

Exhibit 7

## COUNT SIX

### ABUSIVE LEGAL ERRORS

DENISE PEDERSON

CITY OF CLEVELAND VS. DENISE PEDERSON  
CASE NO. 2011 CRB 029832

OPEN CONTAINER PROHIBITED

On August 29, 2011, Judge Stokes presided over Defendant Denise Pederson's case in the Cleveland Municipal Court's Arraignment Room.<sup>1</sup> Ms. Pederson's offense was an *Open Container Prohibited* charge which is a Fourth Degree Misdemeanor. Ms. Pederson was represented by Public Defender Scott Malbasa.

Attorney Malbasa explained that Ms. Pederson would like to enter a *No Contest Plea* to the *Open Container Prohibited* charge. Judge Stokes informed Ms. Pederson that "*the Open Container Prohibited charge is a fourth degree misdemeanor carrying a maximum fine of \$250 and up to 30 days in jail.*" Judge Stokes asked Ms. Pederson if she understood the charge and its potential penalties to which Ms. Pederson stated "Yes." *See* Transcript of Court Proceedings dated August 29, 2011, p. 2.<sup>2</sup>

Judge Stokes read the Citation to Ms. Pederson as follows:

"THE COURT: The Citation is from August 11, 2011, at Abbey and Columbus in Cleveland, Ohio. It alleges you had an open container on public streets, in violation of – and this was a Genesee Ice of 24 ounces. Do you recall and understand the charge?"

---

<sup>1</sup> The Clerk of Court's Cleveland Municipal Court Journal has been attached as an Exhibit which reflects all of the dates in reference to this Case.

<sup>2</sup> A For The Record (FTR) audio CD has been attached because the Misdemeanor Arraignment Courtroom Proceedings did not use video recording on the date of this Case.

THE DEFENDANT: Yes.”

See Transcript of Court Proceedings dated August 29, 2011, p. 2. See also the Citation dated August 14, 2011.

Judge Stokes inquired of Ms. Pederson if she desired to enter a *No Contest Plea* and consent to a finding of guilty to the *Open Container Prohibited* charge to which Ms. Pederson said “Yes.” Judge Stokes thoroughly explained all of Ms. Pederson’s Rule 11 rights to her and asked Ms. Pederson if she understood them to which she replied “Yes.” See Transcript of Court Proceedings dated August 29, 2011, pp. 2-4.

Judge Stokes accepted Ms. Pederson’s plea on the basis that she believed at that particular time that Ms. Pederson entered her plea knowingly, voluntarily and intelligently. Before proceeding to sentencing, Judge Stokes asked Attorney Malbasa if he would like to say anything on Ms. Pederson’s behalf, to which Ms. Pederson responded as follows:

THE DEFENDANT: I was hoping that we could resolve this with the ---

MR. MALBASA: You’re requesting community work service?

THE DEFENDANT: Yes.

THE COURT: Does she live in Buffalo, New York?”

Judge Stokes asked about Ms. Pederson’s residency because the address listed on the Citation was P.O. Box 181, Buffalo, NY 14209, and if Ms. Pederson was a resident of the State of New York, Judge Stokes needed to know if she would remain in Cleveland to perform her Community Work Service hours, if made a part of her sentence. Ms. Pederson stated:

THE DEFENDANT: Actually I recently moved here from western New York, and I hadn’t changed my ID over yet, which I’m trying to do this week.”

In response to Attorney Malbasa’s questioning, Ms. Pederson indicated that she now lives in Cleveland. See Transcript of Court Proceedings dated August 29, 2011, p. 5.

Judge Stokes sentenced Ms. Pederson to the maximum fine of \$250.00 and suspended \$230.00 of the fine, imposing a fine of \$20.00 and court costs. Judge Stokes suspended all of the 30 days of jail time. Attorney Malbasa requested that Ms. Pederson's court costs be suspended on the basis that she was unemployed and "receives disability." Judge Stokes suspended the court costs in full, based upon a finding of indigency. Judge Stokes inquired how much money Ms. Pederson received in Disability Benefits to determine if she could pay the \$20.00 fine. Attorney Malbasa asked Ms. Pederson if she could pay her \$20.00 fine by the time she received her next disability check on September 3, 2011.

Judge Stokes asked Ms. Pederson to "quietly" tell Attorney Malbasa her mental health disability and he was to tell Judge Stokes "quietly" and privately said information. Attorney Malbasa stated as follows:

"MR. MALBASA: Schizophrenia

THE COURT: So why is she consuming alcohol with her psychotropic medications? Do you take your psychotropic medications?

THE DEFENDANT: I don't take any medications.

THE COURT: Why? Are you supposed to?

THE DEFENDANT: No, I'm not supposed to."

