
9-17-13 Transcript

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 CARL A. COLLINS,)
10 Defendant.)

Case No.
2013TRC039690

11
12
13 Transcript of digitally recorded proceedings had
14 before the Honorable Judge Angela R. Stokes on
15 Tuesday, September 17, 2013 in Courtroom 15-C.

16
17 APPEARANCES:

18 On behalf of the plaintiff:

19 Victor R. Perez, Chief Police Prosecutor
20 By: Karyn Lynn, Assistant Police
Prosecutor.

21 On behalf of the defendant:

22 NO APPEARANCE

23
24
25 Sylvester A. White

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: Mr. Carl Collins. This is docket number 13. Thank you, Tiffany. Okay. So, Mr. Collins, on this case, docket 13 on August 14th, 2013 you signed a waiver of attorney form and requested a continuance to decide whether or not you will seek legal counsel, and at this point I think that you're representing yourself; is that right?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. So have you pre-tried this matter?

MS. LYNN: We've had some discussions, your Honor. He's gotten a copy of all my -- all my documents. This morning I did give him a copy of the video. He submitted a blank copy for me I received the other day (inaudible). So he needs an opportunity to review that.

THE COURT: Okay.

MS. LYNN: And then I think we just need one more pretrial to figure out what we're going to do.

THE COURT: Sure. That's fine. So is that acceptable, Mr. Collins? You would

1 like a continuance at the defendant's
2 request --

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: -- to review the
5 discovery?

6 THE DEFENDANT: If the Court allows.

7 THE COURT: Hmm.

8 THE DEFENDANT: If the Court allows,
9 yes, ma'am.

10 THE COURT: Of course. And how
11 much time would you like, sir?

12 THE DEFENDANT: A couple of weeks
13 should be more than enough.

14 THE COURT: Okay. Continued at the
15 defendant's request, set for a pretrial.
16 Would you like maybe -- I don't know how
17 much time you need, but would you like until
18 -- three weeks would be October 8th.

19 THE DEFENDANT: That would be fine. In
20 the --

21 THE COURT: Is that acceptable to
22 everyone? That would be October 8th --

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: -- 2013. What time
25 would you like on that date?

1 THE DEFENDANT: Afternoon. Would that
2 be acceptable?
3 THE COURT: October 8th. That
4 would be okay at 2:00 in the afternoon. And
5 prosecutor Lynn and Mr. Collins, do you need
6 witnesses present on that date to help you
7 maybe -- I don't know.
8 MS. LYNN: (Inaudible.)
9 THE COURT: This was a refusal. So
10 you'll subpoena the officer for that date?
11 I'll note that prosecutor Lynn will subpoena
12 the witnesses. Do you need a reminder slip,
13 sir?
14 THE DEFENDANT: Yes. I'd like to have
15 one.
16 MS. LYNN: What time is it,
17 October --
18 THE COURT: Oh, I'm sorry. October
19 8th, 2013 at 2:00 p.m. Okay. He has his
20 reminder slip?
21 THE DEFENDANT: Thank you very much,
22 your Honor.
23 THE COURT: You're very welcome,
24 sir.
25

C E R T I F I C A T E

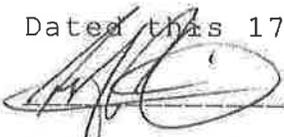
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

City of Cleveland,)
vs.)
Carl A. Collins)

I, Sylvester A. White, 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 17th day of September, 2014.



Sylvester A. White

10-8-13 Transcript

P R O C E E D I N G S1
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: This is docket number 27 for Mr. Carl Collins. And the record will reflect that trooper Jackson is present. This matter is set for a pretrial. Have you pre-tried this matter? Have you pre-tried this matter?

THE DEFENDANT: No, ma'am. I attempted to get in touch with prosecutor Lynn a couple of times by phone.

THE COURT: This is the prosecutor. This matter was set for pretrial. You can certainly pre-try it with prosecutor Kinast. I had on the last court date prosecutor Lynn would subpoena the witnesses and discovery was to be reviewed by the prosecutor and by the defendant. So that's the only posture that I have right now on this matter. And he also signed a waiver of attorney form. He's representing himself. He has already signed a waiver of attorney form. So you can pre-try it. This matter is set for a pretrial so pre-try it.

MR. KINAST: We were unable to reach an agreement.

1 THE COURT: So what do you want to
2 do?
3 THE DEFENDANT: I would like to have a
4 jury trial, your Honor.
5 THE COURT: Sir, why won't you have
6 an attorney help you? Are you a lawyer?
7 THE DEFENDANT: Ma'am.
8 THE COURT: Are you a lawyer?
9 THE DEFENDANT: No, ma'am. I'm not.
10 THE COURT: So why will you not
11 allow an attorney to help you on these
12 serious charges? Why not? Do you have the
13 financial means to hire an an attorney?
14 THE DEFENDANT: Yes, I do.
15 THE COURT: So you are not
16 indigent, right? Is that what you're
17 saying --
18 THE DEFENDANT: No, ma'am. I'm not
19 indigent.
20 THE COURT: -- that you would not
21 meet the criteria to be represented by the
22 Public Defender's Office?
23 THE DEFENDANT: Yes, ma'am. I am not
24 indigent.
25 THE COURT: So why won't you hire

1 an attorney to help on you this matter?
2 THE DEFENDANT: Because I don't believe
3 that it's necessary for me to have an
4 attorney to help me adjudicate this.
5 THE COURT: Why?
6 THE DEFENDANT: I just don't feel that
7 it's --
8 THE COURT: Why? It's not a
9 feeling. You need to give an intellectual
10 reason to the Court because these charges
11 are so serious. Is this a first? Would
12 this be a first OVI? I don't know.
13 MR. KINAST: No. (Inaudible.)
14 THE DEFENDANT: No. No, it's not.
15 THE COURT: So this would be within
16 a six-year period?
17 MR. KINAST: First in six.
18 THE COURT: -- first within a
19 six-year. So I think I did review with you
20 what the maximum potential penalties --
21 THE DEFENDANT: -- yes, ma'am, you did.
22 THE COURT: -- would be if --
23 that's a big if -- if there is a conviction.
24 So I'm not certain why you won't allow an
25 attorney to help you on these matters. Has

1 all discovery been --
2 MR. KINAST: Yes.
3 THE COURT: He has received
4 discovery from the prosecutor's office?
5 THE DEFENDANT: Yes.
6 MR. KINAST: I have not received any
7 from him, though.
8 THE COURT: Was there a demand by
9 the city?
10 THE DEFENDANT: There was no demand.
11 THE COURT: Has the city made a
12 request? Would the city like to make a
13 request? Does there need to be a request?
14 I don't know.
15 MR. KINAST: Yeah. There's a --
16 there's a demand by the city.
17 THE COURT: There is -- okay. So
18 have you responded to the city's demand for
19 discovery?
20 THE DEFENDANT: I have no other
21 documents other than what the city --
22 THE COURT: Sir, you have to submit
23 something in writing to the prosecutor's
24 office. See, that's what I'm talking about.
25 You don't know what you're doing in this

1 courtroom. Oh my goodness.
2 THE DEFENDANT: Here's a copy. That's
3 (inaudible) stamped.
4 THE COURT: What date -- what's the
5 date on that, prosecutor Kinast?
6 MR. KINAST: September 5th --
7 THE COURT: All right.
8 MR. KINAST: -- both the discovery
9 and our demand for discovery. (Inaudible.)
10 THE COURT: I understand. So you
11 have to --
12 MR. KINAST: He has not responded.
13 THE COURT: Sir, you have to --
14 just one second. Okay. You have to respond
15 to the city's request however you deem
16 appropriate. But you cannot not respond or
17 be held, you know, in contempt. You don't
18 want that to happen.
19 THE DEFENDANT: I will respond, your
20 Honor.
21 THE COURT: So do you need time --
22 THE DEFENDANT: Yes, I do.
23 THE COURT: -- to respond to the
24 city's request?
25 THE DEFENDANT: Yes.

1 THE COURT: By what date can you
2 respond to the --
3 THE COURT: I can have that
4 response to them by next week.
5 THE COURT: You think by next week?
6 THE DEFENDANT: Yes, ma'am.
7 THE COURT: Prosecutor Kinast and
8 Mr. Collins, in as much as trooper Jackson
9 is present today, I'll set this matter for a
10 final pretrial for when -- at the
11 defendant's request for you to receive the
12 discovery from the defendant. Will trooper
13 Jackson not need to be present on the next
14 court date? Are you both in agreement with
15 that? I don't know.
16 THE DEFENDANT: Yes, that's fine.
17 THE COURT: It's okay for the
18 trooper --
19 THE DEFENDANT: Yes.
20 THE COURT: -- not to be present on
21 the next pretrial?
22 THE DEFENDANT: Yes.
23 THE COURT: But if it goes forward
24 with trial then both of you will subpoena
25 whatever witnesses --

1 THE DEFENDANT: Yes, ma'am.
2 THE COURT: -- you deem
3 appropriate. Okay? So Mr. Collins.
4 THE DEFENDANT: Yes, ma'am.
5 THE COURT: Continued at the
6 defendant's request for a final pretrial.
7 Was that acceptable?
8 THE DEFENDANT: Yes, ma'am.
9 THE COURT: Because ~~is~~ do you have
10 all the information you need from the city?
11 THE DEFENDANT: Yes, I do.
12 THE COURT: City's just waiting on
13 you to respond to their request.
14 THE DEFENDANT: Yes, ma'am.
15 THE COURT: And what date would you
16 like to propose?
17 THE DEFENDANT: I would have that
18 information back to them by -- by next week
19 -- by at least Wednesday of next week.
20 THE COURT: You think you can
21 respond by like October the 15th and would
22 you like for me to place this on the docket
23 maybe like October 23rd? Do you think you
24 can --
25 THE DEFENDANT: Pretrial?

1 THE COURT: -- respond for a
2 pretrial?
3 THE DEFENDANT: Yes, ma'am.
4 THE COURT: -- you think you can
5 respond to the city if you have until at
6 least the 23rd?
7 THE DEFENDANT: Yes, ma'am.
8 THE COURT: Is that acceptable,
9 prosecutor Kinast? Continued at the
10 defendant's, request, set for a final
11 pretrial October 23rd --
12 MR. KINAST: Okay.
13 THE COURT: -- 2013. Did we want
14 to set it like at 2:00?
15 THE DEFENDANT: Yes, ma'am.
16 THE COURT: Okay. He promises.
17 Mr. Collins promises that he will submit
18 that discovery request by what date?
19 THE DEFENDANT: By next Wednesday or
20 shortly thereafter.
21 THE COURT: What date? I can't put
22 shortly thereafter.
23 THE DEFENDANT: By the --
24 THE COURT: Whatever date --
25 THE DEFENDANT: -- 16th.

