

Exhibit 21

Case File



0 3 0 4 9

CLEVELAND MUNICIPAL COURT EARLE B. TURNER, Clerk of Court

STATE OF OHIO/CITY OF CLEVELAND
v. c
ATTORNEY NAME: STOKES PHONE #:

2014 CRB 003049 3RD FLOOR COURTROOM C
THOMAS, MAKEEBA 02/18/2014

606.038 DISORDERLY CONDUCT
INTOXICATION - MM

PD-
JUDGE: MOORE
SET FOR TRIAL: 2/26/14
TIME: 2P
CLERK/CLERK ASSISTANT

REGISTERED WARRANT DATE: _____

PLEA: GUILTY ~~NOT GUILTY~~ NO CONTEST

JUDGE: MOORE CONTROL # _____

ARRAIGNMENT CONTINUANCE: _____

A: FG / FNG / NOLLE / DWP Fine \$ _____ Days _____ Susp: _____

B: FG / FNG / NOLLE / DWP Fine \$ _____ Days _____ Susp: _____

C: FG / FNG / NOLLE / DWP Fine \$ _____ Days _____ Susp: _____

D: FG / FNG / NOLLE / DWP Fine \$ _____ Days _____ Susp: _____

E: FG / FNG / NOLLE / DWP Fine \$ _____ Days _____ Susp: _____

F: FG / FNG / NOLLE / DWP Fine \$ _____ Days _____ Susp: _____

3:00 motion
A. STOKES FEB 26 2014
Janet Hawk
3/17/14 motion filed

THIS FILE SHALL NOT BE TAKEN FROM THE CUSTODY OF THE CLERK WITHOUT PERMISSION OF THE COURT 026A

A6702-01R

2014



9 4 0 3 0

MOORE ARK 6 4 2014
Mortgage Vacate
Judgment Granted
Duf

CLEVELAND MUNICIPAL COURT

EARLE B. TURNER, Clerk of Court

RECEIVED
 SET FOR MOTION HEARING
 3/21/14 @ 9AM
 SIMMONS DEFENDANT
 SUMMONS ISSUED
 BY CLERK
 MARCH 19 2014
 3/21/14 motion filed
 Colico
 ADRINE MAR 21 2014
 Date 4-2-14
 BU: JB
 ORN: HO

CASE NO. 14-0114
 Bond Type PD
 Bond Amount
 Clerk ML
 EARLE B. TURNER 2014
 JUDGE PD. MOORE
 DATE FOR FILING 4-2-14
 TIME 9
 CLERK OF COURT

ASTO-MR



0 3 0 4 9

CLEVELAND MUNICIPAL COURT - JOURNAL ENTRY

PD No. 66

Case Number: 2014 CRB 003049
STATE OF OHIO / CITY OF CLEVELAND
VS.
THOMAS, MAKEEBA S
AKA:

DOB: 10/19/1983
SSN: XXX-XX-5448
SCR Status: REOPEN (RO)
Arresting Agency: CLEVELAND POLICE DEPARTMENT

Event Date: 04/24/2014 9:00 am
Event: MINOR MISDEMEANOR TRIAL
Event Location: 14TH FLOOR COURTROOM A
Event Judge: MOORE, LAUREN C.

Charge	Short Description	Prosecutor										Suspended		Public Defender Fee				
		PNG	NGW	NC	PG	Amends	Charge	FG	FNG	NOL	DWP	Fine	Days	Fine	Days	Time to Pay Until:	Indigency Hearing Had:	
1 MM - 605.03B DISORDERLY CONDUCT INTOXICATION - MM		<input type="checkbox"/>																

Bond Set \$ _____
 Capias / BFC / Warrant to Issue
 Bond Forfeiture Vacated
 Warrant Block Release
 Personal Bond
 Capias Recalled
 Original Bond Reinstated
 Warrant Fee Waived
 Defendant Advised of Rights

Found Indigent Costs Suspended
 Cost Satisfied
 Credit for _____ Days Served \$ _____
 Sentence Ordered Executed
 Sentence Stayed Until (Date / Time) _____
 Found Indigent Costs Suspended
 Cost Partially Suspended \$ _____
 Sentence Satisfied
 Cost Partially Suspended \$ _____
 Sentence Suspended
 Fine _____ Days _____
 Mandatory Days _____