Judge Stokes, having been informed of Ms. Pederson's diagnosis and considering the charge, informed Attorney Malbasa and Ms. Pederson that she was going to place Ms. Pederson on one year of *Active Probation* and make a referral to the Court's Psychiatric Clinic for Ms. Pederson to have a Psychiatric Evaluation to determine if she would be eligible to have her case placed on the Cleveland Municipal Court's Mental Health Docket. *See* Transcript of Court Proceedings dated August 29, 2011, pp. 5-8.

Attorney Malbasa proposed that it might be best for Ms. Pederson to now enter a plea of *Not Guilty* and for her to speak to an attorney. Judge Stokes noted that if Ms. Pederson wanted to vacate her *No Contest Plea*, that it was fine for her to do so and that Judge Stokes still thought it was appropriate to make a referral to the Court Psychiatric Clinic for an evaluation at this stage of the proceedings and Judge Stokes would determine if a bond needed to be imposed. Judge Stokes informed Attorney Malbasa and Ms. Pederson to take time to determine how Ms. Pederson wanted to proceed on her case. *See* Transcript of Court Proceedings dated August 29, 2011, pp. 8-9.

When the case was recalled, Judge Stokes again explained that it was fine with her if Ms. Pederson wanted to vacate her plea since having had an opportunity to observe more of Ms. Pederson, Judge Stokes was convinced that a psychiatric referral was the appropriate and prudent course of action to take, and she contemplated a *No Bond/Clinic Mittimus* status.

Ms. Pederson indicated that she had an appointment with a Mental Health worker the next day "*about her housing and doctor's appointments*" which led Judge Stokes to believe that Ms. Pederson was possibly homeless as she had given the police a P.O. Box address in Buffalo, New York. Ms. Pederson became quite agitated and began cursing Judge Stokes and the Deputy Bailiffs. Judge Stokes asked the Deputy Bailiffs to take Ms. Pederson into custody because she continued to curse, disrupting the Courtroom after several requests to stop her improper conduct. Ms. Pederson falsely accused Judge Stokes of "*treating me like I'm a retard because of my mental illness*" which Judge Stokes told her that was not true.

Judge Stokes asked Attorney Malbasa if he would assist in getting the information needed for the Psychiatric Referral Form because Ms. Pederson was so uncooperative. The following information was needed from Ms. Pederson: Ms. Pederson's local Cleveland address

if she had one since Judge Stokes only had the Buffalo, New York P.O. Box address on the Citation, and the name of her local Mental Health Agency if she had one. Judge Stokes noted that she would do the best she could with completing the Psychiatric Referral Form. *See* Transcript of Court Proceedings dated August 29, 2011, pp. 10-13.

As reflected on the August 29, 2011 Journal Entry, Judge Stokes vacated Ms. Pederson's *No Contest Plea* and entered a *Not Guilty Plea* on her behalf. Judge Stokes noted that she made a referral for Ms. Pederson to have a Psychiatric Evaluation at the Court's request and that a *No Bond/Clinic Mittimus* was in place. The *No Bond/Clinic Mittimus* was put in place for the following reasons:

1. The improper conduct of Ms. Pederson which included cursing Judge Stokes and the Deputy Bailiffs, the hostility and the lack of cooperation displayed by Ms. Pederson appeared to be related to her mental health diagnosis;
2. The address on the Citation listed a P.O. Box in Buffalo, New York;
3. Ms. Pederson was uncooperative and unable to communicate and provide a local Cleveland address;
4. Ms. Pederson displayed a lack of comprehension with respect to some of the Court proceedings;
5. Ms. Pederson was uncooperative and unable to communicate information regarding her Mental Health Care Provider, and it appeared that she needed to be evaluated for psychiatric care and possibly medications in view of her conduct.

In fact, Judge Stokes noted on the Journal Entry Ms. Pederson's hostility. It should be noted that one of the purposes of a bond is to address a person's likelihood to return to Court which in this

case was not clear since Ms. Pederson could only provide a P.O. Box address in Buffalo, New York.

A review of the Psychiatric Clinic Referral Form that Judge Stokes completed on August 29, 2011 reflects the aforementioned concerns. Specifically, Judge Stokes requested an evaluation for Emergency Hospitalization and Competency To Stand Trial. Judge Stokes noted that: *“Defendant cursed Bailiffs and cursed Judge Stokes. Defendant said her diagnosis is Paranoid Schizophrenia. She was cursing in the Courtroom, very hostile and displayed lack of comprehension.”* In addition, Judge Stokes wrote that Ms. Pederson *“was too hostile to give the name of her Psychiatrist”* to provide on the Psychiatric Referral Form, and that Ms. Pederson *“does not take any psychotropic medications.”* Judge Stokes also noted that Ms. Pederson was *“Paranoid/Suspicious.”* Judge Stokes also noted there was no Ohio residency address. See Psychiatric Clinic Referral Form dated August 29, 2011.

Judge Stokes never addressed all of the conditions of Probation she may have imposed on this case, such as whether an Alcohol Assessment would have been needed because the Plea was vacated. The Psychiatric Evaluation that Judge Stokes ordered was appropriate at the Arraignment stage over which Judge Stokes presided.