1 THE COURT: -- you think you can
2 do.
3 THE DEFENDANT: By the 16th of October.
4 THE COURT: You're sure?
5 THE DEFENDANT: Yes, ma'am.
6 THE COURT: Okay. Thank you for
7 being present. Do you have a reminder slip,
8 Mr. Collins?
9 THE DEFENDANT: Yes, ma'am. I have
10 one.
11 THE COURT: Think about your legal
12 representation. Just think about it.
13 THE DEFENDANT: Thank you, your Honor.
14 THE COURT: You're welcome.
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

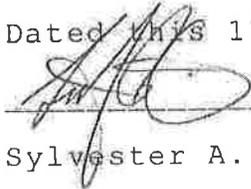
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

City of Cleveland,)
vs.)
Carl A. Collins)

I, Sylvester A. White, 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 17th day of September, 2014.



Sylvester A. White

10-23-13 Transcript

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 CARL A. COLLINS,
10 Defendant.

2013TRC039690

11
12
13 Transcript of Digitally Recorded Proceedings had
14 before the Honorable Judge **ANGELA R. STOKES** on
15 Wednesday, October 23, 2013 in Courtroom 15-C.

16
17 **APPEARANCES:**

18 On behalf of the plaintiff:

19 Victor R. Perez, Chief Police Prosecutor
20 By: Aric Kinast, Assistant Police
Prosecutor.

21 On behalf of the defendant:

22 Pro se

23
24
25 Devonna H. Tucker

P R O C E E D I N G S

1
2 THE COURT: Mr. Collins.
3 Mr. Collins, on your case, which is
4 2013TRC039690, Prosecutor Kinast said that
5 the two of you had some conversations about
6 your case, but you want to contest it, and
7 that you're not able to reach a resolution;
8 is that right?
9 THE DEFENDANT: We couldn't reach a
10 resolution. I would like to set it for
11 trial.
12 THE COURT: So, what do you want to
13 do? You're ready to go to trial; you just
14 need a trial date; is that right?
15 THE DEFENDANT: Yes, ma'am.
16 THE COURT: What date?
17 THE DEFENDANT: Whatever is the Judge's
18 convenience. I'd like a jury trial.
19 THE COURT: Sir, why don't you have
20 an attorney help you, because you're not a
21 lawyer. You know nothing about selecting a
22 jury, and all the different types of motions
23 that could be filed on your behalf, but
24 why -- why won't you seek -- why -- you've
25 signed the Waiver of Attorney form, but why

1 won't you let an attorney help you? And --
2 why? Why won't you let them just assist
3 you?

4 THE DEFENDANT: I just don't think that
5 an attorney can help me.

6 THE COURT: Sir, but you're not an
7 attorney. You're not licensed to
8 practice -- not that you have to be to
9 represent yourself -- but, it's not wise to
10 go forward on these such serious charges.

11 You've got two First Degree
12 misdemeanors, which will -- if there is a
13 conviction, there are mandatory penalties.

14 Why risk that if you could have an
15 attorney help you?

16 THE DEFENDANT: I'm not guilty.

17 THE COURT: Sir, everybody who
18 walks in here says not guilty. There is not
19 one person. That's why they all have said
20 not guilty. That's why they are on the
21 docket. Every one out of the Arraignment
22 Room said not guilty. Every single one who
23 is on our personal dockets, so just because
24 you see a lawyer doesn't mean that you're
25 admitting any guilt. It's to help you

1 understand your legal rights. And, I don't
2 understand. I mean, you're taking a huge
3 risk, which you can do, but it's not wise.

4 THE DEFENDANT: I have two children who
5 are lawyers.

6 THE COURT: What?

7 THE DEFENDANT: I have two children who
8 are lawyers.

9 THE COURT: That doesn't --

10 THE DEFENDANT: -- but, they're --

11 THE COURT: Right, but you're not a
12 lawyer, and they won't be in here
13 representing you in this courtroom, so
14 why -- I didn't say they would -- but, why
15 don't you let someone help you.

16 Even in your discussions with the
17 prosecutor, you just -- I'm not privy to
18 those conversations, but -- so, what do you
19 think? If you want to represent yourself,
20 that's fine, but I will certainly respect
21 that choice.

22 Did the prosecutor make an offer to you?

23 THE DEFENDANT: Yes, ma'am, he did.

24 THE COURT: He did?

25 Did he offer the charge as is, or did he

1 offer to amend the charge?

2 THE DEFENDANT: He offered for me to
3 plead guilty to the -- umm --

4 THE COURT: Was it a Physical
5 Control; did he say he would amend it -- ask
6 the Court to amend it to a Physical Control?

7 THE DEFENDANT: No, he didn't. He
8 didn't say that.

9 THE COURT: He was asking if you
10 would be willing to change your plea to like
11 the Driving Under the Influence of Alcohol
12 and/or Drugs --

13 THE DEFENDANT: Yes.

14 THE COURT: -- or a combination and
15 then he said he would ask the Court to nolle
16 or dismiss the balance.

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Do you have a prior on
19 your record?

20 THE DEFENDANT: Before six years ago,
21 2001.

22 THE COURT: Okay, so it's been over
23 the six years?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Well --

1 THE DEFENDANT: I know it's against
2 your better judgment, your Honor.

3 THE COURT: Well, it's not my
4 choice.

5 THE DEFENDANT: Yes.

6 THE COURT: It's not my choice. I
7 just -- believe I'm obligated to let you
8 know, but that choice is yours, and then you
9 will have to live with that choice, but
10 usually, in like a jury trial, they would at
11 least have someone sit with you, because
12 you're not a lawyer, you know, and there are
13 motions that maybe a lawyer would deem
14 appropriate to even file on your behalf, but
15 you don't even help out, you know, and
16 that's why I just think you put yourself --
17 I don't know -- it's your choice.

18 So, do you -- have you filed your Jury
19 Demand? Do you know what you're doing here?
20 I mean -- I don't think --

21 She is waiting. We have to move the
22 jails, sir. You've got to be -- she has got
23 to go. We have about ten files to do, to
24 move prisoners. You've got to decide what
25 you want to do.

1 THE DEFENDANT: I definitely would like
2 a Jury Demand.

3 THE COURT: Well, then you have to
4 take care of that. You have to file the
5 Jury Demand.

6 THE DEFENDANT: Excuse me, your Honor.

7 THE COURT: You have to file the
8 Jury Demand. I can't give you any legal
9 advice, and I'm not going to.

10 THE DEFENDANT: I understand.

11 THE COURT: I keep telling you that
12 you could -- I don't know what it is, why
13 you won't seek an attorney to help you on
14 such serious offense.

15 If there is a conviction on this one and
16 the Judge is aware that there is another
17 one, just think about that, even if it was
18 outside of that six year period -- I don't
19 know why you won't get legal help, and
20 you're not a lawyer -- I mean -- I just
21 don't understand.

22 Tiffany, we're going to write on these.
23 He doesn't know what he wants to do. I have
24 got to get --

25 THE DEFENDANT: You know what, your

1 Honor -- you know what, your Honor, I think
2 as many times as you told me that I should
3 at least talk to a lawyer and possibly get
4 one. I think maybe I should do that.

5 THE COURT: You could talk to one
6 and then after you talk to one, if you have
7 like --

8 THE DEFENDANT: I hadn't done it up to
9 this point, but I think I could.

10 THE COURT: You could at least
11 consult with one.

12 THE DEFENDANT: Yes.

13 THE COURT: Are you able to go to
14 the Public Defender's Office, or you're
15 not --

16 THE DEFENDANT: I can afford a lawyer.
17 I don't even qualify for the Public
18 Defender's Office.

19 THE COURT: You're saying you can.

20 THE DEFENDANT: Yes, I can.

21 THE COURT: Okay, so tell me this,
22 Mr. Collins, you would like time to just
23 explore talking to an attorney.

24 THE DEFENDANT: Yes.

25 THE COURT: That's fine. Tell me

1 what date you would like to come back.

2 THE DEFENDANT: In two weeks.

3 THE COURT: That's fine.

4 So, we'll continue it for a pretrial; is
5 that okay.

6 THE DEFENDANT: Yes, that will be fine.

7 THE COURT: Continued at the
8 defendant's request. Set it for a pretrial
9 in two weeks, which takes us to -- do you
10 want the 6th or 7th, the 7th?

11 THE DEFENDANT: That would be fine.

12 What date?

13 THE COURT: The 7th is a Thursday.

14 THE DEFENDANT: Yes, that's fine.

15 THE COURT: It will be a smaller
16 docket. Thursdays are usually smaller.

17 November --

18 THE DEFENDANT: I teach an anger
19 management class. I don't want to run into
20 my clients in the class.

21 THE COURT: Where do you teach
22 that?

23 THE DEFENDANT: At -- Union --

24 (inaudible) -- Center. In fact, a couple of
25 my people are not from your court, but from

1 the county court, their own Domestic
2 Relation Court, who attend my group.
3 THE COURT: So, November 7th 2013.
4 What time, Mr. Collins?
5 THE DEFENDANT: 2:00.
6 THE COURT: I don't think I have an
7 afternoon docket that day.
8 THE DEFENDANT: Okay. Well, 11
9 o'clock, then.
10 THE COURT: 11 o'clock. That's
11 great. You're not obligated.
12 THE DEFENDANT: Yes, ma'am. I
13 understand.
14 THE COURT: I mean, your Waiver of
15 Attorney form is still in this file.
16 THE DEFENDANT: I appreciate very much
17 your interest in me, your Honor. I
18 appreciate your advice.
19 THE COURT: Yeah, because I think
20 if you go with that jury trial or even
21 represent yourself, you should have an
22 attorney at least sit with you or something.
23 I don't know how that works. I've never --
24 just be careful to protect your rights.
25 THE DEFENDANT: Yes, I appreciate it.

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

Thank you very much.

THE COURT: You're welcome.

THE DEFENDANT: Have a pleasant
evening.

THE COURT: Thank you. You also.

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.)
Carl A. Collins.)

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 17th day of September, 2014.



Devonna Tucker

11-7-13 Transcript

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 CARL A. COLLINS,
10 Defendant.

2013TRC039690

11
12
13 Transcript of Digitally Recorded Proceedings had
14 before the Honorable Judge **ANGELA R. STOKES** on
15 Thursday, November 7, 2013 in Courtroom 15-C.

16
17 APPEARANCES:

18 On behalf of the plaintiff:

19 Victor R. Perez, Chief Police Prosecutor
20 By: Aric Kinast, Assistant Police
Prosecutor.

21 On behalf of the defendant:

22 Pro se

23
24
25 Devonna H. Tucker

P R O C E E D I N G S

- - -

(Thereupon, these proceedings were electronically recorded.)

- - -

THE COURT: This is Docket Number 7, Mr. Carl Collins.

All right, Mr. Collins, what do you plan to do about your legal representation, sir? On your last court date, you were going to confer, to determine if you would hire an attorney or not. You don't meet the criteria to be represented by the Public Defender's Office, so what -- did you make a determination?

THE DEFENDANT: I am not going to hire an attorney, your Honor. I would like to go forward.

