
5 Miss Nester serve any time in custody?
6 MR. CHRISTMAN: One day, Judge.
7 THE COURT: So is she interested in
8 the Probation Department providing her with
9 a list of Alternative to Jail programs, and
10 to attend one prior to sentencing?
11 MR. CHRISTMAN: Potentially, Judge,
12 yes. Yes, Judge.
13 THE COURT: Okay. So, Miss Nester,
14 I will refer your case to the Probation
15 Department, continued at the defendant's
16 request, and pass for sentencing to receive
17 a presentencing investigation report. I
18 will request that the Probation Department
19 give you a list of about 14 or 15 of the
20 Alternative to Jail programs. Please select
21 whichever one you choose to attend. For the
22 Court to take it into consideration, you
23 have to attend prior to the date of
24 sentencing; do you understand? With
25 verification.

1 And you also have to submit to a
2 urinalysis test, and there will be a \$9 fee
3 for that; do you understand?

4 THE DEFENDANT: No problem.

5 THE COURT: The Probation
6 Department will need at least two weeks to
7 prepare the presentencing investigation
8 report. Some people request 30 days to
9 attend that Alternative to Jail program, but
10 I don't know if you have a date in mind,
11 Counsel, or how soon --

12 MR. CHRISTMAN: I don't have a date
13 specific in mind, Judge, but, yeah, I would
14 request at least 30 days for her to complete
15 that program.

16 THE COURT: Sure.

17 MR. CHRISTMAN: And what I want to
18 bring to the Court's attention is that my
19 client is a full time student at Brown
20 Mackie College. She's in the last year of
21 her program to earn an Associate's degree in
22 surgical tech. That she has -- just
23 starting the clinical phase of that program
24 that's -- it's like 40 hours of clinical
25 where she's actually working in the ER of a

1 hospital, in the surgery. That it is a very
2 high time, time-consuming program. It's
3 mentally draining, a lot of work, and
4 there's also the classroom aspect of it.

5 My client's 34 years old, as the Court
6 knows, and she has no prior criminal history
7 or traffic offenses of this nature,
8 whatsoever.

9 The circumstances were very unique in
10 which she found herself at this lapse in
11 judgment. They finished one part of the --
12 not the clinical -- but some of the
13 classroom training and that they were
14 graduating, to go on to their clinical
15 experience, and obviously had some drinks.
16 And she had a lapse in judgment.

17 My client lives by herself in Lakewood
18 in an apartment. Her college is down in
19 Akron. She's been under a hard time, no
20 driving privileges for the last 60 days.
21 She really -- Judge, she spent \$35,000 to
22 date on this program and is on the verge of
23 being let go. She has to rely on other
24 people for rides. We did resolve the case
25 today, but I'm imploring the Court, even

1 under any circumstances with the
2 Breathalyzer or anything, she really needs
3 to get her driving privileges. I mean she's
4 come so far. She's done nothing previous in
5 her history to give the Judge or to give the
6 Court pause that she would ever do anything
7 like this again.

8 Obviously, she's abided by the Court's
9 order or having the suspension, doesn't
10 drink. She'll give you a clean urinalysis
11 today, but I really would like the Court to
12 consider the pending driving privileges
13 motion that's before it.

14 Really, and as I said, if the Court
15 wishes to have a Breathalyzer installed in
16 her car, that's perfectly fine. Anything.
17 This is such a desperation for her to be
18 able to drive, you know, it would be a
19 15-day hard time suspension. She's
20 eight weeks into it, Judge, and accepted
21 responsibility for her actions on today's
22 date.

23 THE COURT: Well, I understand
24 Miss Nester's situation. If she's willing
25 to submit to a urinalysis test today --

1 MR. CHRISTMAN: She will.

2 THE COURT: They could put a rush
3 on it. This may take an hour, an hour and a
4 half, before those results are going to come
5 back to the courtroom.

6 THE DEFENDANT: That's fine.

7 THE COURT: In addition --
8 because --

9 MR. CHRISTMAN: She gets tested as part
10 of her nursing program, and part of the
11 surgical tech --

12 THE COURT: This is such a high
13 reading .250, but --

14 MR. CHRISTMAN: Judge --

15 THE COURT: I understand, I
16 understand.

17 MR. CHRISTMAN: That was the reason for
18 the suppression, but at the same time, I
19 don't have the time to fight this case.

20 THE COURT: I understand.

21 MR. CHRISTMAN: She needs to drive, and
22 that's what I mean.

23 THE COURT: I understand. So, if
24 she's interested, because I'm doing all this
25 before I have the benefit of a probation

1 report and everything else. If she wants an
2 interlock device, and make sure that you're
3 testing negative on the urinalysis test, I
4 will write the Order. Do you have the
5 information about the days and hours, and
6 all of that.

7 MR. CHRISTMAN: Yes, I do.

8 THE COURT: But I'll have to send
9 you down stairs for the urinalysis test.
10 That will happen in just a few moments, but
11 for the results to come back to this
12 courtroom, they may not come back until 1:30
13 or 2. It's a long process, sometimes it's
14 fast. And then I could have Mr. Oriti come
15 up to ask you about the Interlock device.

16 At the time of sentencing, I may not
17 even think it's necessary. But I'm doing
18 all of this presentencing, so if you are
19 willing. Do you have your insurance
20 information?

21 THE DEFENDANT: Yes.

22 THE COURT: For the date of this
23 offense and currently?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. So I'll have to

1 ask Deputy Chief if they could pull out --
2 I'll just write it all out on the Journal
3 Entry, I guess. And I could then -- do you
4 want me to give you the date of sentencing
5 right now, Counsel, so you don't have --

6 MR. CHRISTMAN: Yes, your Honor.

7 MS. LOPEZ: Your Honor, if I could
8 address --

9 THE COURT: Yes.

10 MS. LOPEZ: -- you stated .250, and
11 I know it looks like that on the citation,
12 but it is .210. It's still a high reading.
13 But it is .210.

14 THE COURT: Oh, I'm sorry.

15 MS. LOPEZ: It looks like a 5.

16 THE COURT: Oh, I see the 0 has
17 a --

18 MS. LOPEZ: Uh-huh.

19 THE COURT: So it should be .210?

20 MS. LOPEZ: Yes.

21 THE COURT: All right. Thank you
22 for the correction.

23 What is the date of sentencing that you
24 would like, Counsel?

25 MR. CHRISTMAN: I didn't have one in

1 mind, Judge, but what's --

2 THE COURT: Today is --

3 MR. CHRISTMAN: -- for her to finish

4 this --

5 THE COURT: Today is June 4th. Do

6 you want it --

7 THE DEFENDANT: 27th.

8 MR. CHRISTMAN: We could get into July.

9 June.

10 THE COURT: I know you're standing

11 there, Tiffany. I'm trying, I'm trying.

12 THE DEFENDANT: Thursdays are probably

13 best for me because of my classes.

14 THE COURT: Maybe Attorney Malbasa

15 can explain to you about what the problem

16 is. Can you talk to Attorney Malbasa, and

17 then we'll figure out what to do.

18 MR. CHRISTMAN: Is July 11th okay with

19 the Court? That's not much more than

20 one month out.

21 THE COURT: The 10th would be

22 better. Is the 10th okay? No?

23 MR. CHRISTMAN: My client has class.

24 It's easier for her to work around class.

25 THE DEFENDANT: I have class the second

1 and fourth Thursday of the month instead of
2 being in the hospital. And if I miss the
3 hospital hours, after a certain amount of
4 days, today is first one that I'm missing,
5 then they tell me I'm --

6 THE COURT: So what day are you
7 saying? She could only come back to Court
8 on what day?

9 MR. CHRISTMAN: The 11th would be
10 better because that's the day she could work
11 with her professors in getting out of class.