Judge Stokes did not abuse Ms. Pederson’s rights in any capacity. Judge Stokes allowed the *No Contest Plea* to be vacated when Judge Stokes was made aware of Ms. Pederson’s mental health diagnosis so that there would not be any question as to whether said plea was made knowingly, voluntarily and intelligently. In view of the totality of all the facts and circumstances, Judge Stokes appropriately made a referral to the Court’s Psychiatric Clinic to verify Ms. Pederson’s competency and her eligibility for the Mental Health Court Docket based upon her diagnosis and inappropriate conduct.

The Court's Central Scheduling Staff assigned Ms. Pederson's case to Judge Michelle Denise Earley's Docket, by the Random Lottery Process, for the first Pre-trial on August 31, 2011. On August 31, 2011, Judge Early allowed Ms. Pederson's *Open Container Prohibited* charge to be amended to *Attempted Open Container Prohibited*, under CCO 601.08 and CCO 617,07, a minor misdemeanor that carries a fine of up to \$150.00 and court costs.

Judge Early imposed a fine of \$50.00, gave Ms. Pederson credit for one day served and indicated that the sentence was satisfied as to costs, and she suspended the \$50.00 fine. *See* Journal Entry dated August 31, 2011.

# **EXHIBITS**

**DENISE PEDERSON**

**CITY OF CLEVELAND VS. DENISE PEDERSON**

**Case No. 2011 CRB 029832**

## **CLERK OF COURT CLEVELAND MUNICIPAL COURT JOURNAL**

*City of Cleveland vs. Denise Pederson, Case No.: 2011 CRB 029832*

## **CITATION FOR DENISE PEDERSON**

Dated August 14, 2011

## **TRANSCRIPT OF COURT PROCEEDINGS**

*City of Cleveland vs. Denise Pederson*

Case No.: 2011 CRB 029832

Transcript of Court Proceedings dated August 29, 2011

## **CD OF COURT PROCEEDINGS**

*City of Cleveland vs. Denise Pederson*

Case No. 2011 CRB 029832

For The Record Audio CD dated August 29, 2011

## **JOURNAL ENTRIES**

Case No.: 2011 CRB 029832 dated August 29, 2011

Case No.: 2011 CRB 029832 dated August 31, 2011

## **PSYCHIATRIC CLINIC REFERRAL FORM**

Dated August 29, 2011

**CITY OF CLEVELAND VS. DENISE PEDERSON**

**CLERK OF COURT  
CLEVELAND MUNICIPAL COURT JOURNAL**

**DATED**

**AUGUST 29, 2011**



CLEVELAND MUNICIPAL COURT

Office of the Clerk of Court

Earle B. Turner

Justice Center • Level Three

1200 Ontario Street • Cleveland, Ohio 44113-1669

CRIMINAL DIVISION

Date: 08/20/2013

Cleveland Municipal Court Journal

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2011 CRB 029832

STATE OF OHIO/CITY OF CLEVELAND VS. PEDERSON, DENISE

Case Number 2011 CRB 029832 Status CLOSED Judge ADMINISTRATIVE - GENERAL

Defendant Name PEDERSON, DENISE Date of Birth 09/12/1965

Opened 08/19/2011 Case Disposition (IJ) GLTY/NO CONT TO REDUCED CHARGE Case Type CRB - MISDEMEANOR

CHARGE

Charge Code 617.07 OPEN CONTAINER PROHIBITED Degree of Offense M4 Speed Zone
Amended Charge: 601.08 Description: ATTEMPT
Plea: Not Guilty Decision:
Charge Disposition: Charge Disposition Date:

SENTENCE

Fine Amt: Cost Amt: Traffic Points: 0
License Suspended Days: Spnd Start Date: Spnd End Date:
Jail Number of Days: Jail Start Date: Jail End Date:

SUSPENDED SENTENCE

Fine Amt: Cost Amt: Jail Number of Days:

PROBATION

Type: Probation Officer:
Probation Days: Prob. Start Date: Prob. End Date:
Probation Comments:

Table with 5 columns: No., Date of, Pleadings Filed, Orders and Decrees, Amount Owed/ Amount Dismissed, Balance Due. Contains 4 rows of case history.