THE COURT: You need to discuss your case with the prosecutor. Discuss it with the prosecutor. There is nothing to say. You need to discuss your case with the prosecutor.

THE COURT: Recalling Docket 7 for

1 Mr. Carl Collins, so Mr. Collins you had a
2 chance to pretry your case with Prosecutor
3 Kinast; is that right?

4 THE DEFENDANT: Yes, I don't believe
5 the prosecutor and I are going to come to
6 any resolution, so I would like very much if
7 the Court would honor me with a trial by
8 jury.

9 THE COURT: Will you approach
10 sidebar? Approach.

11 - - -
12 (Thereupon, a discussion was had between
13 Court and counsel at sidebar and on the
14 record.)

15 - - -
16 THE COURT: Mr. Kinast --

17 MR. KINAST: Yes.

18 THE COURT: -- what would you offer
19 -- is the city in a position to amend
20 anything, or does he have priors?

21 MR. KINAST: Yes, he does have a
22 prior in 2002.

23 THE COURT: Okay.

24 So, what did the city offer?

25 MR. KINAST: Well, he told me he was

1 contesting it. He was going to trial.
2 THE COURT: Oh, he didn't want to
3 discuss it.
4 MR. KINAST: And, I offered him the
5 DUI instead of the other charges. I mean,
6 I'm willing to work with him, but he seems
7 he wants to fight everything. I'm willing
8 to give him a plea bargain.
9 THE DEFENDANT: I don't think that --
10 (inaudible) --
11 THE COURT: Well, would the city be
12 in a position to offer a physical --
13 (inaudible) --
14 MR. KINAST: Yes.
15 THE COURT: -- like the other
16 gentleman who had an OVI?
17 MR. KINAST: Yes, I would.
18 THE COURT: -- are you willing to
19 offer that on the record? Did you discuss
20 it? You probably didn't discuss that
21 because you didn't offer it, but I'm not
22 trying to force you to do anything. I'm
23 just trying to see if you can come to a
24 resolution.
25 MR. KINAST: Yes, I would offer him

1 that.

2 THE COURT: Do you understand?

3 THE DEFENDANT: Yes, I understand.

4 THE COURT: Is that something that

5 you would consider it?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: Why not?

8 THE DEFENDANT: Well, because --

9 THE COURT: There is no mandatory

10 jail time on a Physical Control. If you are

11 convicted of these, there are mandatory

12 penalties on this. You are not a lawyer.

13 It is not wise to proceed on an OVI when you

14 have no legal training whatsoever, and, so I

15 am -- I don't understand. I think I need to

16 make a referral.

17 I don't know if he's competent to do

18 this. I'm thinking about making a referral

19 to the Court Psychiatric Clinic, because we

20 cannot take a chance of you representing

21 yourself on these serious charges, and you

22 don't know what you're doing in this

23 courtroom. You do not know.

24 THE DEFENDANT: Yes.

25 THE COURT: And, you can't even

1 provide a reasonable reason why you won't
2 let an attorney help you.
3 Why? Just answer that question. Why?
4 THE DEFENDANT: Because --
5 THE COURT: Just tell me so I can
6 understand.
7 THE DEFENDANT: -- when the officer
8 stopped me, he didn't stop me for just
9 cause. And everything that generated out of
10 that is something that is not necessarily a
11 valid reason to stop me.
12 THE COURT: That's why you need to
13 seek legal counsel. (Inaudible) --
14 THE DEFENDANT: Yes, ma'am.
15 THE COURT: You told me before your
16 son is a lawyer.
17 THE DEFENDANT: I have two children --
18 THE COURT: Right, but they're not
19 in here representing you --
20 THE DEFENDANT: (Inaudible) --
21 THE COURT: Absolutely right --
22 (inaudible) -- and there are appropriate
23 motions, legal motions, that should be
24 brought on your behalf. You're foregoing
25 all of that because you don't know what in

1 the world you're doing. This is why --
2 MR. KINAST: Sounds like you have
3 suppression issues.
4 THE DEFENDANT: Yes.
5 MR. KINAST: So, why do you want to
6 play lawyer before a jury?
7 THE COURT: (Inaudible) And, you
8 have the financial means to hire an
9 attorney.
10 THE DEFENDANT: Yes, I do.
11 THE COURT: So, why won't you get
12 an attorney to help you? This has been
13 going on since July, and you can get an
14 attorney to help you on this matter.
15 THE DEFENDANT: Would you -- look at
16 your officers write up and also look at the
17 video and compare the information that he
18 says to the video.
19 MR. KINAST: If you want to contest
20 the case, you need to talk have to a lawyer.
21 I'm not your lawyer.
22 THE DEFENDANT: I understand that. I
23 know you have to represent yourself as a
24 prosecutor, and, so, you can understand why
25 I feel that I --

1 THE COURT: Sir, first of all,
2 you're missing the point. That's not the
3 point. We're back to the point about your
4 legal representation on this matter.

5 These are such serious charges, if this
6 is a conviction, and I don't understand why,
7 if you can afford an attorney, why don't you
8 let an attorney assist you when you don't
9 have legal background.

10 You can't go running to your children.
11 They can't represent you in this courtroom.

12 MR. KINAST: When he said he was
13 walking back, he said -- (inaudible) -- some
14 of it here.

15 THE DEFENDANT: It was on the video
16 because he's walking back and it shows him
17 walking back to the car. That's my --

18 MR. KINAST: Are you saying you
19 think you didn't -- you think you moved
20 over?

21 THE DEFENDANT: I didn't [sic] move
22 over. I moved over as far as I could and --
23 (inaudible) -- it also shows on the video.

24 THE COURT: What are you going to
25 do about your legal right to representation?

1 This has been going on since July, and I'm
2 at the point where I am going to make a
3 referral, because I do not think he's
4 competent. I will leave him in the
5 community. I think there is a problem here.

6 THE DEFENDANT: Your Honor --

7 (inaudible) --

8 THE COURT: You know what, no,
9 because I have all these people waiting, and
10 I have given you all the time in the world
11 every time you've been in this courtroom --
12 July 30th, August the 9th, August the 14th,
13 September 17th, October 8th, October 23rd,
14 and then today, and these people are
15 waiting. There is a -- (inaudible) -- and
16 I'm making a referral to make certain that
17 you are competent to stand trial, because,
18 for some reason, you've got a mental block
19 about this -- (inaudible) -- and you --

20 THE DEFENDANT: Well, I don't want to
21 waste your -- the Judge's time, but I feel
22 that I -- I'd like to exercise this part of
23 my rights. That's all.

24 THE COURT: And, I'm, making -- I'm
25 exercising part of what I do in the

1 courtroom, and I'm making a referral,
2 because I'm not certain that you're
3 competent to stand trial or to represent
4 yourself on these serious charges. That is
5 exactly what I am going to do, because I
6 want to make a hundred percent certain that
7 you are competent to stand trial --

8 THE DEFENDANT: Your Honor --

9 THE COURT: It is my position --

10 (inaudible) --

11 THE DEFENDANT: Your Honor, last --
12 your Honor, last year I appeared before the
13 appeals court on a civil trial and won the
14 appeals court. I have appeared for myself
15 on other matters in a court.

16 THE COURT: On a DUI?

17 THE DEFENDANT: Not -- (inaudible) --

18 THE COURT: That's right and that's
19 what the Court is concerned about. We want
20 to make sure that your rights are protected
21 all along the way. And, that's important to
22 the Court to know that.

23 I don't believe we can have a fruitful
24 pretrial, because he doesn't understand.
25 This has been going on since July, any

1 attorney would have filed way before that.

2 MR. KINAST: Right.

3 THE COURT: He's even probably
4 beyond the time to even do it?

5 Do you understand? There are certain
6 dates by which -- (inaudible) -- you are
7 foregoing all of this because you won't let
8 an attorney help you. And, you can't give
9 me a reason why you won't let someone help
10 you.

11 We're trying to protect your rights.

12 THE DEFENDANT: Your Honor, the last
13 time I had a lawyer help me, I got sent to
14 Orient and I had to file my own --

15 THE COURT: Okay. That's in the
16 past.

17 THE DEFENDANT: Yes.

18 THE COURT: You can't keep living
19 in the past.

20 THE DEFENDANT: I'm not.

21 THE COURT: Excuse me. You can't
22 keep living in fear, and if you need someone
23 to help you -- you need someone to assist
24 you in this matter.

25 I don't know what happened on that other

1 matter, but you can certainly -- just
2 because you have a bad experience with one
3 attorney, doesn't mean that you can do any
4 better. You might do worse.

5 THE DEFENDANT: I had it dismissed. I
6 had the case dismissed.

7 THE COURT: Sir, let me tell you
8 something. That has nothing to do with this
9 matter. You just think about it.

10 I have to move on. I can't -- I cannot
11 continue -- these people are ready for their
12 cases to be heard. It's just --

13 MR. KINAST: Yeah. He hasn't
14 filed --

15 THE COURT: He doesn't understand.
16 He doesn't understand anything. We are
17 trying to protect his rights.

18 MR. KINAST: If you had a bad
19 experience, with a lawyer in the past, the
20 fact that you think you could do better than
21 any lawyer could do because you had a
22 successful thing --

23 THE COURT: I'm done.

24 THE DEFENDANT: Listen, can I dismiss
25 the case?

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

MR. KINAST: No.

THE COURT: He can have a seat.
That's exactly why I'm making the referral
to the Court Psychiatric Clinic. That's
exactly why.

Hi, Marva, this is Judge Stokes. I need
a court reporter, please. Yes, I do. Thank
you.

Mr. Collins, you may have a seat. I'm
going to recall your case once I have a
court reporter.

THE DEFENDANT: Thank you.

- - -

(Thereupon, the following proceedings were
conducted while in the presence of an
official court reporter.)

- - -

THE COURT: We are ready,
Prosecutor Kinast. Would you approach
sidebar with Mr. Collins?

- - -

(Thereupon, a discussion was had between
Court and counsel at sidebar and on the
record.)

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: We're going to do this
at sidebar. It's about mental health
issues.

This is recalling Mr. Carl Collins'
Case, which is Docket Number 7.

Mr. Collins, I'm just going to basically
repeat some of the information that you and
the prosecutor and I shared before the court
reporter came.

THE DEFENDANT: Yes, ma'am.

THE COURT: It's probably recorded.
Just in case it didn't, I want to make sure
we have a record.

I believe, based upon observing you in
these matters, since July 30th, that it
would be appropriate for the Court to make a
referral to the Court Psychiatric Clinic.

This referral to the Court Psychiatric
Clinic is going to be -- because it's at the
pretrial stage -- competency to stand trial.
This will allow you to remain in the
community. I'm not going take you into --
under custody.

THE DEFENDANT: Yes, ma'am.

1 THE COURT: My main concern is
2 about the paranoia, of the suspiciousness,
3 and that you are so hesitant to hire an
4 attorney.

5 You have a right to represent yourself,
6 but the Court needs to make certain that you
7 are competent, that you can do that, and I'm
8 not convinced that you are. These are my
9 concerns, and then I'll let you say
10 anything, and then I'll let Prosecutor
11 Kinast say anything he would like to place
12 on the record.