12 THE COURT: It will have to be 8:30
13 because I may have a jury trial. I reserve
14 Thursdays and Fridays for jury trials, so it
15 would have to be 8:30.

16 MR. CHRISTMAN: We're happy to get up
17 early, Judge --

18 THE COURT: It has to be 8:30
19 because if a jury trial starts at 9 o'clock.

20 MR. CHRISTMAN: That's no problem at
21 all.

22 THE COURT: July 11, 2013, at 8:30
23 a.m.

24 And I'll asking Mr. Richard Oriti to
25 come up. I guess -- we're going to need --

1 maybe Mr. Richard -- I don't think -- I
2 think if you just ask Mr. Richard Oriti to
3 come in, he could take everything.

4 A VOICE: Okay.

5 THE COURT: Thank you. Regarding
6 an interlock device, information, those
7 different companies.

8 Oh, great. Thank you. Thank you.

9 A VOICE: He's on his way up,
10 Judge.

11 THE COURT: Thank you.

12 Now, is this specifically for school
13 and/or occupation?

14 MR. CHRISTMAN: Yes, and it would be
15 nice for her to get groceries. She was
16 telling me --

17 THE COURT: Oh, okay.

18 MR. CHRISTMAN: -- about the monumental
19 effort it is -- I don't know if she's
20 getting on the bus and trying to get
21 groceries. She lives by herself, Judge, she
22 doesn't really have anybody, you know, when
23 an unfortunate situation like this occurs to
24 rely on, and she relies on herself, and
25 she's going to school, and living in

1 Lakewood.

2 THE COURT: Why would you have
3 taken such a chance? But, do you have like
4 her school schedule and her work schedule --

5 MR. CHRISTMAN: Yes.

6 THE COURT: Do you have all of that
7 and insurance?

8 MR. CHRISTMAN: Yes, yes, Judge.

9 THE COURT: We have to do this
10 orderly. You have to get the urinalysis
11 test first. You need to talk to Mr. Richard
12 Oriti, who I understand is enroute to the
13 courtroom, to give you the information about
14 the costs of one of the interlock companies.
15 And how much you'll pay for, and the
16 urinalysis test, and they'll give you a list
17 of the Alternative to Jail Programs.

18 When you come back to Court on July the
19 11th, but I can't write the occupational
20 driving privileges until I have the
21 information regarding your urinalysis test
22 results, and your willingness to pay for the
23 interlock device.

24 Mr. Oriti is going to be coming up in
25 just a moment. So shall I recall the case

1 at that point?

2 MR. CHRISTMAN: However the Court
3 wishes to proceed, Judge, that would be
4 fine.

5 THE COURT: Okay. All right.
6 Okay.

7
8 (A discussion was had off the record.)

9
10 *****

11 THE COURT: This is recalling
12 docket number 53, Michelle Nester's case.

13 MR. CHRISTMAN: Good afternoon, your
14 Honor.

15 THE COURT: Good afternoon. Do you
16 have a letter from the employer and the
17 insurance information?

18 MR. CHRISTMAN: We do have the
19 insurance information. I have school
20 scheduled. We have to obtain additional
21 paperwork for baby sitting employment. But
22 we do have --

23 THE COURT: For baby sitting? What
24 is he talking about?

25 MR. CHRISTMAN: That's the least of her

1 concerns, Judge. We're not overly concerned
2 about that, it's the school.

3 THE COURT: Let me see that
4 information because typically this is for
5 Occupational Driving Privileges.

6 MR. CHRISTMAN: Right. Here's the
7 proof of insurance. It's -- tell her the
8 name of your school?

9 THE DEFENDANT: The Brown Mackie
10 College in Akron.

11 THE COURT: Does she have that
12 documentation for the Court? How am I --
13 that's what --

14 MR. CHRISTMAN: Brown. Judge, it's --

15 THE COURT: Counsel, I --

16 THE DEFENDANT: I start my internship
17 at Kaiser in Parma tomorrow morning.

18 THE COURT: Excuse me. Mr. Oriti,
19 did you not explain this? I thought I made
20 myself -- how do I write an Order if I
21 don't have the information? I cannot write
22 an Order with that.

23 MR. ORITI: I had no idea of the
24 amount of number of -- I thought it was
25 strictly occupational driving privileges,

1 your Honor. That's what I was informed.
2 THE COURT: But I mean I don't have
3 anything. Even if it is a school schedule.
4 There's some people who have occupational
5 and school schedules, as the gentleman that
6 we were working on the other day. I can't
7 remember his name. But I had both. I have
8 his school schedule and I had his work
9 schedule. But if I don't have a schedule, I
10 can't write an Order.
11 But I thought I made it clear that I --
12 I thought you had that information. This is
13 the insurance information which is great.
14 MR. CHRISTMAN: And we have the -- it's
15 Brown Mackie College and --
16 THE DEFENDANT: It's my internship
17 through Kaiser.
18 THE COURT: I have to have
19 something in writing from them.
20 THE DEFENDANT: I can get something
21 tomorrow, if she has to meet me there in the
22 morning, from my teacher.
23 THE COURT: Yeah. For everybody
24 who has Occupational Driving Privileges, I
25 have to have a letter from the employer, if

1 it's an employer, indicating the days and
2 hours of employment. If it's school, I do
3 write the Order, too. But I have something
4 from the school which has the official
5 schedule for the individual involved.

6 THE DEFENDANT: Okay.

7 THE COURT: I'm so sorry. I
8 thought that you both understood that.
9 Remember I said I'll have to have something
10 from the employer indicating the days and
11 hours. I cannot. Because when -- if the
12 police were to stop you, all that's attached
13 to the Order.

14 THE DEFENDANT: Okay.

15 THE COURT: Just like this other
16 gentleman. I have a letter from the
17 employer. I thought that --

18 MR. CHRISTMAN: Judge, we can provide
19 the information. She knows her schedule,
20 and get something faxed to the Court with --
21 from the school.

22 THE DEFENDANT: Uh-hmn.

23 MR. CHRISTMAN: Just -- we have her
24 hours, we know that she has this 40 hours of
25 clinical internship.

1 THE COURT: She's got to submit it
2 to the Court in writing. I'm just so sorry.
3 MR. CHRISTMAN: Yeah. We can fax it to
4 the Court. We can get that directly to the
5 Court.
6 THE COURT: I think I -- I thought
7 I gave you the fax -- did I give you the fax
8 number earlier?
9 MR. CHRISTMAN: It must have been a
10 different case, Judge. We've been here on
11 and off since 9 this morning so --
12 THE COURT: I know, but --
13 MR. CHRISTMAN: It must have been a
14 different file.
15 THE COURT: But -- but I said, it's
16 stated on the record the Court has to have
17 the proper documentation to write a
18 Occupational Driving Privileges Order. I
19 mean I have to have --
20 MR. CHRISTMAN: I have her proof of
21 insurance, and she --
22 THE COURT: Well, I can't write the
23 Order until you provide --
24 MR. CHRISTMAN: She had a clean urine
25 test today which is good.

1 THE COURT: Which is great. But I
2 don't have the information to write an
3 Occupational Driving Privileges Order.

4 Mr. Oriti, here.

5 But I don't have the Order, I can't --
6 if I don't have the information, counsel, I
7 can't write the Order. All of that has to
8 be attached to the Court's Order; the
9 insurance information, the documentation
10 from the school or college, and also from --
11 all of that has to be attached.

