

Exhibit 8

Jamese Johnson, Jasmine Edwards and Lisa Barbee

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

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

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

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

1 STATE OF OHIO,)
2 COUNTY OF CUYAHOGA,) SS
3 CITY OF CLEVELAND.)

STOKES, A.R., J.

4 IN THE MUNICIPAL COURT

5
6 CITY OF CLEVELAND,)
7 Plaintiff,)
8 vs.)
9 JAMESE K. JOHNSON,)
10 Defendant.)

2011CRB043197

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13 Transcript of Digitally Recorded Proceedings had
14 before the Honorable Judge **ANGELA R. STOKES**, on
15 Tuesday, March 5, 2013 in Courtroom 15-C.
16

17 **APPEARANCES:**

18 On behalf of the plaintiff:

19 Victor R. Perez, Chief Police Prosecutor
20 By: Ashley Garrett, Assistant Police
Prosecutor.

21 On behalf of the defendant:

22 Tina Tricarichi, Esq.

23
24
25 Devonna H. Tucker

P R O C E E D I N G S

1
2 THE COURT: Jamese Johnson's Case.
3 What do you need?
4 MS. TRICARICHI: Your Honor --
5 THE COURT: I mean -- I'm sorry,
6 Bobby, what's the issue?
7 A VOICE: (Inaudible).
8 THE COURT: Yes. I expect that
9 urinalysis test to be done now, Bobby. They
10 have funds downstairs. If they don't --
11 just go. I have funds in my account. Yes,
12 I do. No excuses, Bobby. Have her submit.
13 MS. TRICARICHI: -- Judge, regarding
14 Jamese Johnson, Ms. Johnson, is going to
15 withdraw her not guilty plea and enter a
16 plea of no contest, consenting to a finding
17 of guilt to the First Degree Petty Theft as
18 the charge stands.
19 THE COURT: Okay. Thank you.
20 Ms. Johnson, on Docket 44, the charge is
21 First Degree Misdemeanor Petty Theft charge.
22 It does carry a maximum fine of \$1,000 and
23 up to six months or up to 180 days in jail;
24 do you understand?
25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: This complaint is dated
2 November 18th 2011. The probable cause
3 statement alleges that on November 28th 2011
4 that you were observed in the Home Depot
5 Store, Number 3820, located at 11901 Berea
6 Road, in Cleveland, Ohio, that you were
7 observed by security selecting three faucets
8 with a total value of \$588. You were then
9 observed placing sticker -- UPS -- from
10 floor tile onto the faucets. You scanned
11 the incorrect UPC. They mean UPC, not
12 UPS -- scanned the incorrect UPC at the
13 self-checkout registers and paid \$5.75 cents
14 for the faucets. You were detained by
15 security, as you exited the store, until
16 Cleveland Police arrived.

17 Bobby, did you take her downstairs?

18 A VOICE: (Inaudible).

19 THE COURT: He understands that my
20 funds will pay, not hers.

21 THE BAILIFF: Yes.

22 THE COURT: And, she needs to come
23 back to the Court.

24 Do you recall and understand the basis
25 of the Petty Theft charge?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Is it your desire to
3 withdraw your not guilty plea, enter a plea
4 of no contest, and consent to a finding of
5 guilty to this charge?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: By changing your plea
8 to this charge, you are now waiving, or
9 giving up your right, to have a bench trial
10 tried to the Judge or a jury trial tried to
11 eight jurors; do you understand?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: You are presumed
14 innocent until the city of Cleveland proves
15 your guilt beyond a reasonable doubt, if
16 your guilt is to be proven at a trial; do
17 you understand?

18 THE DEFENDANT: (Inaudible).

19 THE COURT: And, if you were to
20 have a trial, you have a right to remain
21 silent. No one can force you to testify or
22 to say anything at a trial; do you
23 understand?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: You're also giving up

1 your right to subpoena witnesses who could
2 testify at a trial, if you were to have one;
3 do you understand?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: And, you're giving up
6 your right to confront your accusers at a
7 trial; do you understand?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Have there been any
10 threats or promises made to force you to
11 change your plea to this charge?

12 THE DEFENDANT: No, your Honor.

13 THE COURT: Are you satisfied with
14 your attorney's representation?

15 THE DEFENDANT: (Inaudible).

16 THE COURT: I'm sorry?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Do you have any
19 questions regarding the rights you are
20 giving up?

21 THE DEFENDANT: No, your Honor.

22 THE COURT: Do you have any
23 questions regarding the penalties that can
24 be imposed by the Court?

25 THE DEFENDANT: No, your Honor.

1 THE COURT: Are you a citizen of
2 the United States?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you have any
5 questions?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: I will accept your
8 change in plea to the Petty Theft charge on
9 Docket 34.

10 Attorney Tricarichi, shall I refer this
11 to Probation and pass for sentencing,
12 requesting a presentencing investigation
13 report?