13 Also, you're not able to have fruitful
14 pretrial conversations with the prosecutor.
15 When I say fruitful, that doesn't mean that
16 you have to change your plea; do you
17 understand?

18 THE DEFENDANT: Yes.

19 THE COURT: It's just that you
20 haven't been able to communicate where it
21 just makes sense to the both of you, and
22 from my observations, the pretrial
23 conversations -- the both of you -- what you
24 have stated -- there is something going on
25 where I don't think you fully understand.

1 You have the financial means to hire an
2 attorney, but you refuse to do so, and a lot
3 of that is based upon the fact that you had
4 one experience some time -- what year did
5 you tell me?

6 THE DEFENDANT: In 1987.

7 THE COURT: Right, and according to
8 you, it wasn't a positive experience, and
9 you ended up going to -- did you say Ori --

10 THE DEFENDANT: I had to file an appeal
11 myself and ended up -- the Judge threw the
12 case out on my appeal motion. My lawyer
13 didn't do what I felt was a very good job
14 for me.

15 THE COURT: Right. I understand,
16 but on this case, I just have to be
17 perfectly frank. You are beyond the time
18 frame for like filing a Motion to Suppress,
19 and maybe you need to be able to file a
20 Motion to Suppress, but I have talked to you
21 about counsel every time this case has been
22 on the docket, July 30th, August 9th, August
23 14th, September 17th, October 8th, October
24 23rd, and then again today, and I'm not
25 allowed to give you any legal advice, but

1 just from your discussions with Prosecutor
2 Kinast at sidebar today, you have some
3 reasons why you think maybe the charges
4 should be dismissed.

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: You think maybe some of
7 these -- you may not have known the word
8 suppression, but the prosecutor, he let you
9 know that word.

10 THE DEFENDANT: Yes.

11 THE COURT: But, if you're missing
12 these dates -- do you understand my concern?

13 THE DEFENDANT: Yes.

14 THE COURT: What if I let you go
15 forward and you don't have legal counsel,
16 you miss these dates, if there is a
17 conviction -- how can a judge do that? I
18 can't do that in good conscious.

19 There might be some judges that say have
20 at it. Do the best you can, but -- I even
21 think if you sat down for jury trial in this
22 matter, you might have to have counsel just
23 to sit there and help you, even if you
24 didn't want them to represent you, but
25 someone to help you, but I don't even think

1 you would allow that.

2 THE DEFENDANT: I just talked to my
3 wife just -- not too long ago, and she said
4 that she was going to ensure that I had
5 somebody, if nothing more, to advise me in
6 the legal steps that I need to take.

7 THE COURT: Is she here today?

8 THE DEFENDANT: No, she is not here. I
9 called her on the phone.

10 THE COURT: Maybe she ought to come
11 some time. This has been going on since
12 July.

13 On your last court date, which was
14 October 23rd, you told me that you were
15 going to confer with legal counsel to
16 determine if you would hire an attorney.
17 Did you do that?

18 THE DEFENDANT: I did. I called my
19 half brother, who is a lawyer in Detroit,
20 who is a criminal lawyer in Detroit, and he
21 said that he thought I had good grounds, and
22 he said that it would probably be best if I
23 had some legal aid. He said, I could do it
24 on my own, because the law allows me to do
25 that, but he felt -- and he couldn't do it,

1 of course, because he's licensed in Detroit,
2 and he does -- he has a load of work up
3 there.

4 He said, he thought my grounds were very
5 valid.

6 THE COURT: But, you're not
7 presenting them so that they even get before
8 the Court or to the prosecuting attorney.

9 What are we going to do here? You won't
10 let someone help you.

11 THE DEFENDANT: It's a little bit
12 hubris on my part too.

13 THE COURT: Huh?

14 THE DEFENDANT: It's a little bit
15 hubris on my part too.

16 THE COURT: You think this is
17 humorous?

18 THE DEFENDANT: No, hubris. You know,
19 like pride.

20 THE COURT: Oh, I'm thinking -- I
21 wanted to say stubborn, but I didn't want to
22 say it.

23 THE DEFENDANT: That too.

24 THE COURT: Well, what are we going
25 to do to protect your rights here, sir?

1 There has to be an attorney that you could
2 maybe trust to help you, but you won't sit
3 down and talk to one locally.

4 THE DEFENDANT: I have one. I've just
5 gotten something from the war department who
6 told me that I will talk to somebody.

7 THE COURT: Your wife?

8 THE DEFENDANT: Yes.

9 THE COURT: Because, this is what I
10 think that -- I think that if you have
11 grounds for a Motion to Suppress, that you
12 should not forego that opportunity. Do you
13 understand?

14 THE DEFENDANT: Yes.

15 THE COURT: If I let you keep going
16 in this direction, I mean, if I don't
17 intervene here somehow --

18 THE DEFENDANT: Well, she is -- I am
19 getting ready to talk to Mr. Gambino, Joe
20 Gambino -- Thompson. She knows him, and she
21 is gonna have me go and talk to them. My
22 wife is the boss.

23 THE COURT: Well, what do you think
24 we should do, because this has been going on
25 since July?

1 THE DEFENDANT: I should have talked to
2 her a long time before this.

3 THE COURT: So, what are you
4 telling me?

5 THE DEFENDANT: That I am probably
6 going speak to either Mr. Gambino or
7 Mr. Thompson to see about the possibility of
8 assisting me, or if there are grounds for
9 some other things that they could handle for
10 me.

11 THE COURT: What do you mean hire
12 an attorney to help you?

13 THE DEFENDANT: Yes, to handle it for
14 me.

15 THE COURT: Yes, because -- I don't
16 know, Mr. Kinast, I think I have legitimate
17 reasons for making the referral. I don't
18 know if I should or if I should wait to see
19 if he comes back with counsel. I'm not
20 sure. I want to do the right thing here.

21 THE DEFENDANT: Your Honor, is making
22 the referral --

23 THE COURT: I want to make certain
24 that you understand.

25 THE DEFENDANT: And, I understand you

1 will.

2 THE COURT: That you're competent
3 to represent yourself and that you can
4 assist yourself in defense of this case.

5 From what I've seen so far, I don't
6 think so. You are missing vital deadlines.

7 THE DEFENDANT: Yes.

8 THE COURT: I don't want you to be
9 in that position because you're just
10 ignorant of the law, and like you said --
11 hubris, prideful?

12 THE DEFENDANT: Yes.

13 THE COURT: This is too serious.

14 THE DEFENDANT: Yes.

15 THE COURT: Mr. Kinast can play
16 hardball here and say we are opposing the
17 Motion to Suppress, because he has missed
18 the timeline, but he's being too gracious.
19 He's not saying that. He may be thinking
20 it, but he hasn't said it. He's just being
21 gracious here.

22 What do we do? I can't keep doing this.
23 This is July, August, September, October,
24 four months this has been going on.

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: So, are you telling me
2 that you're going to have an attorney here
3 to represent you on the next court date?

4 THE DEFENDANT: Probably.

5 THE COURT: Well, that's not -- I
6 can't delay making a referral.

7 If you know that you're going to hire an
8 attorney, you may not know who it is, but if
9 you will trust interviewing some and making
10 a decision, then maybe I can forego making
11 this referral --

12 THE DEFENDANT: I will --

13 THE COURT: -- but, I can't delay
14 this if you're not going to commit to that,
15 because I -- it would take almost three or
16 four weeks just to get a psychiatric
17 evaluation. I just can't wait until you
18 come back again.

19 I have other cases that I have to handle
20 here. I have deadlines here.

21 THE DEFENDANT: I will talk to a local
22 attorney and have him assist me, or her
23 assist me, do what needs to be done to
24 handle this.

25 THE COURT: This is what I'm going

1 to do, because of the time limits, I'm going
2 to make this referral, but I can always
3 withdraw this referral if you hire counsel,
4 and I know you're okay, that you have
5 proof -- I'll be happy to withdraw it, but I
6 don't think I can delay submitting it, but I
7 can always withdraw it.

8 THE DEFENDANT: Okay.

9 THE COURT: Okay, and then, I'm
10 just going to put competency to stand trial.
11 I put on here there is a bit of paranoia
12 here because of what happened to you -- what
13 year was that 19 --

14 THE DEFENDANT: '87.

15 THE COURT: -- 1987, so that must
16 have been a pretty traumatic experience.

17 What was that for?

18 THE DEFENDANT: It was burglary.

19 THE COURT: But, it's okay.

20 Anyway, you felt you had ineffective
21 assistance of counsel.

22 THE DEFENDANT: Initially.

23 THE COURT: You went to a state
24 prison. Then you got released because of
25 the ineffective assistance of counsel, but

1 just know, even if you had a bad experience,
2 that shouldn't stop you from having legal
3 representation now if you need it; do you
4 understand?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay, because you're
7 missing these deadlines, and if you were an
8 attorney, you would know what needed to be
9 done. I do not think I have to ask -- do
10 you have any type of hostility or feel
11 homicidal?

12 I have to ask these questions.

13 THE DEFENDANT: No, ma'am.

14 THE COURT: Do you feel depressed
15 at all or suicidal?

16 THE DEFENDANT: No, ma'am. If you
17 recall, I proctor an anger management group.
18 I help other people.

19 THE COURT: You did.

20 You're not doing anything about legal
21 representation. You're missing critical
22 deadlines.

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Do you have any
25 hallucinations?

1 These are standard questions.

2 THE DEFENDANT: No, ma'am.

3 THE COURT: I do think that there

4 may be a lack of comprehension. You're

5 missing these dates and so forth. I'm going

6 to check on this -- I put paranoid,

7 suspicious, and then -- so I'll make the

8 referral. Let me just make sure I have the

9 correct address. Is it 12621.

10 THE DEFENDANT: Walnut Hill Drive.

11 THE COURT: Is that North Royalton,

12 Ohio 44133.

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Phone number.

15 THE DEFENDANT: Phone number is

16 (440) 582-0316.

17 THE COURT: Okay, the Court

18 psychiatric clinic will contact you about

19 your appointment date, because they're

20 closed now.

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: At any time, if I need

23 to withdraw this, I can withdraw this. I'm

24 doing this because I want to protect your

25 rights.

1 THE DEFENDANT: Okay.

2 THE COURT: Hopefully, if you make
3 that decision -- if you agree you will hire
4 an attorney -- if you believe in that --
5 just to protect your rights on the next
6 court date.

7 THE DEFENDANT: Yes.

8 THE COURT: So, when will you make
9 your decision about your legal counsel?
10 What date should I put this back on the
11 docket?

12 THE DEFENDANT: I don't know. I'm
13 going to have to talk to both of these two
14 attorneys to find out which one --

15 THE COURT: I have to have a date
16 to put on. I can't go 30 days. I just
17 can't do that, because this has been going
18 on since July 30th.