12 MR. CHRISTMAN: Okay, Judge.

13 THE COURT: I'm so sorry that you
14 didn't understand that. That's what -- I
15 thought I made it clear.

16 MR. CHRISTMAN: Judge --

17 THE COURT: I beg your pardon?

18 MR. CHRISTMAN: Nothing.

19 THE COURT: Yeah, because most
20 attorneys know that they --

21 MR. CHRISTMAN: We'll get that -- no,
22 he'll get that information, Judge. I don't
23 think it's a good idea for me to talk right
24 now, Judge.

25 THE COURT: Because I thought that

1 you perfectly understood that no Judge can
2 write the Occupational Driving Privileges
3 Order without the proper documentation.

4 MR. CHRISTMAN: Judge, we will provide
5 that information, and I'll get back on your
6 docket immediately.

7 THE COURT: Do you want a
8 particular date, Attorney Christman?

9 MR. CHRISTMAN: Tomorrow, if it pleases
10 the Court.

11 THE COURT: If you would like to,
12 that's fine. When you submit the
13 information, you're going to have to be able
14 to tell me like what time she leaves her
15 residence. They'll have specific hours in
16 there. And I'm so sorry that you and your
17 attorney didn't understand that the Court
18 has to have that. You know, I said I have
19 to have that documentation. I know I
20 specifically said it. Because I thought at
21 first it was an employer, with the days and
22 hours of employment.

23 Sadly enough, you just can't walk into a
24 courtroom, and tell the Judge these are my
25 days and hours. We have to have something

1 because we have to attach it to the Order.

2 THE DEFENDANT: Would I need to be
3 present tomorrow for that?

4 THE COURT: Because you have to
5 sign the Order. You have to sign. It
6 requires your signature. So, I don't know
7 what your schedule is like, and what's the
8 best way to do that.

9 THE DEFENDANT: Probably tomorrow would
10 be best. I need to speak to my teacher.
11 I've been here all day, just waiting to tell
12 her everything. I'm supposed to be at the
13 hospital at 6:30 in the morning.

14 THE COURT: So is there is a better
15 day, Counsel, for her to come? I have --
16 tomorrow's docket is way larger than this.
17 And I was just trying to squeeze you in. I
18 mean typically we just don't do that. You
19 know, it goes to Probation and when a person
20 comes back for sentencing. We're trying to
21 squeeze you in to help you. And I know it's
22 been a long day, but I did state the Court
23 needs something in writing. I can't write
24 it. I wish I could but I cannot do that.

25 But I don't know what date is best

1 because of your --

2 THE DEFENDANT: I need it done as soon

3 as possible because I'm going to get thrown

4 out.

5 THE COURT: You know, didn't --

6 Tiffany, didn't we do one where they faxed

7 it back?

8 THE JOURNALIZER: Uh-hmn.

9 THE COURT: We could do that,

10 maybe. We did that with a gentleman

11 recently, who didn't have --

12 MR. ORITI: Mr. Nate (phoen.), your

13 Honor.

14 THE COURT: Who did we do that

15 with?

16 THE JOURNALIZER: Cody Nate (phoen.)

17 MR. ORITI: Cody Nate. Mr. Nate.

18 We did that.

19 THE COURT: Oh, yeah.

20 Counsel, maybe we could do that. But we

21 really should have the original signature.

22 But let's see, maybe we could, if something

23 can be faxed to the Court. I don't know if

24 I gave him this. Mr. Oriti --

25 MR. ORITI: Yes, your Honor.

1 THE COURT: Here. You want to give
2 him the fax information?

3 MR. ORITI: Certainly.

4 THE COURT: You can fax it to the
5 Court? But I'm going to need really
6 specific information because I'm not going
7 to have you in front of me, like what time
8 do you leave your residence.

9 THE DEFENDANT: Okay.

10 THE COURT: What time do you get to
11 where you're going, you know. I need that.
12 What time do you -- I need all that
13 information.

14 If there are questions, then I can write
15 the Order. Maybe we can fax it. You can
16 see it. Maybe we need to get a copy of the
17 insurance information now, so at least I'll
18 have that, Mr. Oriti.

19 MR. ORITI: Yes, attached to the
20 Motion.

21 THE COURT: But Mr. Oriti, what
22 will you do with -- do you need this
23 document?

24 MR. ORITI: No, that's --

25 THE COURT: Because we will attach

1 this to the Judgment Entry when I write it
2 tomorrow.

3 MR. CHRISTMAN: That should also be in
4 the Court's file, Judge, the original
5 Driving Privileges Motion that had the proof
6 of insurance attached.

7 THE COURT: This? This is the only
8 vehicle that you're going to be able to
9 operate, if there is an interlock device on
10 the 2011 Nissan. Is that the vehicle you'll
11 be operating?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. And she already
14 has everything figured out with you, Mr.
15 Oriti?

16 MR. ORITI: Yes, your Honor, we've
17 already engaged --

18 THE COURT: Who will she be working
19 with tomorrow via phone because you won't be
20 here? That will be Kevin --

21 MR. ORITI: I will be here
22 tomorrow, your Honor.

23 THE COURT: Oh, you're here
24 tomorrow?

25 MR. ORITI: I'm here tomorrow.

1 THE COURT: I thought you said --
2 MR. ORITI: Thursday and Friday.
3 THE COURT: Okay. So then that's
4 good. Okay. And then maybe she can fax
5 things, and then I can write the Order, and
6 fax it back.
7 THE DEFENDANT: Could I -- could I have
8 my teacher fax it to you?
9 THE COURT: Uh-hmn.
10 THE DEFENDANT: Because I'll be in
11 surgery. Okay.
12 THE COURT: But then it requires
13 your signature.
14 MR. CHRISTMAN: There might be a fax
15 back at the hospital or something that you
16 can use. I don't know.
17 THE COURT: When is your next day
18 off?
19 THE DEFENDANT: Saturday.
20 THE COURT: Mr. Oriti, and what
21 about the documents that she has to sign
22 with you?
23 MR. ORITI: Right here, your Honor,
24 but this particular form doesn't require her
25 signature.

1 THE COURT: But it's going to
2 require the Court's.

3 MR. ORITI: You could sign off on
4 it.

5 THE COURT: Well, I can't do
6 anything until we get the information
7 tomorrow regarding -- okay. Maybe the best
8 thing is that -- what time do you get
9 finished tomorrow?

10 THE DEFENDANT: I should be done by
11 3:30 tomorrow.

12 THE COURT: So why can't she bring
13 them or have someone help her bring in the
14 original document? Because we really need
15 to have an original document. So even
16 though -- or I can write it up and then when
17 she comes in, it will be ready for
18 signature.

19 If you fax the information to me during
20 the day, I can write it up and get
21 everything ready. And when you get out
22 tomorrow, then you can come, and then sign
23 the original document. All it's going to
24 require is a signature.

25 THE DEFENDANT: (Inaudible) I leave

1 about 5 o'clock.

2 THE COURT: I'm sorry?

3 THE DEFENDANT: I said it probably will

4 be about 5 o'clock by the time that I get

5 here.

6 THE COURT: I'll be here. But I

7 don't know, Tiffany, if you will be here to

8 journalize it for her.

9 THE DEFENDANT: I mean I still have to

10 change and get back to my house.

11 THE COURT: I don't know. It

12 depends on this journalizer, if she's going

13 to do it. They're supposed to stop at 5.