14 MS. TRICARICHI: Judge, it's your
15 choice. I can tell you what happened here.

16 THE COURT: Well, did -- do we know
17 if there are any restitution issues or
18 anything? Did Home Depot get --

19 MS. GARRETT: They did. All items
20 were recovered that day.

21 THE COURT: Does Ms. Johnson have
22 any prior convictions on her record,
23 Attorney Tricarichi?

24 MS. TRICARICHI: I believe that the
25 prosecutor will be able to tell you that

1 better. I don't know if she has priors.

2 THE COURT: That's okay.

3 Ms. Johnson, do you have any prior
4 convictions on your record?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: For what?

7 THE DEFENDANT: Petty theft. A while
8 ago.

9 THE COURT: Okay, and this one is
10 from 2011 also.

11 Attorney Tricarichi, I think it's
12 probably best for me to pass -- refer to
13 probation and pass for sentencing to receive
14 a presentencing investigation report, and is
15 this the case where her mother is present,
16 Attorney Tricarichi?

17 MS. TRICARICHI: Her mother-in-law.

18 THE COURT: Her mother-in-law?

19 And, they are concerned about visiting
20 someone in the hospital; is that correct?

21 THE DEFENDANT: Her husband is in the
22 hospital, your Honor, and I drove.

23 MS. TRICARICHI: They were worried
24 about -- (inaudible) -- I said --

25 (inaudible) --

1 THE COURT: So, do you have alcohol
2 or substance abuse issues; why do you
3 continue to steal?

4 THE DEFENDANT: I think I was just
5 going through a phase, your Honor.

6 THE COURT: What kind of phase? If
7 I order a urinalysis test, is it going to be
8 negative or positive for any illegal
9 substances?

10 THE DEFENDANT: Negative, your Honor.

11 THE COURT: So, what do you mean "a
12 phase"? The Court doesn't understand that.

13 THE DEFENDANT: Yeah, I was depressed.
14 I was medically discharged out the Army for
15 endometriosis, and then I was told about
16 more stuff --

17 THE COURT: Say that again. It was
18 just so much noise over there I can't hear.
19 Say that again.

20 THE DEFENDANT: I said I was medically
21 discharged out the Army for endometriosis,
22 and I had other medical problems that -- so
23 I couldn't work, basically, so I was --

24 THE COURT: So, you served in the
25 military?

1 THE DEFENDANT: Yes, your Honor.
2 THE COURT: Did you receive an
3 honorable discharge?
4 THE DEFENDANT: Yes, your Honor.
5 THE COURT: Well, one thing,
6 Attorney Tricarichi, if -- she might be
7 eligible for the Veteran's Court. I don't
8 know.
9 MS. TRICARICHI: Yes, she might.
10 THE COURT: So, I will refer to
11 probation. I'll pass, and they can verify
12 there was an honorable discharge, and then
13 we can see -- I know that Judge Patton
14 prefers for us to sentence and then forward
15 it, but at least they can verify all that in
16 the Probation Department, and she can submit
17 to a urinalysis test, and I'll pass for
18 sentencing on March 26.
19 Do you want me to go three weeks out, or
20 you want me to do a little bit less? Maybe
21 I should do a little bit less. Attorney
22 Tricarichi, I'll pass for sentencing March
23 19th at two o'clock in the afternoon.
24 You can pay your urinalysis test of \$9,
25 and Bobby -- okay -- does she want to say

1 anything about her conduct, Attorney
2 Tricarichi?

3 MS. TRICARICHI: Pardon?

4 THE COURT: Does she want to say
5 anything about her conduct disturbing this
6 courtroom?

7 THE DEFENDANT: I apologize, your
8 Honor, I had my -- (inaudible).

9 THE COURT: I accept your apology.

10 Is it your mother-in-law whose in the
11 holding cell?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Bobby, can you please
14 bring her mother-in-law into the courtroom?

15 MS. TRICARICHI: Judge, can she take the
16 pee test today and then come back for the
17 interview because of the hospital situation?
18 Can they do the pee test -- the urine test
19 quickly and then she can come back for an
20 interview like tomorrow morning?

21 THE COURT: If she wants --

22 MS. TRICARICHI: She'll do it today.

23 THE COURT: -- to have the --
24 she'll do it today? She's okay with that?

25 MS. TRICARICHI: Judge, my client has

1 cash on her -- (inaudible) -- the urine
2 test.

3 THE COURT: If that's what she
4 wants to do, that's okay with the Court.

5 MS. TRICARICHI: I mean -- I said do you
6 have \$10 on you? She said, I do. Then she
7 said it's -- (inaudible) --

8 THE COURT: Prosecutor Garrett?
9 Okay.

10 You may have a seat, Ms. Johnson, your
11 file will be journalized in just a moment.
12 Then you'll be able to go to the Probation
13 Department.

14 THE DEFENDANT: May I grab my purse and
15 give her my keys so she can go and get that
16 money?

17 THE COURT: Durch, whatever you
18 need to do.

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C E R T I F I C A T E

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

I, Devonna Tucker, 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 digitally recorded 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 digitally recorded proceedings had therein.

Dated this 26th day of August, 2013.



Devonna Tucker