19 THE DEFENDANT: Third.

20 THE COURT: Actually, before,
21 because I told you in the Arraignment Room
22 you had a right to seek legal counsel.

23 THE DEFENDANT: Yes, the 3rd?

24 THE COURT: We need a date in
25 November.

1 THE DEFENDANT: The 20 --

2 THE COURT: Today is the 7th. You
3 got like two weeks. You need to figure out
4 something by -- because you've had plenty of
5 time to do this.

6 So, you want to do this by the 20th of
7 November?

8 THE DEFENDANT: Yes.

9 THE COURT: That gives you plenty
10 of time.

11 November 20th 2013. You want afternoon?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Three o'clock?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Are you going to bring
16 the wife?

17 THE DEFENDANT: If she is not teaching
18 class, I'll have her with me.

19 THE COURT: It's your choice. I
20 just want to make sure that you understand
21 what you're doing, that you're competent to
22 represent yourself, okay?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay.

25 THE DEFENDANT: Thank you.

1 THE COURT: You are welcome.
2 Have you ever had any mental health
3 care?
4 THE DEFENDANT: No, ma'am.
5 THE COURT: I have to ask.
6 THE DEFENDANT: Although, I was in a
7 POW Camp for a while. That would have made
8 me paranoid.
9 THE COURT: Where was that?
10 THE DEFENDANT: Viet Nam.
11 THE COURT: So, you're a veteran;
12 you're a veteran?
13 THE DEFENDANT: Yes, ma'am.
14 THE COURT: Okay.
15 What year was that?
16 THE DEFENDANT: That was 1966 and '67,
17 around this time of year.
18 THE COURT: Tell me the date of the
19 other conviction that was in 1980?
20 THE DEFENDANT: 1987.
21 THE COURT: Tell me -- that was for
22 burglary, robbery?
23 THE DEFENDANT: It was for burglary. I
24 had --
25 THE COURT: You don't have to tell

1 me about the merits. I'm just -- I'm
2 just -- factual information.

3 THE DEFENDANT: I didn't do that
4 either.

5 THE COURT: How long were you in a
6 state prison; how long?

7 THE DEFENDANT: In Orient, just for --
8 I went to Chillicothe then Orient. It was
9 probably for 60 days. Not more than 60
10 days.

11 I filed the information -- went back to
12 court dismissed it. Judge Gowin released
13 me.

14 THE COURT: All right.

15 I think I have enough information.
16 You'll be contacted about a date to appear
17 at the court psychiatric clinic. It may
18 very well be after November 20th date.
19 They're running behind. You may have your
20 attorney then. This may be a moot issue at
21 that point.

22 THE DEFENDANT: All right. Thank you.

23 THE COURT: That is acceptable?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Anything, Mr. Kinast?

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

MR. KINAST: No, your Honor.
THE COURT: All right.
 Thank you, sir. Did they give you a
reminder slip for November 20th?
THE DEFENDANT: No, I need one.
THE COURT: I will write it out.
 Thank you.

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.)	
)	
Carl A. Collins.)	

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 19th day of September, 2014.



Devonna Tucker

11-20-13 Transcript

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 CARL A. COLLINS,
10 Defendant.

- - -
)
)
)
)
)
)
)
)
)
)
- - -

2013TRC039690

11
12
13 Transcript of digitally recorded proceedings had
14 before the Honorable Judge Angela R. Stokes, on
15 Wednesday, November 20, 2013, in Courtroom 15-C.

16
17 APPEARANCES:

18 On behalf of the plaintiff:

19 Victor R. Perez, Chief Police Prosecutor
20 By: Aric Kinast, Ass't Police Prosecutor.

21 On behalf of the defendant:

22 Pro se

23
24
25 Grace Evangelou, RPR

P R O C E E D I N G S

1
2 THE COURT: For Mr. Carl Collins,
3 let me call the case.

4 Mr. Collins, I did receive notification
5 that you've been scheduled for the
6 psychiatric evaluation --

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: -- and I think -- do
9 you have the date for that evaluation?

10 THE DEFENDANT: She hasn't given me a
11 date yet.

12 THE COURT: Oh, they gave me a
13 date. Just one second, I'll tell you in
14 one moment so you don't miss that
15 appointment, sir. No one notified you of
16 the date and time?

17 THE DEFENDANT: She called and wanted
18 to get verification of my address and
19 (inaudible).

20 THE COURT: Okay. They sent me a
21 letter saying that the first available date
22 for your appointment was November 25th,
23 2013, but they didn't tell me what time.
24 And then that report will be available in
25 court for December 3rd. Do you understand?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: So you have to go to
3 the Court Psychiatric Clinic November 25th,
4 which is Monday.

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: And I'm so sorry, they
7 didn't tell me what time.

8 THE DEFENDANT: They didn't? They had
9 called me.

10 THE COURT: Do you want me to write
11 down the number to the Court Psychiatric
12 Clinic so you can find out what time?

13 THE DEFENDANT: Please.

14 THE COURT: Okay. And then shall I
15 place your case back on the docket December
16 3rd?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: That's when the report
19 will be available. You may approach, sir.
20 You may approach. I'm going to write down
21 the number to the Court Psychiatric Clinic,
22 which is 664-4630. And then you call to
23 find out. As you can see that tells me your
24 appointment is November 25th but it doesn't
25 tell me what time.

1 THE DEFENDANT: Yes, ma'am.
2 THE COURT: Okay. Make sure you go
3 there and then you'll come back to this
4 courtroom on --
5 THE DEFENDANT: December 3rd.
6 THE COURT: Yeah, December 3rd,
7 2013. The time is whatever time you would
8 like. You just have to tell me.
9 THE DEFENDANT: Three o'clock.
10 THE COURT: I'll continue it at the
11 defendant's request for a pretrial to review
12 the psychiatric report, December 3rd, 2013,
13 at -- did you say 3:00?
14 THE DEFENDANT: Yes, ma'am.
15 THE COURT: At 3 p.m. Okay.
16 You'll note that's to the Court Psychiatric
17 Clinic, okay?
18 THE DEFENDANT: Yes, ma'am. Thank you,
19 your Honor.
20 THE COURT: You are welcome, sir.
21 Have a good afternoon.
22 -- -- --
23
24
25

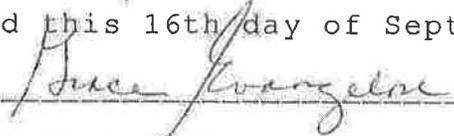
C E R T I F I C A T E

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,)	
)	
vs.)	
)	
Carl A. Collins.)	

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 16th day of September, 2014.



Grace Evangelou

12-3-13 Transcript

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 CARL A. COLLINS,
10 Defendant.

)
)
) 2013TRC039690
)
)
)
)
)

11
12
13 Transcript of digitally recorded proceedings had
14 before the Honorable Judge Angela R. Stokes, on
15 Tuesday, December 3, 2013, in Courtroom 15-C.
16

17 APPEARANCES:

18 On behalf of the plaintiff:

19 Victor R. Perez, Chief Police Prosecutor
20 By: Aric Kinast, Ass't Police Prosecutor.

21 On behalf of the defendant:

22 Pro se

23
24
25 Grace Evangelou, RPR

P R O C E E D I N G S

1
2 THE COURT: This is Docket No. 12
3 for Mr. Collins.

4 Prosecutor Kinast, as you know
5 Mr. Collins did submit to a psychiatric
6 evaluation. That report is here. It's
7 dated December 2nd, 2013.

8 Since you're representing yourself, you
9 are certainly welcome to read this report if
10 you would like. And it was prepared by Dr.
11 Michael H. Aronoff. And he -- his
12 diagnostic impression is that there's no
13 psychiatric diagnosis, whatsoever. And it
14 is Dr. Aronoff's opinion, with reasonable
15 psychological certainty, that Mr. Collins
16 does not present with a history of signs or
17 symptoms characteristic of a psychiatric
18 diagnosis. It is his opinion, with
19 reasonable psychological certainty, that
20 Mr. Collins clearly understands the nature
21 and the objective of the legal proceedings
22 against him, and he gives four reasons for
23 that.

24 And furthermore, it's Dr. Aronoff's
25 opinion, with reasonable psychological

1 certainty, that Mr. Collins is currently
2 capable of assisting in his defense, and he
3 gives four reasons for that.

4 An that he's -- the defendant intends to
5 represent himself in court. His reasons for
6 such are rational, knowing, and voluntary.
7 He appears to be aware of the possible
8 adverse consequences resulting from such.

9 So if you want to take a look at the
10 report, I think, you're certainly welcome to
11 do that. I cannot give you a copy but you
12 can certainly look at it.

13 THE DEFENDANT: Certainly, your Honor.

14 THE COURT: But it basically says
15 that you understand and that you can
16 represent yourself.

17 So I see that he did file -- and I
18 accept the report. I've read through it. I
19 mean, I'm not putting everything in the
20 record because we're in open court and I
21 can't get a court reporter after 4:30, but
22 I've read about your military background and
23 some of the hardships that you've suffered.

24 Now, how am I doing over there? Oh, my
25 gosh, wait. This computer is acting up.

1 Wait, wait, wait. This is terrible. This
2 happens every time. I got to figure out how
3 to do this. So -- (inaudible) Oh, move your
4 buggy. Thank you, okay. I lost my pen, but
5 anyway -- so Mr. Collins, I see that you
6 filed a Motion to Suppress.

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Okay. And Prosecutor
9 Kinast that was filed on November 19th. I
10 know the City needs time to respond to that
11 Motion to Suppress.

12 MR. KINAST: Right. We we will need
13 to respond and a copy of that.

14 THE COURT: You haven't been served
15 with a copy?

16 THE DEFENDANT: I sent you a copy but I
17 do have --

18 THE COURT: Do you have an extra
19 one for Prosecutor Kinast --

20 THE DEFENDANT: Yes, I do.

21 THE COURT: -- or do we need to
22 make a copy for him?

23 THE DEFENDANT: I have a copy that he
24 can have.

25 THE COURT: Is that your only copy?

1 THE DEFENDANT: Oh, no, I have several
2 copies.
3 THE COURT: Oh, I'm sure. So
4 Prosecutor Kinast, I know the City needs
5 time to respond to the defendant's Motion to
6 Suppress, and then we just need to set it
7 for a hearing. I guess today we could set
8 it for a hearing date, once you tell me when
9 the City's response will be?
10 MR. KINAST: Well, If you can give
11 us a few weeks.
12 THE COURT: Sure.
13 MR. KINAST: So (inaudible) so in a
14 few weeks (inaudible).
15 THE COURT: You tell me when you
16 think the City will be able to respond and
17 then I'll know what date to schedule it for
18 a Motion to Suppress hearing.
19 MR. KINAST: Okay. Well, if you can
20 give us to the 20th.
21 THE COURT: Okay. And this has
22 been on the docket, oh, since July. Do you
23 want me to schedule it on the docket -- tell
24 me what day is best, because I don't think I
25 should put it on in January because this

1 case goes over age in January. I could do
2 it on the 27th. That's a Friday afternoon.
3 If you don't think that's good -- we don't
4 want to do it the day after Christmas.