14 If she doesn't get here till 5 --

15 THE JOURNALIZER: (Inaudible).

16 THE COURT: You have to get

17 permission to stay?

18 MR. ORITI: I'm here, your Honor.

19 I will assist (inaudible.)

20 THE COURT: I don't have anyone to

21 journalize it. It doesn't go in the

22 computer. That's a problem. And they're

23 supposed to stop at 5 o'clock. Tiffany came

24 up as a favor today, you know, to do this.

25 And then here I am here trying to squeeze

1 this on my docket when I have a huge docket.
2 I probably shouldn't even have tried to do
3 this, but --

4 We'll need an original signature. And I
5 don't know, she says she can't get here till
6 5, and Tiffany may not be able to get
7 permission from Mr. Ron Tabor to come up at
8 5 o'clock. She's breaking the rules today
9 for this and this other gentleman, and I
10 think there's a third lady. So, if they're
11 in contact with you tomorrow, you'll have to
12 let me know.

13 And then does she have to go back to
14 Probation, or did they get everything in
15 order for -- you know what (inaudible) I
16 didn't put about the, she still has to go to
17 Probation for the presentencing interview.
18 I don't think that's been done. So what day
19 are you planning to do that?

20 Tiffany, this has to be -- we need to
21 put the information about the continuous
22 alcohol monitoring, the ATJ.

23 THE JOURNALIZER: Okay.

24 THE COURT: All that has -- that's
25 why -- that's why this wasn't ready. You

1 should have checked with me before you took
2 her downstairs, I'm telling you that.

3 But you have to have a date to report to
4 Probation. I know that you submitted the
5 urinalysis test, but they'll get other
6 information.

7 Unless you gave her the CAM, the
8 continuous alcohol monitoring and the
9 interlock.

10 MR. ORITI: I can give her that.

11 THE COURT: But she doesn't -- I
12 think she's planning to attend an
13 Alternative to Jail Program and not come
14 back to Court until July the 11th. So she
15 has to get all of that information. I don't
16 think that was done. I mean I don't know if
17 that was done.

18 MR. ORITI: I don't believe so,
19 your Honor.

20 THE COURT: That's why -- really,
21 to try to do things out of order like this
22 is not good.

23 So, you got to report to Probation, just
24 for them to do -- I don't know what day she
25 wants to go?

1 THE DEFENDANT: I don't understand.
2 What am I going for?

3 THE COURT: For the presentencing
4 investigation report. They're going to
5 prepare a probation report like this,
6 regarding all the information. All they
7 have is the urinalysis test. They don't
8 have all the -- all the information that
9 they need. So I don't know what date. And
10 I have two other people that I have to do,
11 so --

12 So, what date? She's got to go through
13 that process.

14 MR. ORITI: Your Honor?

15 THE COURT: I know. It would have
16 been different if you checked with me
17 because I would have had her taken down, so
18 they could do all of this, and -- I don't
19 know.

20 Tiffany, here. I'm going to give this
21 to you.

22 So, I don't know, but she has to go, but
23 I don't know what her schedule is like, and
24 the date that she's got to do that.

25 Here. I don't know, I lost my -- I have

1 to circle this.

2 THE JOURNALIZER: Okay.

3 THE COURT: This is about the
4 continuous alcohol, but Mr. Oriti gave her
5 information about the interlock. This is
6 about the ATJ.

7 Unless -- I don't know if they would
8 allow a telephone interview, I just don't
9 know. You'd have to ask Mr. Jenkins, or the
10 Deputy Chief. They're allowed to have a
11 urinalysis test. That's been done. But
12 maybe they could do it by -- I mean they're
13 open till 6 or 6:30?

14 MR. ORITI: Uh-hmn.. Correct, your
15 Honor. (Inaudible).

16 MR. CHRISTMAN: If she was able to come
17 down tomorrow at 5 to sign those privileges,
18 and then run down to Probation right
19 afterwards, if they're there till 6.

20 MR. ORITI: I'm there, your Honor,
21 and I could facilitate that.

22 THE COURT: If I receive the fax
23 early enough in the day --

24 MR. ORITI: Yes, correct.

25 THE COURT: --I could write it up

1 and get it journalized, and all you have to
2 do is sign --

3 MR. ORITI: Right.

4 THE COURT: -- way before 5; do you
5 understand? But then when you receive your
6 copy, you have to have one with your
7 original signature. So if it could be faxed
8 to me earlier in the day --

9 THE DEFENDANT: I can ask (inaudible.)

10 THE COURT: Right. And then when
11 you arrive at 5, she should just be able to
12 go to Probation.

13 MR. CHRISTMAN: That will work.

14 THE COURT: And I'll have it
15 journalized before 5 o'clock, knowing that
16 the signature is coming. We could do it
17 that way.

18 MR. CHRISTMAN: That will work, Judge.

19 THE COURT: How about that? And
20 you can report to Probation any time between
21 5 and 6:30.

22 MR. ORITI: If there is a
23 presentence ordered, your Honor, at that
24 time --

25 THE COURT: I did order it. It's

1 due in court July 11th. (Inaudible.)

2 Here Tiffany, (inaudible) just keep that
3 in the file.

4 HE JOURNALIZER: You want me to give the
5 probation (inaudible.)

6 THE COURT: Because she'll have to
7 come here, first to sign the Driving
8 Privileges Order, and then she can just go
9 to Probation.

10 And if I don't receive it in a timely
11 fashion, I'm not going to be able to write
12 it and get it journalized before you come.
13 But if you submit it timely, I'll have it
14 ready.

15 MR. CHRISTMAN: She has a cell phone
16 for the teacher. Hopefully, we could get
17 that faxed to Court first thing tomorrow
18 morning.

19 THE COURT: Right, on the
20 letterhead. It's got to be on their
21 letterhead. So that you understand, you
22 know. Because that's what will be attached
23 to the Order that I write. So it can't come
24 to me with a signature, and it's not on that
25 letterhead. Just so that you understand.

1 MR. CHRISTMAN: Thank you, Judge.

2 THE COURT: Sometimes they give
3 like a computerized print-out of the
4 classes, what they're taking, like Mr. Maple
5 has. All that. It's very detailed.

6 THE DEFENDANT: I can show you on my
7 cell phone. I can show you, pull it up and
8 show you the monitor that has --
9 (inaudible). I can do that -- (inaudible.)

10 THE COURT: Mr. Oriti, it has to
11 come from the school, from the employer, on
12 their letterhead. If not, I'm not going to
13 write the Order. I'm just telling you. And
14 I'm so sorry that you and your attorney
15 didn't understand that earlier, you know.
16 But I have to have that documentation.

17 Now, Mr. Oriti, whatever you have
18 tomorrow, you can give to me. If they have
19 questions, they call you. But they won't be
20 able to reach me but --

21 MR. ORITI: Absolutely, your Honor,
22 I'll also --

23 THE COURT: Thank you for your
24 help.

25 MR. ORITI: You're welcome, your

1 Honor.

2 THE COURT: Okay. Does she need
3 something else? Oh, the phone?

4 THE DEFENDANT: I was trying to let my
5 driver know. He seemed kind of concerned.
6 I've been here for 9 hours.

7 THE COURT: Well, you could step
8 outside the courtroom. Next time it won't
9 be returned.

10 MR. CHRISTMAN: Thank you, Judge.

11 THE COURT: You're welcome.
12 Unbelievable.

13 MR. ORITI: Your Honor --

14 THE COURT: Okay. I'm supposed to
15 be doing something --

16
17 (Thereupon, the following discussion was had
18 at Sidebar.)