# CLEVELAND MUNICIPAL COURT

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CRIMINAL DIVISION

Date: 08/20/2013

Cleveland Municipal Court Journal

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2011 CRB 029832

STATE OF OHIO/CITY OF CLEVELAND VS. PEDERSON, DENISE

Judge: CRIMINAL, JUDGE/MAGISTRATE Location: 3RD  
FLOOR COURTROOM C

- |    |            |   |       |       |
|----|------------|---|-------|-------|
| 5  | 08/29/2011 | DEFENDANT HAVING BEEN ADVISED OF HIS/HER RIGHTS, ENTERS A PLEA OF NOT GUILTY.<br>Charge #1: OPEN CONTAINER PROHIBITED   |       |       |
| 6  | 08/29/2011 | DEFENDANT IN COURT, ENTERS A PLEA OF NO CONTEST AND CONSENTS TO A FINDING OF GUILTY.<br>Charge #1: OPEN CONTAINER PROHIBITED  |       |       |
| 7  | 08/29/2011 | FINE AMOUNT DUE<br>Charge #1: OPEN CONTAINER PROHIBITED   | 50.00 | 50.00 |
| 8  | 08/29/2011 | CASE ASSIGNED TO THE PERSONAL DOCKET OF:<br>Participant(s): Judge MICHELLE DENISE EARLEY  |       |       |
| 9  | 08/29/2011 | HEARING SCHEDULED:<br>Event: CRIMINAL PRETRIAL<br>Date: 08/31/2011 Time: 9:00 am<br>Judge: EARLEY, MICHELLE DENISE Location: 12TH<br>FLOOR COURTROOM C  |       |       |
| 10 | 08/29/2011 | BOND INFORMATION<br><br>Arrest Bond Added to Case with:<br>Action Code: OPEN CONTAINER PROHIBITED<br>Arrest Date: 08/29/2011<br>Custody Location: CLEVELAND HOUSE OF CORRECTIONS<br>Bond Status: BOND SET<br>Status Date: 08/29/2011<br>Blanket Bond: No<br>Okay to Apply: No<br>Bond Type: NO BOND UNTIL THE DEFENDANT APPEARS<br>BEFORE COURT |       |       |
| 11 | 08/29/2011 | JOURNAL ENTRY NOTE: CLINIC MITTIMUS   |       |       |
| 12 | 08/29/2011 | THE DEFENDANT IS REPRESENTED BY A PUBLIC DEFENDER. A PUBLIC LEGAL ASSISTANCE APPLICATION FEE IS ASSESSED. PAYMENT OF THE FEE IS STAYED UNTIL FURTHER DISPOSITION OF CASE.   | 25.00 | 25.00 |
| 13 | 08/29/2011 | DEFENDANT IS HEREBY ORDERED RETURNED FROM INCARCERATION TO APPEAR IN COURT. (CHC)   |       |       |
| 14 | 08/29/2011 | JOURNAL ENTRY NOTE: PSYCHIATRIC/HOSTILE   |       |       |
| 15 | 08/29/2011 | JOURNAL ENTRY NOTE: MOTION OF COURT FOR PSYCHIATRIC EVALUATION OF DEFT. GRANTED.  |       |       |
| 16 | 08/29/2011 | JOURNAL ENTRY NOTE: PSYCHIATRIC CLINIC  |       |       |



CLEVELAND MUNICIPAL COURT

Office of the Clerk of Court

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CRIMINAL DIVISION

Date: 08/20/2013

Cleveland Municipal Court Journal

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2011 CRB 029832

STATE OF OHIO/CITY OF CLEVELAND VS. PEDERSON, DENISE

REFERRAL  
EVALUATION FOR EMERGENCY HOSPITALIZATION  
COMPETENTY TO STAND TRIAL. SEE OSJ

17	08/29/2011	MITTIMUS PAPERS ON CONTINUANCE ISSUED; DEFENDANT TO BE HELD UNTIL BOND IS POSTED OR UNTIL THE CONTINUED COURT DATE.	10.00	10.00
18	08/29/2011	MITTIMUS PAPERS ON CONTINUANCE ISSUED; DEFENDANT TO BE HELD UNTIL BOND IS POSTED OR UNTIL THE CONTINUED COURT DATE.	10.00	10.00
		MITTIMUS PAPERS Sent on: 08/29/2011 13:35:26		
19	08/29/2011	DEFENDANT IS HEREBY ORDERED RETURNED FROM INCARCERATION TO APPEAR IN COURT.		
20	08/29/2011	DEFENDANT IS HEREBY ORDERED RETURNED FROM INCARCERATION TO APPEAR IN COURT.		
		DEFENDANT ORDERED RETURNED PRECIPE Sent on: 08/29/2011 13:37:48		
21	08/29/2011	THE PROSECUTOR'S MOTION TO AMEND THE COMPLAINT IS GRANTED. THE COMPLAINT IS AMENDED TO BE A VIOLATION OF 601.08.		
22	08/29/2011	FOR GOOD CAUSE SHOWN, THE SENTENCE IS SATISFIED AS TO COURT COSTS		
23	08/29/2011	DEFENDANT GIVEN CREDIT FOR TIME SERVED INCLUDING FINE AND DAYS - SENTENCE HAS BEEN SATISFIED.		
24	08/29/2011	JOURNAL ENTRY NOTE: DEFT TO BE RELEASED		
25	08/30/2011	AMENDED CHARGE 601.08 Charge #1: ATTEMPT AMENDED ON THE COURT DATE OF 08 29 11		