5 MR. KINAST: Why don't we do it on
6 the 30th.

7 THE COURT: I will be here but I
8 don't think the witnesses will be here.

9 MR. KINAST: Why don't we do it on
10 the 30th.

11 THE COURT: I was thinking about
12 it, at two o'clock. Is that date okay?

13 THE DEFENDANT: That's perfect, your
14 Honor.

15 THE COURT: So Mr. Collins, your
16 case will be continued at the defendant's
17 request, set for a pretrial on a Motion to
18 Suppress hearing. That's going to be on
19 December 30th, 2013, at two o'clock in the
20 afternoon, okay? Is there anything else,
21 sir?

22 THE DEFENDANT: Thank you very much,
23 your Honor. I appreciate it.

24 THE COURT: And I know that you
25 filed a jury demand also. I am aware of

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

that.

THE DEFENDANT: Thank you.

THE COURT: You're welcome. Do you
need a reminder slip or did you receive one,
sir?

THE DEFENDANT: No, I just got it.
Thank you.

THE COURT: Oh, okay. Thank you.

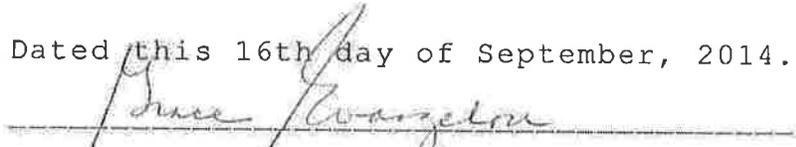
C E R T I F I C A T E

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,)
vs.)
Carl A. Collins.)

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 16th day of September, 2014.

Grace Evangelou

12-30-13 Transcript

COPY

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

4 IN THE MUNICIPAL COURT

5
6 CITY OF CLEVELAND,
7 Plaintiff,

8 vs.

9 CARL COLLINS,
10 Defendant.

2013 TRC 039690

11
12
13 Transcript of digitally recorded proceedings had
14 Before the Honorable Judge Angela R. Stokes on
15 Monday, the 30th of December, 2013 in Courtroom 15C.
16

17 APPEARANCES:

18 On behalf of the plaintiff:

19 Victor R. Perez, Chief Police Prosecutor
20 By: Marco Tanudra, Asst. Police Prosecutor.

21 On behalf of the defendant:

22 (Pro se)

23
24
25 MARVA M. WILSON

P R O C E E D I N G S

1
2 THE COURT: What about
3 Mr. Carl Collins's case? For
4 Mr. Carl Collins, that's docket number 10.
5 Good afternoon Mr. Collins. And the record
6 will reflect that Trooper Jackson is
7 present.

8 Have you had any discussions with the
9 prosecutor today regarding this matter?

10 THE DEFENDANT: No ma'am, I have not.
11 And I did file an additional motion
12 rebutting the return that the prosecutor
13 sent to me on my motion.

14 THE COURT: I don't know what
15 you're talking about, sir. I see in the
16 file the motion to suppress. And I see the
17 City's motion to the defendant's motion to
18 suppress, and I see the City's response to
19 the defendant's motion to suppress. I don't
20 see any other documents.

21 THE DEFENDANT: I just filed it today,
22 your Honor. I was out of town.

23 THE COURT: Well then that's why we
24 don't have it, sir, if you are just serving
25 something. Do you want to pretry this

1 matter? Why don't you discuss this case
2 with the prosecutor to see if you can maybe
3 reach a resolution.

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Or at least serve him
6 with the pleading you just filed today.

7 *****

8 THE COURT: Okay, so with respect
9 to Mr. Carl Collins's case, do you want to
10 go forward with the suppression hearing or
11 do you have a resolution or what --

12 THE DEFENDANT: We would like to --

13 THE COURT: -- was the other
14 pleading? I don't know. I don't have --

15 MR. TANUDRA: This is a rebuttal,
16 your Honor and I believe that suppression
17 hearing (inaudible) but he does intend to go
18 forward with his suppression hearing.

19 THE COURT: Okay. So shall we
20 swear in the witnesses to go forward?

21 THE DEFENDANT: Yes.

22 THE COURT: Thank you.

23 Swear in the witnesses.

24 THE BAILIFF: All those going to
25 testify, please raise your right hand.

1 (Inaudible) your Honor. (Inaudible)
2 sworn in.

3 THE COURT: Do you want to make an
4 opening statement?

5 THE DEFENDANT: Yes. Your Honor, I had
6 requested the suppression hearing because I
7 felt that the -- there was evidence in the
8 video that was produced on the officer's
9 vehicle to show that number one the officer
10 said that there were no other cars in the
11 vicinity when my car went past him.

12 The State law as far as giving the
13 officer a free reign, mentions in paragraph
14 A(2) that if an officer -- a driver is not
15 traveling on a highway of a type -- highway
16 of a type described in division A(1) of Ohio
17 Revised Code 4511.213, or if an officer's
18 traveling on a highway of that type it's not
19 possible to change lanes or if to do so
20 would be unsafe, the driver should proceed
21 with due caution, reduce the speed of the
22 motor vehicle and maintain a safe speed for
23 the road, weather and traffic conditions.

24 I would like to offer to the Court that
25 at the stop that the officer made, I could

1 not move into another lane because it was a
2 vehicle in that lane which is illustrated on
3 the video that the officer did take.

4 THE COURT: This would be a brief
5 opening statement to the Court, sir.

6 THE DEFENDANT: Oh okay.

7 THE COURT: Anything else?

8 THE DEFENDANT: That's basically all.

9 THE COURT: Okay. Let me just
10 handle -- there are a few morning cases that
11 I realize have not been called. I will
12 recall this in just a moment. Just have a
13 seat.

14 *****

15 THE COURT: I would like to recall
16 Mr. Carl Collins's case.

17 All right. What are we doing? I think
18 Mr. Collins -- did you finish your opening
19 statement.

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Yes?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Would the City like to
24 make an opening statement?

25 MR. TANUDRA: Yes, your Honor. Your

1 Honor, I believe that the evidence will show
2 that on July 11th of this year, the
3 defendant was operating his vehicle, and
4 when he approached a lighted emergency
5 vehicle, he failed to either move on to the
6 right lane or to the other lane when it was
7 safe to (inaudible) highway or he failed to
8 proceed with caution considering the traffic
9 at that time.

10 Your Honor, I believe the witness will
11 testify that the defendant's operation of
12 the vehicle, as he observed, showed that he
13 violated that statute under the City's
14 ordinance -- City code -- State code
15 4511.213. And because of this violation,
16 the officer had probable cause to make the
17 traffic stop.

18 And I believe your Honor for this
19 suppression hearing, the defendant is only
20 challenging whether or not the stop is
21 valid.

22 THE COURT: All right. Thank you.
23 Would you like to proceed?

24 MR. TANUDRA: Yes, your Honor.

25 THE COURT: Okay.

1 CHARLES JACKSON, being
2 first duly sworn, was examined and testified
3 as follows:

4 DIRECT EXAMINATION

5 BY: MR. TANUDRA:

6 Q Trooper, can you please state your name and badge
7 number for the record?

8 A My name is Charles M. Jackson, and we go by unit
9 numbers. My unit number is 1418.

10 Q And where do you work?

11 A State Highway Patrol. I am posted here at the
12 Cleveland Metro Post.

13 Q For how long?

14 A I just transferred here in May. I've been a
15 state trooper for 14 years.

16 Q Okay on July 11th of this year, were you working?

17 A Yes, I was.

18 Q Were you in a marked trooper cruiser?

19 A Yes, I was.

20 Q Were you in uniform?

21 A Yes, I was.

22 Q Did you have a partner with you?

23 A No we work by ourselves most of the time.

24 Q On that day, did you have occasion to come into
25 contact with the defendant?

1 A Yes, I did.

2 Q Could you please describe what you were doing
3 before you came in contact with the defendant?

4 A On that time in question, I was currently
5 affecting a traffic stop on State Route 176,
6 southbound, just north of Spring Road. At that
7 time, I concluded my traffic stop. As I
8 approached my motor veh -- my patrol car -- well
9 behind my vehicle I had seen a vehicle that was
10 in the right lane approaching me.

11 At that time as it was getting closer, I
12 moved back in front of my vehicle and the vehicle
13 had passed by. Once he had passed by, I got back
14 into my patrol chased down the vehicle. As we
15 approached Spring Road, he was in the right lane.
16 He made a -- he changed lanes to the left lane
17 without using his signal. The light was red. He
18 stopped momentarily.

19 Once the light turned green, he did activate
20 his turn signal then and turned left. I waited
21 until we crossed over the overpass to conduct
22 this traffic stop, for being that I don't like
23 conducting traffic stops on a bridge.

24 Q Okay. And going back to when you were -- you had
25 when you had just completed a traffic stop, where

1 were you located?

2 A I was located on the right berm. State Route 176
3 has three lanes of travel and I was on the actual
4 berm side.

5 Q Okay. Did you have your sirens on or lights on?

6 A No like I said I had the lights activated. We
7 have blue lights that are very -- extremely
8 bright.

9 Q Okay. Was there any weather conditions at this
10 time that would have obstructed your --

11 A It was -- the road, no. Nothing obstructed the
12 view of my vehicle. You could see me from a mile
13 away. It wasn't raining. The road I believe was
14 a little wet.

15 Q You yourself, where were you on that stop
16 (inaudible).

17 A I was actually on the driver's side. When I was
18 conducting the traffic stop, I was actually
19 partially in the road.

20 Q Okay. And what did you observe while you were
21 walking back to your vehicle?

22 A That's when I observed the defendant, Mr. Collins
23 approaching my vehicle. It appeared to be
24 approximately 60 miles an hour. And he just
25 wasn't moving over. He never moved over at all.

1 Q Did you notice him slow down?

2 A I didn't notice him slow down at all.

3 Q Okay. And based on the traffic conditions, did
4 he have room to move over to the lane?

5 A He had more than ample room and time to make that
6 lane change.

7 Q Okay and did this happen in the city of
8 Cleveland?

9 A Yes, it did.

10 Q Do you see the defendant here today?

11 A I do.

12 Q Could you please describe what he is wearing?

13 A The gentleman standing to your right. He's
14 wearing a greyish sweater, greyish pants, shoes,
15 mustache, glasses.

16 Q Can you please point for the Court where he is
17 located?

18 A He is located (inaudible).

19 Q Sorry. Can you describe where he's located?

20 A Where is he located?

21 Q Yes. Is he standing next to anything?

22 A No -- he's right in front of the podium.

23 Q Okay.

24 MR. TANUDRA: Your Honor, may the?

25 Record reflect the witness has identified

1 the defendant?

2 THE COURT: Yes, the record shall
3 so reflect.

4 Q And you said that you followed the defendant
5 after he passed you?

6 A That's correct.

7 Q And what else did you observe again?

8 A A lane change violation. Like I said, he didn't
9 use -- he was originally in the right lane. He
10 changed lanes to the left lane without using
11 signal.