19
20 MR. ORITI: I just want to
21 apologize to the Court. This morning when
22 you came in here, you asked for the
23 urinalysis test. You stepped off the bench
24 momentarily, around my lunch break, and they
25 followed me out, and said that they --

1 Mr. Christman said that she was supposed to
2 get the urinalysis right then and there. I
3 thought that was highly unorthodox, but they
4 both left the courtroom.

5 THE COURT: That's why you need to
6 check with the Court. But it's okay. And
7 how in the world, an attorney practicing law
8 all this time, he doesn't understand. I
9 said on the record I have to have the
10 employer information from the employer.
11 They know it.

12 MR. ORITI: And when I walked out
13 with them, I had told her that it's true
14 they were not prepared with that information
15 today.

16 THE COURT: No, And they're here
17 all day long because they were unprepared,
18 and I wrote that on the Journal Entry. It's
19 ridiculous.

20 MR. ORITI: Plus even I told her
21 about the travel times too. I told her that
22 she has to have reasonable travel times.

23 THE COURT: If it's not here in a
24 reasonable hour, I have more cases tomorrow
25 than I have today, I'm not writing that

1 Order. I'm done. But I'll be in touch with
2 you tomorrow. If they submit it to me
3 timely, I'll be happy to handle it.

4 MR. ORITI: I'm here, your Honor.

5 THE COURT: Tiffany has to go in
6 just a few moments. Thank you, Mr. Oriti --

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

1

2

3

State of Ohio,)
 County of Cuyahoga,)
 City of Cleveland.) SS:

4

5

6

City of Cleveland,)

7

V.)

8

Michelle Nester.)

9

10

11

12

13

14

15

16

17

18

19

20

21

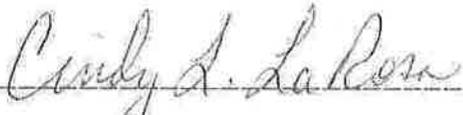
22

Dated this 17th day of September, 2014.

23

24

25



 Cindy L. LaRosa, RPR, CRI, MSCJ

7-11-13 Transcript

1 STATE OF OHIO,)
COUNTY OF CUYAHOGA,) SS: STOKES, A. R., J.
2 CITY OF CLEVELAND,)

3 IN THE MUNICIPAL COURT

4 - - -

5 CITY OF CLEVELAND,)

6 Plaintiff,)

7 V.) Case No. 2013TRC023649

8 MICHELLE NESTER.)

9 Defendant.)

10 - - -

11 Transcript of digitally recorded proceedings had
12 before the Honorable Judge Angela R. Stokes, on
13 Thursday, the 11th day of July, 2013, in Courtroom
14 15C.

15 - - -

16 APPEARANCES:

17

18 On behalf of the plaintiff:
Victor Perez, Chief Police Prosecutor
19 By: Stephanie Jerlstrom, Assistant Police
Prosecutor

20

21 On behalf of the defendant:
Leif B. Christman, Esq.

22

23 - - -

24

25 Cindy L. LaRosa, RPR, CRI, MSCJ

P-R-O-C-E-E-D-I-N-G-S

1
2 THE COURT: Michelle Nester's case.
3 This is docket number 39.

4 Your name for the record, please
5 Counsel?

6 MR. CHRISTMAN: Good afternoon, your
7 Honor, Leif Christman, 241-5019, on behalf
8 of Miss Nester.

9 THE COURT: Good afternoon. Would
10 you like to say anything?

11 MR. CHRISTMAN: I would, your Honor.
12 May it please the Court, Miss Nester
13 certainly has accepted responsibility for
14 her actions in this case. She currently
15 made a lapse in judgment by driving after
16 having consumed alcohol that night.

17 Your Honor, this certainly is not
18 indicative of the type of person Miss Nester
19 is. She is a 34 year old woman, lives by
20 herself. Has no children. She's a student,
21 as the Court is aware, she's attending Brown
22 Mackie College. She's a surgical assistant,
23 but she's been actively participating in her
24 clinicals this past semester.

25 I believe that the night that she was

1 out, the class had finished some landmark
2 portion of the education, and now they
3 graduated to the clinical program. She's
4 been a stellar student. She's invested a
5 lot of time and money and effort into her
6 education and bettering herself. And you
7 know, being 34 years old without any prior
8 criminal history, I think, speaks volumes as
9 to the type of person that she is. She's
10 made thousands of good decisions in her
11 life, and on this particular evening, she's
12 obviously made a bad decision.

13 She's gone to the three-day program.
14 I've read the report. They don't believe
15 there is any further treatment
16 recommendations at this time. That she's
17 complied with every condition placed upon
18 her by the Court. That she is grateful to
19 the Court for granting the Occupational
20 Driving Privileges. That she has installed
21 the Breathalyzer in her vehicle. That
22 looking through the Court's report, there's
23 been 100 or so car starts, and certainly no
24 failures of the Breathalyzer. That she took
25 a urinalysis at the Court's direction and

1 passed that for every drug that was tested
2 so she's clean. This was an anomaly. She's
3 remorseful. She's appeared in Court. She's
4 done everything, Judge, since the moment
5 that she's made that poor decision to
6 rectify it, and she's asking for the mercy
7 of the Court to let her prove this was an
8 anomaly, and that she has bigger, better
9 things in her future than putting herself or
10 others at risk by consuming alcohol. That's
11 not her. That not something that she does
12 on a regular basis, and she's here to accept
13 full responsibility for it. Thank you,
14 Judge.

15 THE COURT: Thank you. Miss
16 Nester, my concerns are that you had a
17 Disorderly Conduct Intoxication conviction
18 in Rocky River Municipal Court in 2003. I
19 don't think this is an isolated incident
20 whatsoever. You have a Failure to Control,
21 minor misdemeanor, in 1996. And then the
22 reading on this OVI conviction was .250.
23 How much alcohol had you consumed on the
24 date of that offense? That information is
25 usually in the probation report but --

1 MR. CHRISTMAN: Judge, if I could
2 briefly address that --
3 THE COURT: No, she could address
4 the Court.
5 MR. CHRISTMAN: Judge, we don't believe
6 the numbers in that report --
7 THE COURT: I would like for her to
8 address how much alcohol she consumed. You
9 weren't there and neither was the Court.
10 THE DEFENDANT: It was ~~---~~ (inaudible).
11 THE COURT: How many -- what's the
12 question? Do you understand the Court's
13 question?
14 THE DEFENDANT: What did you ask?
15 THE COURT: How much alcohol did
16 you consume?
17 THE DEFENDANT: I had a few drinks.
18 THE COURT: I know this is
19 outrageous.
20 The maximum fine is \$1,075 and up to
21 180 days in jail. I don't know if you
22 served any time in custody on this case? I
23 don't think so; is that correct?
24 THE DEFENDANT: I did the three day --
25 THE COURT: I asked if you served

1 any time in custody. Do you not understand
2 what the Court is asking? I am aware that
3 you attended an Alternative to Jail Program.
4 My question is did you serve any time in
5 jail?

6 MR. CHRISTMAN: The night --

7 THE COURT: So is that no?

8 MR. CHRISTMAN: The night she was
9 arrested she was in jail that night, Judge.

10 THE COURT: It doesn't show she was
11 booked that's why I was looking at the
12 citation because I always give credit if I
13 could find on the file or anywhere that a
14 person served time in jail.