3D Exam: W/BO I/A Demanded Days Held _____
 Cont. to: _____ at _____ am / pm Drug Court
 At: COPR CODR COCR Final SPW
 For: Pretrial Trial Jury Trial PFS PVH
 Trial Had Trial in Progress Jury Sworn Motion Hearing _____
 Interpreter Requested Language _____ Jury Waived
 Any: _____ Public Defender

Driver's License Suspended from Date of Arrest _____ or _____
 From _____ to _____
 Immobilization _____ Days Vehicle Forfeited TIP _____
 INS: Shown Not Shown N/A LDPG ALS Appeal ALS Term _____
 Motion To / For: _____
 Granted Denied OSJ
 JUDGE / MAGISTRATE: _____
 Revised 10/30/2013

Probation Conditions: _____
 ATJ MADD # _____ SAT SA[A][C] AA _____ x per wk.
 Probation Violation Hearing: Had Waived Found Not Found SRS
 Probation Continued Until: _____ Probation / SIP Terminated
 Notes: _____
Handwritten signature: [Signature]

CLEVELAND POLICE DEPARTMENT
CLEVELAND POLICE DEPARTMENT

State of Ohio
Cuyahoga County
City of Cleveland

A 676967

- MISDEMEANOR COMPLAINT & SUMMONS CASE NO. _____
 MINOR MISDEMEANOR CITATION WARRANT NO. _____
 WARRANT SUMMONS DATE COMPLAINT FILED _____
 SUMMONS

NAME MAKEBA S THOMAS
 STREET 12001 Abell
 CITY Cleveland STATE OH-O ZIP 44120
 SS. NO. 5448 Birthdate: Mo. 10 Day 18 Year 83
 DR. LIC. NO. SC 402664 STATE Ohio EXP. _____
 OTHER ID. TYPE _____ NO. _____ EXP. _____
 EMPLOYMENT _____ ADDRESS _____
 BUS. PHONE _____ HOME PHONE _____

F	505	149	Blk	Brd	B
sex	hgt	wgt	hair	eyes	race

Warrant Check-No. _____

TO THE DEFENDANT: COMPLAINT

PIL TEL 2323, PIL MISTEN 2323 being duly constituted and sworn
 deposes and says that, on or about FEB 4 2014 at 100 Public Square City of Cleveland, State of Ohio,
 YOU DID COMMIT THE FOLLOWING VIOLATION: SCI

DESCRIPTION OF OFFENSE ABOVE FEMALE Had Engage in Activity which would CAUSE UNNECESSARY Alarm And ENGAGE in Activity which would Endanger Herself and others

SECTION NO. 605.03B Cleveland Municipal Code Ohio Revised Code

3	<u>2323</u>	<u>2306</u>	<u>2323</u>	<u>TW 2323</u>
Dist.	Code	Badga no.	Badga no.	(Officer's Signature)

Sworn and subscribed before me this 4 Day of FEB 2014
 EVIDENCE
 PHYSICAL ARREST
 Patricia Thomas
 (Notary Clerk)
 PATRICIA THOMAS

NOTARY PUBLIC IN THE STATE OF OHIO, CUY. CTY.
 MY COMMISSION EXPIRES MAY 22, 2016

You are summoned and ordered to personally appear at the Cleveland Municipal Court, time and place as indicated below:

CLEVELAND MUNICIPAL COURT
 1200 Ontario 3rd level
 Cleveland, Ohio

2184
 ROOM B - TRAFFIC ROOM C - MISDEMEANOR
 ON Feb 18 Booked AT 9am CPD
 Month Day Year at A.M. P.M.

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

If you wish to contest this matter you must appear at the above time and place.
 Served on the Defendant this date: Feb 4 2014

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

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

Not an admission of guilt
 Defendant's signature: Booked AT CPD Date: _____

REV. 12-95 COURT RECORD (3049)
 GOLDEN GRAPHICS (440) 930-7626

State of Ohio
Cuyahoga County
City of Cleveland

A 676967

MISDEMEANOR COMPLAINT & SUMMONS
 MINOR MISDEMEANOR CITATION
 WARRANT SUMMONS
 SUMMONS

CASE NO. _____
WARRANT NO. _____
DATE COMPLAINT FILED _____

NAME Sharon S. Thomas
STREET 12001 Alford
CITY Cleveland STATE Ohio ZIP 44105
SS. NO. 34144 Birthdate: Mo. _____ Day _____ Year 83
DR. LIC. NO. 12 402466 STATE _____ EXP. _____
OTHER ID. TYPE _____ NO. _____ EXP. _____
EMPLOYMENT _____ ADDRESS _____
BUS. PHONE _____ HOME PHONE _____