12 Q Did you cite him for the lane change violation?

13 A I did not. We only cite for one violation
14 usually.

15 Q Okay. And do you have a dash cam video in your
16 cruiser?

17 A Yes, I do.

18 Q And who maintains possession of the video?

19 A Everything is -- everything is -- the video is
20 actually stored on a data -- on a server at our
21 post, post level. So once we get done,
22 throughout the week, we'll hook up to a server
23 and we upload it to our server and it's
24 maintained for a certain amount of time.

25 Q And how does this dash cam video work?

1 A As soon as I hit my lights, it goes back one
2 minute. So I mean, I see a violation and I hit
3 my lights. From that time I hit my lights, it
4 goes back one minute. It's constantly always
5 recording. It only saves once I hit my lights or
6 I can actually hit "record" myself or my siren or
7 I am in a crash.

8 Q Were you trained in the use of this dash cam?

9 A Yes, I was.

10 Q When you were trained?

11 A When? We got the new system -- oh shoot. It was
12 a few years ago. It's a better system than our
13 old system.

14 Q How long have you been working this system?

15 A This system? It's about two years now.

16 Q And was this system in working order on this day?

17 A Yes, it was.

18 Q And did you bring a copy of the video with you?

19 A Yes. I did provide a copy to the Court.

20 Q And have you seen this video?

21 A Just a second ago when you were playing it.

22 Q And is this a true and accurate copy of what your
23 dash cam video recorded that day?

24 A Yes. (Inaudible) altered.

25 MR. TANUDRA: Your Honor, I would

1 like to show the video to the officer.

2 THE COURT: Yes, just one moment.

3 *****

4 THE COURT: I'm sorry for the
5 delay.

6 MR. TANUDRA: Your Honor, may we
7 approach?

8 THE COURT: Yes.

9 Yes, you may approach.

10 (Thereupon the video was played)

11 Q Officer, could you please describe to the Court
12 what you just saw in the video?

13 A I just concluded my traffic stop there on the
14 berm. I was approaching the vehicle. As I was
15 approaching the vehicle, that's when I saw the
16 defendant come down the right lane. At that time
17 I -- I just stepped in front of the vehicle
18 because I was standing in the lane. I'd figure I
19 would get hit and don't want to get hit. So he
20 had more than ample time to move over. He had
21 more than ample time to apply the brakes or slow
22 down to move over, and none of that ever
23 happened.

24 I'm very selective when I do such a law
25 because the consequences for the law itself, the

1 penalties -- before it used to be double the
2 fine, and double the points. And I had a trooper
3 friend of mine that I used to work with who
4 actually got killed. I'm pretty selective. I
5 don't just pick -- I just don't say ok -- every
6 time. I mean I totally understand that there is
7 a lot of traffic on 71, 480, 90. When it's
8 bumper to bumper, you can't move over. I realize
9 that. At this time in question, as you can see
10 in the video, there's not much traffic out there
11 at all.

12 Q And we can forward it to -- so what happened when
13 you say you followed the --

14 A Yea. Spring Road exit is the next exit. I
15 followed him up to the exit. And that's when I
16 observed the second violation. I waited until he
17 made a left hand turn once the light turned
18 green. I waited until he crossed over the
19 bridge, and that's when I completed the traffic
20 stop.

21 Q So at this time you were following --

22 A Yes at the time I'm just following him. Right
23 now he is currently in the right lane and you'll
24 see him change to the left lane in a second.

25 Q There is another car in front of his car?

1 A That's correct it is. The car in front of his
2 car is right in front of me.

3 Q So could you please describe to the Court what
4 you observed, the defendant's operation of the
5 vehicle?

6 A Right. Like I said, he was in the right lane
7 there. He -- that's the first time I met the
8 defendant. He changed lanes, from the right lane
9 to the left lane without utilizing his signal,
10 come to a stop. The light is still red. He sits
11 there a few seconds. He does activate the signal
12 while we're sitting at the light. He makes that
13 left-hand turn. Even, even if he didn't make the
14 lane change violation, I was already going to
15 stop his vehicle.

16 Q Could you please state for the Court what were
17 the reasons you were going to for stop him?

18 A For failing to approach a safety vehicle with
19 caution or due care.

20 MR. Your Honor we're done

21 with the video.

22 THE COURT: Okay. Thank you.

23 THE DEFENDANT: All right Could you
24 leave that (inaudible).

25 MR. Okay.

1 Q Is there anything else that you observed at that
2 that -- from that stop?

3 A No. I mean from the actual probable cause of the
4 violation, no. What you see in the video is
5 everything that happened out there.

6 Q Okay.

7 MR. Thank you, your Honor.

8 No further question.

9 THE COURT: All right thank you.

10 All right. So do you have questions?

11 You want to ask on cross-examination?

12 THE DEFENDANT: Yes.

13 THE COURT: We want to make sure
14 it's picking up on the microphones. I think
15 it did because all of you were talking right
16 here but I think he needs to go back. But
17 if you have questions regarding that, you
18 could approach and you just have to talk
19 loud.

20

21

22

23

24

25

CROSS-EXAMINATION

1
2 BY MR. COLLINS:

3 Q Officer Jackson, on your statement of facts, you
4 mentioned -- you said something about there was
5 no other cars on the roadway going eastbound?

6 A When you were approaching me, right -- at this
7 point you're not going to see on the video
8 because everything happened behind my patrol car.
9 As you were approaching, that center lane was
10 totally clear. There was no other vehicles next
11 to you for you to make that lane change.

12 Q And you didn't notice that there was a vehicle
13 that was close behind me, that if I had made a
14 lane change, there would have been a problem with
15 the cars?

16 A There was no problem, sir. There was no problem
17 at all.

18 THE COURT: You have to speak in
19 the microphone. Just lift the microphone
20 just up towards you some. Just lift it up a
21 little bit further towards you; all the way
22 up towards you and then you just have to
23 project your voice. That's good.

24 A If there would have been an issue for you to
25 actually move over or slow down, then I would

1 never had stopped you at all.

2 Q Could you replay that video back to 1:20 --

3 A Are you talking about the vehicle that was
4 actually in front of you?

5 Q That the --

6 A At 1:21:01?

7 Q Yes.

8 A I don't know how to operate the --

9 May we approach, your Honor?

10 THE COURT: Sure.

11 A 1:21:01.

12 Q Because -- Officer Jackson, you said there was no
13 other car and there was a car that went past you,
14 a little bit ahead of me as we were coming down
15 the highway that was next to me or slightly
16 behind me and --

17 THE COURT: What is your question?

18 THE DEFENDANT: I just wanted to know
19 if Officer Jackson saw that second car that
20 was in the lane that was right beside me as
21 I was coming up to the officer.

22 A Are you asking if I saw the car that was in front
23 of you? Yes.

24 Q It was beside me but as I passed you, it was in
25 front of me because it was moving fast.

1 THE COURT: What is the question?
2 You are not testifying.

3 THE DEFENDANT: The question -- I'm
4 asking --

5 THE COURT: Excuse me.

6 THE DEFENDANT: Yes.

7 THE COURT: You are not going to
8 over step this Court. You want to represent
9 yourself, you don't want legal counsel that
10 is just fine but on cross-examination, you
11 cannot testify. You have to ask a question.

12 THE DEFENDANT: The question I asked
13 was did Officer Jackson see the car that
14 passed him slightly ahead of me, and did he
15 see that car beside me when I approached
16 him. Because the reason --

17 A I did see the car.

18 OFFICER JACKSON: I did see the car, your
19 Honor.

20 Q And did you also see it once I passed you that my
21 vehicle was as close to the center line as I
22 possibly could get, and you can see that from the
23 video.

24 A The -- I seen -- like I said what I seen before
25 -- probably -- next to my vehicle you had more

1 than ample room to move over. The vehicle that
2 was in front of you, was in front of you the
3 whole entire time that vehicle was never an
4 issue, from the first time I saw you until the
5 last time I saw you.

6 Q Do you recall seeing this?

7 A We just saw that on the video.

8 Q I mean did you see that car, whose car that is
9 and you can see how close that is to --

10 A That is you.

11 Q And you can see how close that car is to the
12 white line?

13 A I see where it's at.

14 Q Yes. And so you were saying that -- I just want
15 to verify you're saying that at no point in time
16 did I move over away from you?

17 A You never changed lanes, sir.

18 Q I could not change lanes because the car --

19 THE COURT: Questions -- questions
20 only.

21 THE DEFENDANT: Well thank you.

22 THE COURT: Redirect?

23 MR. TANUDRA: Yes, your Honor.

24

25

REDIRECT EXAMINATION

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

BY MR. TANUDRA:

Q So officer you said you saw the car in front of the defendant. And did this car in front -- how -- approximately how many car lengths was the defendant from this --

A At the time he was far enough in front of the defendant where it was never an issue. The issue was as you were approaching the vehicle, you had more than ample time to move over or slow down. And he never changed lanes; he never slowed down.

Q Okay.

MR. Nothing further, your Honor.

THE DEFENDANT: And again --

Can I cross?

RE-CROSS-EXAMINATION

1

2 BY MR. COLLINS:

3 Q And again, officer you said at no point in time
4 was that car behind you or beside me as far as
5 you recollected?

6 A Like I said that vehicle was in front of you the
7 whole entire time I saw you, as you were
8 approaching my vehicle.

9 THE DEFENDANT: I have no further
10 questions.

11 THE COURT: Okay.

12 MR. TANUDRA: At this time the City
13 would rest, your Honor.

14 THE COURT: All right, thank you.
15 Mr. Collins?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Do you choose to
18 testify during --

19 THE DEFENDANT: Yes.

20 THE COURT: -- this Motion to
21 Suppress hearing? You may do so, sir.

22

23

24

25

1 the video shows the car pulling away from me
2 and going faster than me.

3 THE COURT: Cross-examination?

4 CROSS-EXAMINATION

5 BY MR. TANUDRA:

6 Q So did you see --

7 THE COURT: You just to make sure
8 your microphone -- I'm sorry. Okay.

9 Q So did you see the officer's lights on his
10 cruiser?

11 A Yes, I did. I saw the officer's lights, I saw
12 the officer.

13 Q So you saw the officer on the road?

14 A I saw the officer on the road and I veered over
15 as far as I possibly could so that I would not
16 contact the officer.

17 Q But you did not change lanes?

18 A Because I couldn't changes lanes because there
19 was a car right next to me. If I would have
20 changed lanes, it would have been -- it would
21 have been a wreck with the car that was right ~~on~~
22 approaching behind me and actually passed me.

23 Q But you didn't slow down either?

24 A Yes, I did slow down.

25 MR. TANUDRA: No further questions,

1 your Honor.