Totals By:	BASIC COURT COST (F)	127.00	127.00
	COSTS	45.00	45.00
	FINE	50.00	50.00

\*\*\* End of Report \*\*\*



**CLEVELAND MUNICIPAL COURT**  
Office of the Clerk of Court  
**Earle B. Turner**  
Justice Center • Level Three  
1200 Ontario Street • Cleveland, Ohio 44113-1669  
**CRIMINAL DIVISION**

Date: 08/20/2013

Cleveland Municipal Court Journal

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2011 CRB 029832

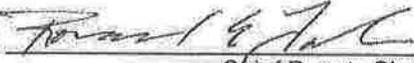
STATE OF OHIO/CITY OF CLEVELAND VS. PEDERSON, DENISE

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I, Earle B. Turner, Clerk of the Cleveland Municipal Court hereby certify that the above and foregoing is truly taken and copied from the original docket in Case No. **2011 CRB 029832** now on file in the Office of the Clerk of Court.

Witness my hand and seal of Cleveland Municipal Court this 20 day of August 2013.

EARLE B. TURNER, CLERK

By:   
Chief Deputy Clerk

**CITY OF CLEVELAND VS. DENISE PEDERSON**

**CITATION FOR DENISE PEDERSON**

**DATED**

**AUGUST 14, 2011**

State of Ohio  
Cuyahoga County  
City of Cleveland

A 627428

MISDEMEANOR COMPLAINT & SUMMONS  
 MINOR MISDEMEANOR CITATION  
 WARRANT SUMMONS  
 SUMMONS

NAME DRNISE PEDERSON  
STREET P.O. Box 181  
CITY Buffalo STATE NY ZIP 14209  
SS. NO. 3222 Birthdate: Mo. 09 Day 12 Year 65  
DR. LIC. NO. \_\_\_\_\_ STATE \_\_\_\_\_ EXP. \_\_\_\_\_  
OTHER ID. TYPE N.Y. ST NO. 960449788 EXP. 9-11  
EMPLOYMENT NONE ADDRESS \_\_\_\_\_  
BUS. PHONE \_\_\_\_\_ HOME PHONE 216 255-7103

F	5-09	175	BRO	GRN	W
sex	hgt	wgt	hair	eyes	race

Warrant Check-No.

TO THE DEFENDANT: COMPLAINT

P.O. Farley 409 having been duly cautioned and sworn  
deposes and says that, on or about 8-14 20 11 at 1220<sup>AM</sup>  
Abbey Columbus, City of Cleveland, State of Ohio,

YOU DID COMMIT THE FOLLOWING VIOLATION:

DESCRIPTION OF OFFENSE did have a open container on public streets in violation of (see sec 2102)

SECTION NO. 617.07  Cleveland Municipal Code  
 Ohio Revised Code

2ND	2B15	409	673
Dist.	Car no.	Badge no.	Badge no.

Michael Farley  
(Officer's Signature)

Sworn and subscribed before me this 14 day of August 20 11  
 EVIDENCE  
 PHYSICAL ARREST  
DAVID M. BEMORE  
Notary Public

TO THE DEFENDANT: SUMMONS  
 You are summoned and directed to personally appear at the Cleveland Municipal Court, the date and place indicated below:  
Recorded in  
Cuyahoga County  
1200 Ontario 3rd Floor  
Cleveland, Ohio  
Comm. Exp. 7/28/13

ROOM B - TRAFFIC  ROOM C - MISDEMEANOR  
ON 8 29 11 at 0830 A.M. \_\_\_\_\_ P.M.

If this block is checked you may waive this citation, thereby avoiding the court appearance indicated above. For waiver information, see the back of this form.

If you wish to contest this matter you must appear at the above time and place.  
Served on the Defendant this date: 8-14 20 11

I acknowledge I have received a copy of this summons and agree either to pay out if permitted or appear in Court on the day indicated.

I UNDERSTAND THAT MY FAILURE TO APPEAR AS ORDERED WILL RESULT IN THE ISSUANCE OF A WARRANT FOR MY ARREST.

Not an admission of guilt  
Defendant's signature [Signature] 8-14-11

REV. 12-95 COURT RECORD 29832



**CITY OF CLEVELAND VS. DENISE PEDERSON**

**TRANSCRIPT OF COURT PROCEEDINGS**

**DATED**

**AUGUST 29, 2011**



P R O C E E D I N G S

1

2

THE COURT: Denise Pederson. This is 2011CRB029832 for Dennis Pederson. It is an Open Container charge.

3

4

5

MR. MALBASA: She'd like to enter a plea of no contest to the case as charged.

6

7

THE COURT: Okay. Miss Pederson, this, the Open Container Prohibited charge, is a fourth degree misdemeanor carrying a maximum fine of \$250 and up to 30 days in jail. Do you understand?

9

10

11

12

THE DEFENDANT: Yes.

13

14

15

THE COURT: The citation is from August 14, 2011, at Abbey and Columbus in Cleveland, Ohio.