15 I'll suspend \$700 of the fine and impose
16 the mandatory minimum fine of \$375 and court
17 costs. I'll write that an Alternative to
18 Jail Program was attended from June 20th
19 until June 23rd of 2013. That gives you
20 credit for three days. And I'll order
21 three days of the sentence into execution.
22 I will suspend 176 days. I think that
23 one year of Active Probation, hopefully,
24 will be sufficient. You'll have to attend
25 five Mothers Against Drunk Driving sessions.

1 Based upon the assessment, they're
2 saying at this time they do not believe that
3 you need a formal assessment, and I will
4 accept that. There will be random
5 urinalysis and Breathalyzer testing while
6 you are on probation to the Court. You'll
7 have to pay for that whenever your probation
8 officer requests it.

9 Your driver's license will be
10 suspended -- we could do this from the
11 April 17th court date. And that will be
12 until October 17th of 2013. The
13 administrative license suspension is hereby
14 terminated. Do you have your proof of
15 insurance for April 17, 2013?

16 THE DEFENDANT: Yes.

17 MR. CHRISTMAN: Yes, your Honor, that
18 was provided when the Court granted the
19 driving privileges. I think it was faxed to
20 the Court.

21 THE COURT: I could look at that
22 order. It should be in the case file.

23 Well, actually, I'm sorry, I gave the
24 wrong date. This suspension -- I'll do it
25 from the date. You're saying there was one

1 day. Do you believe -- did you serve --
2 were you released the same day that you were
3 stopped on this citation?

4 THE DEFENDANT: It was the next day.

5 THE COURT: I don't have anything
6 about her being booked.

7 MR. CHRISTMAN: Judge, it shows that
8 she took that Breathalyzer over in Bratenahl
9 so it's possible she spent the night there
10 which seems likely, actually. That's where
11 the state troopers took her.

12 THE COURT: Was she released from
13 Bratenahl? I don't believe she appeared --

14 MR. CHRISTMAN: You know --

15 THE COURT: Did she appear in the
16 Cleveland Municipal Court? Well, I'm just
17 looking. I'll look.

18 When the not guilty plea was entered,
19 she was not in custody on April 23rd. That
20 was like -- four days --

21 MS. JERLSTROM: This was a State
22 trooper --

23 MR. CHRISTMAN: Yes.

24 THE COURT: Uh-huh.

25 MS. JERLSTROM: They usually don't keep

1 people; they usually call.

2 THE COURT: Right. It doesn't say
3 anything about being booked.

4 MS. JERLSTROM: I don't think she was.
5 Usually, the trooper -- (inaudible.)

6 THE COURT: Because if there was
7 not an arrest, I cannot do the suspension
8 from the date of this. I'll have to change
9 the date. So it will be from today's date.

10 The suspension will be from today's
11 date, which will be July 11, 2013. That
12 will be until July 11th of 2014.

13 Would Miss Nester like to have a time to
14 pay date regarding her mandatory fine of
15 \$375 and court costs?

16 MR. CHRISTMAN: Yes, your Honor.

17 THE DEFENDANT: No --

18 MR. CHRISTMAN: Okay. Hold on.

19 THE DEFENDANT: I will pay it today.

20 THE COURT: Well, you're going to
21 be taken into custody, so is there someone
22 here to pay your fine? Otherwise, she needs
23 a time to pay date unless somebody is going
24 to pay it for you.

25 MR. CHRISTMAN: No, your Honor.

1 Actually, if it would be at all possible --
2 THE COURT: I'm not staying this
3 sentence. Does she need a time to pay date
4 or not?

5 MR. CHRISTMAN: Yes, your Honor.

6 THE COURT: July 31, 2013, time to
7 pay the fine and court costs. If you make a
8 partial payment today, the Clerk will give
9 you additional time.

10 And --

11 MR. CHRISTMAN: Your Honor, if I could
12 just interject, briefly, my client has a dog
13 and she lives by herself --

14 THE COURT: She had better call and
15 make any arrangements that she needs to
16 make. I'm not staying the sentence. She's
17 welcome to make any calls she would like to
18 make.

19 Is there a request to continue her
20 occupational -- well, I guess -- I don't
21 know if they're Occupational Driving
22 Privileges since this is a school, but is
23 there a request for privileges that I
24 granted prior to this, through and including
25 today's date?

1 MR. CHRISTMAN: We ask that those be
2 continued through the course of the
3 suspension, your Honor.

4 THE COURT: The insurance
5 information that was provided for the
6 privileges would indicate compliance with
7 the financial responsibility law. On this
8 case. And this insurance card goes through
9 September 10, 2013, so I could certainly
10 extend -- I can write a new order extending
11 her privileges to September 10, 2013, which
12 is the date of the insurance. I can't go
13 beyond the date of insurance. But I would
14 be happy to write that and she could sign
15 and date it in just a few moments.

16 MR. CHRISTMAN: Your Honor, would it be
17 possible for her to do a report date so she
18 could coordinate with school --

19 THE COURT: I already answered that
20 question. I said no.

21 MR. CHRISTMAN: -- clinicals.

22 THE COURT: I've already stated no.
23 And based upon what I've seen in the report,
24 I do not believe that she'll need to have
25 the interlock device. I will grant the

1 driving privileges, but without the
2 interlock.

3 MR. CHRISTMAN: Thank you, Judge.

4 THE COURT: I can do that based
5 upon the assessment. I just hope that's
6 accurate. You had a prior Disorderly
7 Conduct Intoxication and a very high
8 reading. But if you violate probation, you
9 will see a lot more jail time than these
10 three days. And I hope that you don't.

11 I'll write up that order, Counsel, and
12 she'll have to sign it to be journalized.
13 That would giving the same driving
14 privileges that I gave before, but I have to
15 extend them to September 13, 2013. It's
16 going to take me a moment to write that
17 order. I will do it in just a moment. She
18 could sign it and date it. It will be the
19 same privileges ordered, but without the
20 interlock device.

21 All right. Do you have a female? Did
22 you call for a female bailiff?

23 THE BAILIFF: (Inaudible.)

24 THE COURT: Thank you, sir.

25 I'm going to write that order in just a

1 moment, and I'm going to handle another
2 matter because Attorney Hurley came in on
3 behalf of Linda Finett (phonetic) and I know
4 that he needs to leave. I know. She could
5 just have a seat until a female bailiff --
6 well, the bailiff is here now.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State of Ohio,)
County of Cuyahoga,) SS:
City of Cleveland.)

City of Cleveland,)
V.)
Michelle Nester.)

I, Cindy L. LaRosa, Registered Professional Reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the digitally recorded proceedings had in said Cleveland Municipal Court in the above-entitled case on the date set forth; that I have transcribed my said stenotype notes into typewritten form as appears in the foregoing transcript of the proceedings; that said transcript is a complete record of the proceedings had in the hearing of said case and constitutes a true and correct transcript of the proceedings had therein.

Dated this 17th day of September, 2014.



Cindy L. LaRosa, RPR, CRI, MSCJ

9-16-13 Transcript

1 STATE OF OHIO,)
COUNTY OF CUYAHOGA,) SS: STOKES, A. R., J.
2 CITY OF CLEVELAND,)

3 IN THE MUNICIPAL COURT

4)
5 CITY OF CLEVELAND,)
6 Plaintiff,)

7 V.) Case No. 2013TRC023649

8 MICHELLE NESTER.)
9 Defendant.)

10)
11 Transcript of digitally recorded proceedings had
12 before the Honorable Judge Angela R. Stokes, on
13 Monday, the 16th day of September, 2013, in Courtroom
14 15C.