2 THE COURT: All right.

3 Anything further, Mr. Collins?

4 THE DEFENDANT: Yes. The fact that the
5 car was pulling away from me shows that
6 there was definitely a differentiation in
7 the speed and I had slowed down because I
8 did see the officer. I did see the officer
9 standing in the roadway on -- outside of the
10 white lines. He was far enough out in the
11 roadway where if I had not pulled over, I
12 would have hit him, if he hadn't stepped
13 behind the car which he did step behind the
14 car. But at the time that I saw the lights,
15 as I was coming down the road, I would have
16 gone over because I do know what the law is.
17 I understand it completely and I know that I
18 have to get out of the way if I can get out
19 of the way easily and not cause an accident
20 or problem.

21 THE COURT: Okay.

22 THE DEFENDANT: So I feel I did
23 everything the law required me to do;
24 everything that the statute -- which is
25 4511.213. But do I have a problem with the

1 officer saying there was not another car on
2 the highway with me because he says in his,
3 in his overview -- his write up that there
4 was no other car on the highway. Today he
5 says that he saw another car.

6 In my -- in my rebuttal to the
7 plaintiff's answer for Motion to Suppress, I
8 have a copy of the officer's statement of
9 facts, and he stated that there was no other
10 car. But today he says that he did see
11 another car. So either there was no other
12 car or there was another car. Either his
13 statement of fact is in errant or we have
14 two different ideas what he did. In his
15 statement of facts -- and it is attached in
16 the motion that I filed today -- he states
17 that there was no other car. And then he
18 says that there was no --

19 THE COURT: All right I've heard
20 the testimony. He's corrected that on the
21 record. Is there anything else?

22 THE DEFENDANT: No ma'am. No, your
23 Honor.

24 THE COURT: All right. And this
25 motion to suppress is just narrowly just on

1 that one issue. There's nothing about after
2 the stop regarding the alcohol issues?

3 MR. TANUDRA: No your Honor. It's
4 whether it was a valid traffic stop.

5 THE COURT: Okay.

6 All right. Do you want to make closing
7 arguments at all?

8 MR. TANUDRA: Yes, your Honor. Your
9 Honor, I believe that the officer had
10 probable cause to stop the defendant for
11 approaching the stationary public safety
12 vehicle. The defendant admitted that he saw
13 the lights. He admitted that he saw the
14 officer actually being on the road.

15 Your Honor, under the State Code
16 4511.213 when a motorist is approaching a
17 stationary public safety vehicle with its
18 special signals on, that the driver -- if
19 it's a highway of at least two lanes, when
20 travelling in the same direction, the driver
21 shall proceed with due caution. And if
22 possible I mean based on the conditions of
23 road, the weather and the traffic, shall
24 change lanes into a lane that is not
25 adjacent to the stationary public safety

1 vehicle.

2 Your Honor, I believe the officer has
3 testified that even though --

4 THE COURT: Excuse me there is no
5 talking. Would you wait outside the
6 courtroom. Have a seat outside of the
7 courtroom.

8 I'm sorry to interrupt you.

9 MR. TANUDRA: Thank you, your Honor.
10 Even though there might have been a car in
11 front of the defendant, the officer
12 testified there was sufficient room,
13 sufficient time for the defendant to move
14 over into the lane. If not, the defendant
15 could have also slowed down and waited. He
16 said that the defendant claimed that the car
17 in front of him -- that the car behind him
18 was pulling away as the video shows.

19 Your Honor, we believe that given the
20 conditions he could have waited until that
21 car pulled away because he saw the officer
22 standing on the road. And as he mentioned
23 if the officer hadn't stepped back, he would
24 have hit the officer.

25 And your Honor not only that, after

1 seeing, observing this, the officer did
2 follow the defendant and the officer did not
3 conduct a traffic stop right away. And the
4 officer also observed the defendant make a
5 lane change without making a signal. And
6 your Honor based on that, that's a matter of
7 either reasonable suspicion or probable
8 cause to conduct a -- complete the stop.
9 And I believe, your Honor, that the officer
10 testified that they generally, especially
11 for something like this, that they just use
12 one moving violation.

13 Your Honor, I believe the City has met
14 its burden, that we have shown there was
15 probable cause to make the traffic stop and
16 we'd ask that this Court to deny the Motion
17 to Suppress.

18 THE COURT: With respect to -- are
19 there any exhibits being admitted into
20 evidence?

21 MR. TANUDRA: Your Honor, just the
22 video, if there is no objection.

23 THE COURT: And that is Plaintiff's
24 Exhibit --

25 MR. TANUDRA: Exhibit One, your

1 Honor.

2 THE COURT: Exhibit One.

3 Do you have any objection to the video
4 being admitted into evidence, Mr. Collins?

5 THE DEFENDANT: No, ma'am, I do not.

6 THE COURT: Ok. So City's Exhibit
7 Number One will be admitted into evidence
8 without objection.

9 Mr. Collins, do you want to make a
10 closing argument, and did you have any
11 exhibits that you want to admit, sir?

12 THE DEFENDANT: Yes, your Honor, I
13 do. I issued a rebuttal, of this today.
14 And I --

15 THE COURT: Do you have a copy of
16 that for the Court?

17 THE DEFENDANT: Yes I have a copy. May
18 I approach?

19 THE COURT: Mm-hmm.

20 THE DEFENDANT: In this rebuttal there
21 were five attachments. And one of them is
22 the officer's statement. The other four
23 attachments are the screen shots of images
24 taken from the video that showed me being as
25 closely over to the lane as possible, and

1 the other car passing in front of me. And
2 then the state listing of the violation
3 which the officer is charging me under.

4 THE COURT: So what are you
5 requesting to be admitted into evidence?

6 THE DEFENDANT: I would like for the --
7 I wish the statement to be admitted into the
8 evidence.

9 THE COURT: Okay. What would that
10 be? That would be --

11 THE DEFENDANT: Defendant's Exhibit
12 One.

13 THE COURT: Okay. Does the City
14 have any objection to that --

15 MR. TANUDRA: No, your Honor.

16 THE COURT: -- exhibit? Okay. So
17 Defendant's Exhibit Number One will be
18 admitted into evidence without objection.
19 And then --

20 THE DEFENDANT: I would like to have
21 first screen shot of the video which is two
22 sets of images that -- I would like to have
23 that as the second defense exhibit.

24 THE COURT: So that would be the
25 Defendant's Exhibit Two.

1 THE DEFENDANT: Yes.

2 THE COURT: There are two
3 photographs.

4 THE DEFENDANT: Yes. And then --

5 THE COURT: So you want both
6 photographs to be Defendant's Exhibit Two?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: And on the next page.

9 THE DEFENDANT: Would be exhibits --
10 Defendant's Exhibit Three; two photographs
11 again.

12 THE COURT: Okay. And then there
13 is --

14 THE DEFENDANT: Defendant's Exhibit
15 Four, another page with two photographs.

16 THE COURT: Mr. Prosecutor any
17 objections to Defendant's Exhibits 2, 3, and
18 4, which are photographs from the video?

19 MR. TANUDRA: No, your Honor.

20 THE COURT: Those will be admitted
21 into evidence without objection.

22 And then you have one last document?

23 THE DEFENDANT: One last and that is
24 merely the State Ohio Revised Code listing
25 the requirements and the conditions under

1 which a --

2 THE COURT: Regarding the
3 approaching a public safety vehicle with due
4 care --

5 THE DEFENDANT: Yes.

6 THE COURT: -- with due care.
7 That's the code section.

8 THE DEFENDANT: Yes.

9 THE COURT: Did you see that
10 exhibit?

11 MR. TANUDRA: Yes, your Honor.

12 THE COURT: Any objection to that
13 exhibit?

14 MR. TANUDRA: No, your Honor.

15 THE COURT: So Defendant's Exhibit
16 Number Four will be admitted evidence
17 without objection also.

18 Is there anything else you would like to
19 say, sir?

20 THE DEFENDANT: Yes your Honor. I do
21 like to again accentuate that I did see the
22 officer. I've explained that at least
23 twice. I did with due diligence would have
24 gotten into the lane farthest away from the
25 officer if it had not had another car in it.

1 I do --

2 THE COURT: Just one second. It's
3 going to stop recording and I don't want
4 that to happen. One moment.

5 Okay you may proceed.

6 THE DEFENDANT: I do state that I
7 steered my vehicle as far as possible away
8 from the officer. In one of the exhibits it
9 shows my vehicle's left tire on the white
10 line and -- but that was when I was past the
11 officer so I had been -- I would have
12 probably run into the officer if I was as
13 close as what he said. If not the officer,
14 at least the officer's car, because the
15 officer's car as my recollections are, was
16 on a white line.

17 The officer then says and his only
18 reason for following me was the fact that he
19 said that I violated the State code. And
20 the possible traffic stop or illegal lane
21 would not have been issued if the officer
22 had not followed me so it's one of the fruit
23 of the poisonous tree.

24 THE COURT: Okay.

25 All right anything further from the --

1 MR. TANUDRA: No, your Honor.

2 THE COURT: -- City? Okay. So I
3 will take this under advisement. I'll issue
4 a written decision. I think it's better to
5 issue a written decision regarding the
6 Motion to Suppress.

7 And then we need another court date. I
8 don't think it will take long to issue the
9 decision but -- I'm just trying to think
10 what your next court date would be. From
11 what I've seen and what I've heard, it's the
12 Court's inclination to deny the Motion to
13 Suppress. I just want to issue a written
14 decision so everyone has a written decision.
15 I will need to get the video as an exhibit,
16 if you have a copy. Thank you.

17 MR. TANUDRA: May I approach, your
18 Honor?

19 THE COURT: Sure. Thank you. Do
20 you want me to schedule this for a date for
21 you to receive the written decision, and set
22 it for like a final pretrial -

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: -- is that the best
25 thing to do? Okay. Since it's the

1 defendant's motion, I will continue it at
2 the defendant's request, and set it for a
3 pretrial, and for the Court to issue a
4 written ruling from the Motion to Suppress.
5 What's a good day for the final pretrial?
6 Let's see. Let's see this started in July.
7 So August, September October -- I am going
8 have to do it fairly early because this case
9 has to be resolved by the end of January.
10 So I'll place it on the docket on -- let's
11 see today is the 30th. There is no reason
12 why the decision can't be issued by -- why
13 don't I place this on the docket on January
14 9th. Is that acceptable?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: January 9, 2014. What
17 time would be best?

18 THE DEFENDANT: Any time in the
19 afternoon.

20 THE COURT: Two p.m.?

21 THE DEFENDANT: Yea, two or three,
22 which ever one.

23 THE COURT: We'll put it at 2 p.m.

24 Thank you for being present. Do you
25 need a reminder slip --

1 THE DEFENDANT: Yes, please.

2 THE COURT: -- Mr. Collins? You
3 may approach. There is your reminder slip
4 for January 9th at 2 p.m.

5 THE DEFENDANT: Thank you, your Honor.

6 THE COURT: That's set for a final
7 pretrial, okay.

8 Thank you.

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.)
Carl Collins.)

I, Marva M. Wilson, 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 digitally recorded proceedings had therein.

Dated this 3rd day of October, 2014.



Marva M. Wilson