16

17

18

19

It alleges you had an open container on public streets, in violation of -- and this was a Genesse Ice of 24 ounces. Do you recall and understand the charge?

20

21

22

23

THE DEFENDANT: Yes.

THE COURT: Okay. Would you like to enter a no contest plea and consent to a finding of guilty to this charge?

24

25

THE DEFENDANT: Yes.

THE COURT: That means you're

1 giving up your right to have either a bench  
2 trial to the judge or a jury trial to eight  
3 jurors. Do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: You are presumed,  
6 considered to be innocent, until the city of  
7 Cleveland proves your guilt beyond a  
8 reasonable doubt, if your guilt is to be  
9 proven at a trial. Do you understand?

10 THE DEFENDANT: Yes.

11 THE COURT: And if you were to have  
12 a trial, you have a right to remain silent  
13 at trial. No one can force you to testify  
14 or to say anything at trial. Do you  
15 understand?

16 THE DEFENDANT: Yes.

17 THE COURT: You're also giving up  
18 your right to subpoena witnesses who could  
19 testify at a trial if you were to have one.  
20 Do you understand?

21 THE DEFENDANT: Yes.

22 THE COURT: And you're giving up  
23 your right to confront your accusers at  
24 trial. Do you understand?

25 THE DEFENDANT: Yes.

1 THE COURT: Have there been any  
2 threats or promises made to force you to  
3 enter this plea?  
4 THE DEFENDANT: No.  
5 THE COURT: Are you satisfied with  
6 your attorney's representation?  
7 THE DEFENDANT: Yes.  
8 THE COURT: Do you have any  
9 questions about the rights you're giving up?  
10 THE DEFENDANT: No.  
11 THE COURT: Do you have any  
12 questions about the penalties that can be  
13 imposed by the Court?  
14 THE DEFENDANT: No.  
15 THE COURT: Are you a citizen of  
16 the United States?  
17 THE DEFENDANT: Yes.  
18 THE COURT: Okay. Any questions?  
19 THE DEFENDANT: Not at this time.  
20 THE COURT: I will accept your  
21 change of plea to the Open Container  
22 Prohibited charge. Anything you'd like to  
23 say on her behalf, Attorney Malbasa?  
24 THE DEFENDANT: No, your Honor.  
25 (Inaudible) would like to speak with respect

1 to the fine.

2 THE DEFENDANT: I was hoping that we  
3 could resolve this with the --

4 MR. MALBASA: You're requesting  
5 community work service?

6 THE DEFENDANT: Yes.

7 THE COURT: Does she live in  
8 Buffalo, New York?

9 THE DEFENDANT: Pardon?

10 THE COURT: This says she lives in  
11 Buffalo, New York.

12 THE DEFENDANT: I had --

13 THE COURT: Do you live in Buffalo,  
14 New York? She could pay her fines. She  
15 can --

16 THE DEFENDANT: Actually I recently had  
17 moved here from western New York, and I  
18 hadn't changed my ID over yet, which I'm  
19 trying to do this week.

20 MR. MALBASA: So you live here now?

21 THE DEFENDANT: Yes, I do.

22 MR. MALBASA: In Cleveland, Ohio?

23 THE COURT: The maximum fine is  
24 \$250 and up to 30 days in jail. Thirty days  
25 will be suspended, and I'll suspend \$230 of

1 the fine. So she has a fine of \$20 and  
2 court costs. So she can -- if she's  
3 unemployed, you know, I'll suspend the court  
4 costs. If not --

5 MR. MALBASA: Are you employed?

6 THE DEFENDANT: I'm unemployed.

7 MR. MALBASA: She's currently  
8 unemployed, your Honor. We move to suspend  
9 court costs.

10 THE COURT: How does she pay for  
11 her rent and so forth?

12 MR. MALBASA: I don't know. She  
13 receives disability, your Honor.

14 THE COURT: And how much does she  
15 get in disability benefits monthly, that she  
16 can't pay a \$20 fine to the Cleveland  
17 Municipal Court? So then she can. If she  
18 can pay it, she can pay it right now.

19 If you want to make a motion about the  
20 court costs, the Court understands if  
21 there's a disability here. Is there a  
22 motion, Attorney Malbasa?

23 MR. MALBASA: Motion to suspend  
24 courts, your Honor.

25 THE COURT: Any objection.

1 MS. JERLSTROM: No, your Honor.  
2 THE COURT: There's no objection.  
3 MS. JERLSTROM: No.  
4 THE COURT: Court costs will be  
5 suspended based upon a finding of indigency.  
6 And Attorney Malbasa, she can make a \$20 --  
7 pay within 24 hours a payment of the \$20  
8 fine?  
9 MR. MALBASA: Can you pay the payment  
10 within 24 hours? Yes or no. No? When do  
11 you get your next paycheck, your next  
12 disability check? The 3rd? So September  
13 3rd?  
14 THE COURT: What is the disability?  
15 What's her mental disability? Just tell him  
16 quietly. He'll tell me quietly.  
17 MR. MALBASA: Schizophrenia.  
18 THE COURT: So why is she consuming  
19 alcohol with her psychotropic meds? Do you  
20 take your psychotropic medication?  
21 THE DEFENDANT: I don't take any  
22 medicine.  
23 THE COURT: Why? Are you supposed  
24 to?  
25 THE DEFENDANT: No, I'm not supposed

1 to.