15)
16 APPEARANCES:

17)
18 On behalf of the plaintiff:
Victor Perez, Chief Police Prosecutor
19 By: Karyn Lynn, Assistant Police
Prosecutor

20)
21 On behalf of the defendant:
Leif B. Christman, Esq.

22)
23)
24)
25 Cindy L. LaRosa, RPR, CRI, MSCJ

P-R-O-C-E-E-D-I-N-G-S

1
2 THE COURT: I would like to recall
3 Michelle Nester's case.

4 Would you give this to -- Julie?

5 THE BAILIFF: Yes, ma'am.

6 THE COURT: Give that to the
7 attorney, I'm sorry.

8 Your name for the record, Counsel?

9 Your name for the record, please.

10 MR. CHRISTMAN: Leif Christman,
11 216-241-5019, on behalf of Miss Nester.

12 THE COURT: This matter is before
13 the Court on the defendant's motion. Is
14 this to renew privileges?

15 MR. CHRISTMAN: Extend, your Honor.

16 THE COURT: To extend privileges?

17 MR. CHRISTMAN: If it please the Court,
18 I have an extra copy of the motion that I
19 filed on July 11th of this year. This
20 Honorable Court granted occupational
21 privileges to Miss Nester through the
22 expiration of her insurance policy which was
23 September 10th of this year.

24 I have attach with this motion the new
25 insurance policy, and we're just asking the

1 Court to extend the previously granted
2 privileges. If I may approach, I have the
3 motion and insurance.

4 THE COURT: I have all of that
5 information, I think. I have it.

6 Is the interlock device on this vehicle?

7 MR. CHRISTMAN: No, Judge.

8 THE COURT: Why not?

9 MR. CHRISTMAN: The Court terminated
10 that condition at the previous hearing. She
11 had it on for 30 days, and the Court
12 terminated that.

13 THE COURT: I don't have an Order
14 saying this was terminated, but I'm looking.
15 I know when I wrote the first Order through
16 July 11th -- let's see. This was such a
17 high reading. This was a .250. Why would I
18 terminate the interlock?

19 MR. CHRISTMAN: She had it on for over
20 a month with all negative readings and the
21 Court terminated it.

22 THE COURT: Well, that was an
23 error with such a high reading.

24 In fact, I think Mr. Oriti brought it to
25 my attention that there was an error made

1 here, but just a moment.

2 This is the paperwork for Mr. Drake.

3 THE BAILIFF: Thank you.

4 THE COURT: I would be happy to
5 renew them, but it would be -- I'm looking
6 to see -- I wonder if I put it on the
7 Journal Entry, but I'm checking.

8 Again, I'll be happy to renew them, but
9 it would be with the interlock device
10 because of the high reading.

11 If Miss Nester is willing to do that, I
12 would be more than happy to write these.

13 MR. CHRISTMAN: Judge, it was just two
14 months ago the Court granted --

15 THE COURT: No, we're not going to
16 argue. Mr. Oriti brought it to my attention
17 there was an error. It was a .250. Now, if
18 she doesn't want any privileges, that's
19 fine.

20 MR. CHRISTMAN: Yeah, it just seems
21 crazy, Judge, because you granted it without
22 a --

23 THE COURT: Then it was a mistake.

24 MR. CHRISTMAN: -- then order it two
25 months later.

1 THE COURT: If she wants privileges
2 with this Court with a high reading, she may
3 have them with the interlock device. If she
4 chooses not to have them, then that's fine,
5 she won't have any driving privileges
6 whatsoever. The choice is her's.

7 MR. CHRISTMAN: I don't know why it
8 would be getting worse today, Judge. We did
9 everything that the Court asked.

10 THE COURT: I'm going to call
11 another case. I've already stated my
12 position. She could take it or leave it.
13 That's the Court's position.

14 Can you give him this, please.

15 (Inaudible.)

16 THE COURT: Can somebody do that.

17 THE BAILIFF: I'll take care of it.

18 MR. CHRISTMAN: Your Honor, she said
19 she'll do whatever the Court requires. She
20 needs to drive.

21 THE COURT: I understand.

22 Where are the Occupational Driving
23 Privileges orders? Thank you.

24 So would this just to be the Brown
25 Mackie College at 755 White Pond Drive?

1 Before it says see the attached letter but
2 that was for August and September? Do you
3 have anything? Or does she need something
4 different for the month of October?

5 THE DEFENDANT: I need it right now
6 just until the end of the month for
7 schooling, and then I plan to look for a
8 job, and then I'm not sure where I would be

9
10 THE COURT: So the Order that I
11 should write today, should it just be to
12 Brown Mackie College, 755 White Pond Drive,
13 Akron, Ohio?

14 THE DEFENDANT: And to Kaiser on Snow
15 Road.

16 THE COURT: Okay. Let me try to
17 find it. Before I had -- one was on Snow
18 Road in Parma?

19 THE DEFENDANT: Yes.

20 THE COURT: And Brown Mackie. And
21 the other information that I had was White
22 Pond --

23 THE DEFENDANT: Yes.

24 THE COURT: But if there is one for
25 Kaiser, I don't know that I ever -- I'm

1 looking.

2 THE DEFENDANT: It was written on the
3 privileges sheet together last time.

4 THE COURT: I don't have that
5 information. I had just to Brown Mackie
6 College, Snow Road. And I had to Brown
7 Mackie College, White Pond Drive, in Akron,
8 Ohio. I have see the attached letter -- I
9 don't have anything about Kaiser. Do you
10 have a copy of that letter regarding Kaiser?

11 THE DEFENDANT: Let me -- let me look
12 in my purse.

13 THE COURT: I don't think that I
14 have anything for Kaiser. But, I'll be
15 happy to include it, but I'll recall this in
16 just a few moments once you provide me with
17 the information.

18 *****

19 THE COURT: On Miss Nester's case.
20 Did you find the document regarding --

21 THE DEFENDANT: Not --

22 THE COURT: -- regarding Kaiser?

23 MR. CHRISTMAN: She has the address,
24 Judge.

25 THE COURT: So, what is this for?

1 Is this for --

2 MR. CHRISTMAN: You know, Judge, to
3 refresh the Court's recollection, my
4 client's in a surgical tech school so there
5 is an academic component and then there's
6 the clinical component when she's actually
7 in the hospital doing her clinicals. So
8 that's -- that's what I think she's talking
9 about with the Kaiser.

10 THE COURT: So does she have that
11 information for me to write it?

12 MR. CHRISTMAN: Yeah.

13 THE COURT: I can't include it if I
14 don't have it. And if I don't have it --

15 THE DEFENDANT: 12301 Snow Road.

16 THE COURT: Is there a letter? Is
17 that for Brown Mackie College?

18 THE DEFENDANT: Yes, that's through
19 Brown Mackie.

20 THE COURT: Why is she saying
21 Kaiser?

22 MR. CHRISTMAN: That's where the
23 clinical part is --

24 THE DEFENDANT: That's where the
25 clinical part is -- at Kaiser.

1 MR. CHRISTMAN: When she's actually in
2 the hospital on-the-job training.

3 THE COURT: Did she provide the
4 Court a letter with that information?

5 MR. CHRISTMAN: Yes, Judge,
6 originally --

7 THE COURT: So then where is that
8 documentation? I'm not writing it if I
9 don't have the information. But I'm looking
10 for it. I have Brown?

11 MR. CHRISTMAN: I know that the
12 Court --

13 THE COURT: Oh, my goodness, it is
14 6 o'clock. I don't even have a journalizer
15 to journalize anything of this, but if you
16 have a letter from Kaiser, then I think that
17 you need to present it to the Court.