2 THE COURT: Maybe I'll place this  
3 one on probation. I think I will. Attorney  
4 Malbasa, I'm a little uncomfortable but I'm  
5 not imposing jail time, but I'm going to  
6 place her on one year of active probation.  
7 And if I need to make a referral to the  
8 Court psychiatric clinic to see if this  
9 belongs on the mental health court docket,  
10 that's fine. She needs to be evaluated.

11 But also Attorney Malbasa, do you want me to  
12 give a time to pay date, Attorney Malbasa?

13 Mr. MALBASA: Judge, maybe in this  
14 case it'd be best if we enter a not guilty  
15 plea and she spoke to an attorney.

16 THE COURT: And I will probably  
17 make a referral and if I decide to put a  
18 bond on it, I will certainly do that also.  
19 It's fine with the court.

20 MR. MALBASA: I'm just --

21 THE COURT: I understand. If you  
22 want her to vacate this it's fine, and I may  
23 put a bond on it, and I may make a referral  
24 to the -- I am going to make a referral to  
25 the Court psychiatric clinic no matter what.

1           So it's fine if she wants to vacate that. I  
2           have no problem with that. She can  
3           certainly do that. Do you want her to enter  
4           a not guilty plea?

5           Well, you all talk about it. I will  
6           call the next case. She may have a seat  
7           over here. You all just make sure she  
8           doesn't leave the courtroom.

9           \* \* \* \*

10          THE COURT:                    Recalling Denise  
11          Pederson's case which is 2011CRB029832.  
12          Attorney Malbasa, it's fine with the court,  
13          whatever you'd like to do. If she wants to  
14          vacate this plea, sir, that is just fine  
15          with the court.

16          MR. MALBASA:                Yes, your Honor, we  
17          would move to vacate the plea.

18          THE COURT:                    Be a not guilty plea.

19          MR. MALBASA:                Enter a plea of not  
20          guilty.

21          THE COURT:                    I'm going to do a no  
22          bond Clinic mit. I am taking her into  
23          custody, and I will make a referral to the  
24          Court psychiatric clinic.

25          THE DEFENDANT:                I could get a

1 psychiatric evaluation done on my own.

2 THE COURT: Okay.

3 THE DEFENDANT: For an appointment,  
4 whatever. I have an appointment tomorrow  
5 with a mental health worker about my housing  
6 and doctor's appointments --

7 THE COURT: Okay. That's just  
8 fine.

9 THE DEFENDANT: -- in general.

10 THE COURT: We will take all of  
11 that information. Do you all have a  
12 psychiatric referral forms here?

13 THE DEFENDANT: So you're keeping me,  
14 is that what you're saying, into custody?  
15 You know I came to court today so there  
16 wasn't a warrant put out for my arrest, to  
17 get this taken care of. I can pay the fine.  
18 I take care of my business. So what is --  
19 what is it I'm going into custody for, Miss  
20 Stokes?

21 THE COURT: Could you just wait one  
22 moment. You curse in this courtroom again  
23 I'm going to hold you in contempt and  
24 you're going to serve time other than --  
25 nothing to do with this case -- because of

1 your conduct in this courtroom. I am not  
2 going to --

3 THE DEFENDANT: I don't think it was  
4 okay the way you treated me ~~me~~

5 THE COURT: Excuse me. Excuse me.

6 THE DEFENDANT: -- up here because of  
7 having a mental illness, that you think you  
8 can treat me like you do.

9 THE COURT: Excuse me. Excuse me.

10 THE DEFENDANT: And order me this and  
11 that.

12 THE COURT: There's no bond Clinic  
13 mit. Excuse me. Excuse me.

14 THE DEFENDANT: (Inaudible) one beer  
15 (inaudible) what is so severely bad about  
16 that? And now you're treating me like I'm a  
17 retard because of my mental illness.

18 THE COURT: That is not true.

19 THE DEFENDANT: This is not right.

20 This is --

21 THE COURT: You all just take her  
22 into custody at this point.

23 THE DEFENDANT: Why am I going into  
24 custody? This is (inaudible).

25 THE COURT: Take her into custody.

1 She's not going to disturb this courtroom  
2 any longer.

3 THE DEFENDANT: So what is my charge?  
4 What is my charge with -- what is -- how  
5 many days?

6 THE COURT: Attorney Malbasa, do  
7 you happen to know the name of the mental  
8 health agency that I can write on this form?

9 THE DEFENDANT: You know, I have not --

10 THE COURT: Excuse me, Excuse me.

11 THE DEFENDANT: (Inaudible).

12 THE COURT: Attorney Malbasa, but I  
13 can't get the information from her, so --

14 MR. MALBASA: Okay.

15 THE COURT: And I don't know what  
16 her address is in Cleveland either. I only  
17 have the Buffalo. But I -- I mean if you  
18 can get the information out of her fine,  
19 but --

20 THE DEFENDANT: (Inaudible).

21 THE COURT: Okay. That is exactly  
22 why she's not coming back in here with that  
23 cursing. It's not going to take place.  
24 I'll do the best I can with her  
25 psychiatric referral form. This is a

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Buffalo, New York address. She said something about being in Cleveland. I can't get out of her like where she goes for her psychiatric care? I'll do the best I can.

\*\*\*

C E R T I F I C A T E

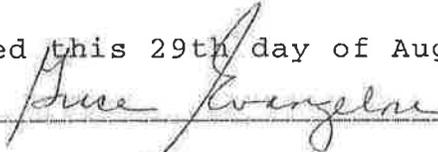
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State of Ohio, )  
County of Cuyahoga, ) SS:  
City of Cleveland. )

City of Cleveland, )  
vs. )  
Denise Pederson. )

I, Grace Evangelou, court 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 in the above-captioned 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 digitally recorded proceedings had in the hearing of said case and constitutes a true and correct transcript of the taped proceedings had therein.

Dated this 29th day of August, 2013.

  
\_\_\_\_\_  
Grace Evangelou

**CITY OF CLEVELAND VS. DENISE PEDERSON**

**JOURNAL ENTRIES**

**DATED**

**AUGUST 29, 2011 AND AUGUST 31, 2011**





**CITY OF CLEVELAND VS. DENISE PEDERSON**

**PSYCHIATRIC CLINIC REFERRAL FORM**

**DATED**

**AUGUST 29, 2011**

CLEVELAND MUNICIPAL COURT PSYCHIATRIC CLINIC

Phone (216)664-4630

Fax (216)664-4631

PSYCHIATRIC CLINIC REFERRAL

(PLEASE FILL OUT ALL INFORMATION)

DATE OF REFERRAL: 8-29-2011

DEFENDANT'S NAME: Denise Pederson
ADDRESS: P.O. Box 181, Buffalo, New York, 14209
PHONE #:
SEX: M F
RACE: Caucasian
DATE OF BIRTH: 9-12-1965
SOCIAL SECURITY #: XXX-XX-3222
JUDGE: Michelle Smiley
COURTROOM: 12-B
JAIL: BAIL: DUE IN COURT: 8-31-2011 at 9AM

The Clinic is directed to have the above named defendant examined who (circle one):

IS AWAITING TRIAL or HAS BEEN CONVICTED

CHARGE: Open Container/Intoxicated CASE #: 2011 CR B029832
CHARGE: CASE #:

PRETRIAL/PRE-PLEA EVALUATIONS:

5122.10
2945.371
2945.371
2945.40
2919.271

EVALUATION FOR EMERGENCY HOSPITALIZATION -
COMPETENCY TO STAND TRIAL
SANITY AT THE TIME OF THE ACT
ELIGIBILITY FOR CIVIL COMMITMENT AFTER A FINDING OF NOT
GUILTY BY REASON OF INSANITY (NGRI)
DOMESTIC VIOLENCE/RISK ASSESSMENT EVALUATION

POST ADJUDICATION EVALUATIONS:

5122.10
2947.06
2919.271

EVALUATION FOR EMERGENCY HOSPITALIZATION
TESTIMONY AFTER VERDICT TO MITIGATE PENALTY
PSYCHIATRIC FACTORS IN THE CRIME
PSYCHIATRIC RECOMMENDATIONS REGARDING
DISPOSITION
ELIGIBILITY FOR THE MENTALLY DISORDERED
OFFENDER (MDO) PROGRAM
ELIGIBILITY FOR THE MENTALLY RETARDED OFFENDER
(MRO) PROGRAM
DOMESTIC VIOLENCE/RISK ASSESSMENT EVALUATION

REASON FOR REFERRAL:

Defendant cursed bailiffs and
cursed Judge Stokes

BEHAVIORAL CHECKLIST (Check all that apply):

Hostile/Homicidal Depressed/Suicidal Illogical Thoughts
Hallucinations Paranoid/Suspicious Lack of Comprehension

SPECIAL INSTRUCTIONS:

Defendant said her diagnosis is
Paranoid Schizophrenia. She was cursing in the
courtroom, very hostile + displayed lack of comprehension

PLEASE CHECK
REFERRED TO PROBATION: YES NO

Judge Angela R. Stokes
JUDGE OR MAGISTRATE'S SIGNATURE

Handwritten notes on the left side: 'the address on my... at mental Health... call it... the... powder... too hostile to... name of...'

Handwritten notes on the right side: 'defendant stated she does not take any psychotropic medications'