18 I have before that this was Brown Mackie
19 College. I didn't have anything about
20 Kaiser at 12301 Snow Road. So if she has
21 the information from Kaiser, she needs to
22 submit it to the Court. If it's through
23 Brown Mackie, she needs to submit it to the
24 Court.

25 MR. CHRISTMAN: Yeah, I'm trying to

1 think what we provided previously, Judge.

2 You know, the only thing --

3 THE COURT: I have nothing about
4 Kaiser. If it had been Kaiser, believe me,
5 I would have written it. It is ten minutes
6 to 6. I am done. But if you provide that
7 information, and fax it to me, I would be
8 happy to write this Order.

9 MR. CHRISTMAN: Her teacher faxed that
10 to you, Judge.

11 THE COURT: I'm looking. If it
12 says Kaiser, I should have it.

13 THE DEFENDANT: It's on Brown Mackie
14 letterhead.

15 THE COURT: I would have written
16 Kaiser. It would have been submitted to the
17 Court as Kaiser. I don't have it; I'm not
18 writing it. Plain and simple.

19 MR. CHRISTMAN: It's on Brown Mackie
20 letterhead, Judge, it was from her
21 professor.

22 THE COURT: There is nothing. Even
23 if I wrote this up today, you could sign it,
24 but it will not be journalized until
25 tomorrow. If I don't have it, I'm not

1 writing it. So you want to fax me the
2 proper information, you could do that.

3 Mr. Oriti has left for the day?

4 THE BAILIFF: Yes, Judge. I got no
5 answer, and I called twice.

6 THE COURT: To help with you the
7 interlock. Nothing to that effect. I'm
8 looking for it.

9 So do you have a letter that takes you
10 beyond August and September?

11 THE DEFENDANT: No.

12 THE COURT: Well, that's what the
13 Court needs.

14 THE DEFENDANT: No, that's all I'm
15 trying to get is to the end of the month to
16 finish up, and Thursday I take my CST exam.

17 THE COURT: If I don't have
18 something from Kaiser, I cannot write it.

19 THE DEFENDANT: I thought that we were
20 fine with what was written up from last
21 time.

22 THE COURT: -- I'm tired of arguing
23 with you two. This is ridiculous. I've had
24 enough.

25 MR. CHRISTMAN: Judge, the only thing

1 that changed was her insurance policy. You
2 gave her -- you had all of the information
3 and you wrote the privileges through the end
4 of her insurance policy. So now she's got a
5 new insurance policy --

6 THE COURT: I understand. If there
7 was an error, I'm not writing it again. So
8 if she has something from Kaiser, she has to
9 submit it to this Court. I've said that 10
10 times.

11 MR. CHRISTMAN: It's not from Kaiser,
12 it's through Brown Mackie, Judge, through
13 the school.

14 THE COURT: Have Brown Mackie
15 submit it to the Court.

16 MR. CHRISTMAN: The school -- the
17 school --

18 THE COURT: Have them fax it. Will
19 you give them the fax number so they could
20 get that information --

21 THE BAILIFF: Judge --

22 THE COURT: They could fax it, I'll
23 be here tomorrow.

24 MR. CHRISTMAN: So, the letter
25 address, the school coordinates where she

1 goes for her clinicals.

2 THE COURT: Let them submit that
3 information to the Court. I don't have it.
4 I don't have anything about Kaiser. If I
5 had it, I would be happy to write it. I'm
6 looking for it.

7 MR. CHRISTMAN: What's the fax number
8 again, Judge?

9 THE BAILIFF: It's on the sheet that
10 I just gave you, Counselor.

11 MR. CHRISTMAN: Oh, good. Great.

12 THE COURT: (Inaudible) now this
13 letter --

14 THE BAILIFF: She's not finished with
15 you all. Step back to the podium, please.

16 THE COURT: Counsel, attached to
17 your motion all I had is the current
18 insurance information which expires on
19 March 10, 2014. I don't have anything for
20 this to go beyond September.

21 THE DEFENDANT: Right. That's all it
22 is.

23 THE COURT: Right. But when I
24 write this Order, it goes beyond September.
25 So, if she wants something for October,

1 November, she needs to submit it to this
2 Court. And I'm not repeating myself again.

3 MR. CHRISTMAN: All she needs is to the
4 end of this program, Judge, and then she
5 wouldn't have anything --

6 THE COURT: Then she won't have any
7 privileges whatsoever.

8 MR. CHRISTMAN: Right.

9 THE COURT: If she submits a letter
10 to this Court from Kaiser, I will be happy
11 to entertain it. I'm not saying anything
12 else. I'll hold the file until I have the
13 information, and she needs to come in and
14 sign it. Once I have it, I'll order the
15 Occupational Driving Privileges. That's all
16 I could do.

17 MR. CHRISTMAN: It would come from
18 her school, though, correct, Judge, from her
19 professors at the school.

20 THE COURT: Well, to cover whatever
21 she's talking about. If she says Kaiser,
22 she needs -- whatever -- I don't know,
23 Counsel.

24 MR. CHRISTMAN: Yes, clinicals.

25 THE COURT: I don't know wht her

1 schedule is like.

2 MR. CHRISTMAN: At Kaiser is where she
3 presently is. But, it's all through Brown
4 Mackie. You get a letterhead from Brown
5 Mackie, from her professors there.

6 THE COURT: So then she doesn't
7 want any privileges after September? She
8 wants no privileges? If she --

9 MR. CHRISTMAN: We don't have any place
10 to ask for them. She's not employed, and
11 she will be done with school.

12 THE COURT: So maybe just until the
13 16th. Maybe she needs to get a ride until
14 she could provide that information to the
15 Court. She wouldn't have any privileges
16 beyond that if she doesn't have a job.

17 MR. CHRISTMAN: That's correct, Judge.
18 If she got a job we would apply at that
19 point --

20 THE COURT: Sure.

21 MR. CHRISTMAN: -- before the Court to
22 rule on. But, right now she's just in
23 school until the end of the month.

24 THE COURT: Okay. So she could
25 provide that documentation to the Court.

1 MR. CHRISTMAN: We did already. It's
2 just --

3 THE COURT: Nothing about Kaiser
4 I've repeated myself. I will not say it
5 again.

6 MR. CHRISTMAN: All right. So we have
7 the fax number. I'll try to get something
8 over --

9 THE COURT: I'll be happy to do it
10 tomorrow. But if there is something that
11 involves Kaiser, whatever she's trying to
12 do, she has to submit that to this Court.

13 MR. CHRISTMAN: Thank you, Judge. Have
14 a good day.

15 THE COURT: You too.

16 *****

17 THE COURT: Excuse me. Ask them
18 to come back in this courtroom.

19 I'm so tired of this.

20 Sir, I'm not going to tolerate your
21 disrespectful conduct. If you're friend --
22 whoever this is -- Miss Nester -- excuse
23 me -- if you interrupt me one more time
24 these bailiffs are going to place you in the
25 holding cell. If they would do their job

1 properly, they wouldn't be in this position.

2 Escort him off the floor. If he says
3 one more thing, Flanagan, bring him back.
4 I'm tired of this conduct. I have been
5 ignoring it all afternoon. I've had enough
6 of his rude conduct, her's and her counsel.

7 A VOICE: Yes, Judge.

8 THE COURT: And he's not welcome to
9 come back in this courtroom. Escort him off
10 this floor. He's not welcome back.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