<u>F</u>	<u>503</u>	<u>114</u>	<u>Blk</u>	<u>Bru</u>	<u>12</u>
sex	hgt	wgt	hair	eyes	race

Warrant Check-No. _____

TO THE DEFENDANT: COMPLAINT

I, Sharon S. Thomas, having been duly cautioned and sworn, deposes and says that, on or about Feb 4, 2014 at 12001 Alford, City of Cleveland, State of Ohio,

YOU DID COMMIT THE FOLLOWING VIOLATION:

DESCRIPTION OF OFFENSE: Above example and language in statute which would be used to arrest which would constitute assault and battery

SECTION NO. 605.03B Cleveland Municipal Code Ohio Revised Code

<u>3</u>	<u>2300</u>	<u>2300</u>	<u>2300</u>
Dist.	Car no.	Badge no.	Badge no.

Thomas (Officer's Signature)

Sworn and subscribed before me this 4 Day of Feb, 2014

EVIDENCE
 PHYSICAL ARREST (Deputy Clerk)

TO THE DEFENDANT: SUMMONS

You are summoned and ordered to personally appear at the Cleveland Municipal Court, time and place as indicated below:

CLEVELAND MUNICIPAL COURT
1200 Ontario 3rd level
Cleveland, Ohio

2-18-14

ROOM B - TRAFFIC ROOM C - MISDEMEANOR

ON Feb 18 Month 18 Day 20 Yr. at 9am A.M. P.M.

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

If you wish to contest this matter you must appear at the above time and place.
Served on the Defendant this date: Feb 4, 2014

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

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

Not an admission of guilt
Defendant's signature Sharon S. Thomas Date Feb 18 2014

REV. 12-95 CLERK OF COURT 3049

IN THE CASE OF:
STATE OF OHIO
CUYAHOGA COUNTY
CITY OF CLEVELAND

CLEVELAND MUNICIPAL COURT
CRIMINAL SUBPOENA

CASE NO: 2014 CRB 003049

- VS -

MAKEEBA S THOMAS

MC/ORC:
605.03B

DISORDERLY CONDUCT INTOXICATION - MM

TO: OFFICER CHARLES MOTEN - Badge # - 2306
ACCIDENT INVESTIGATION
UNIT

You are **COMMANDED** to appear before the Cleveland Municipal Court to testify as a witness in the case of the City of Cleveland/State of Ohio versus the above named defendant

DATE: 04/24/2014

PLACE: Courts Tower - Justice Center
1200 Ontario Street, Cleveland, OH

TIME: 9:00 am

COURTROOM: 14TH FLOOR COURTROOM A
LAUREN C. MOORE

Your failure to appear in Court may be deemed as **CONTEMPT OF COURT** and a **WARRANT** may be issued for your **ARREST**. If you have any questions concerning the **COURT APPEARANCE**, CALL: 216-664-4850.

**IN ORDER TO RECEIVE YOUR WITNESS FEE, BRING THIS SUBPOENA WITH YOU.
PLEASE HAVE THIS FORM STAMPED BY THE BAILIFF IN THE COURTROOM.**



Earle B. Turner, Clerk
Cleveland Municipal Court

Chief Deputy Clerk

CLEVELAND MUNICIPAL COURT SERVICE INFORMATION

- Personal Service
- Residence Service
- Address Incorrect
- Address Not Located
- Person Has Moved
- No Such Person At This Address
- Other

with _____

By: _____
Deputy Bailiff

CLEVELAND MUNICIPAL COURT - JOURNAL ENTRY

Case Number: 2014 CRB 003049
STATE OF OHIO / CITY OF CLEVELAND
VS.
THOMAS, MAKEEBA S
AKA:

Event Date: 04/15/2014 8:30 am
Event: ARRAIGNMENT - DEFENDANT POSTED BOND
Event Location: 3RD FLOOR COURTROOM C
Event Judge: CRIMINAL, JUDGE/MAGISTRATE

SCR Status: CLOSED
Arresting Agency: - CLEVELAND POLICE DEPARTMENT

Charge	Short Description	Prosecutor				Suspended		Public Defender Fee					
		PNG	NGW	NC	PG	Amends Charge	FG		RNG	NOL	DWP	Fine	Days
1 MM - 605.03B DISORDERLY CONDUCT INTOXICATION - MM		<input type="checkbox"/>											
		<input type="checkbox"/>											
		<input type="checkbox"/>											
		<input type="checkbox"/>											

Bond Set \$ _____ No Contact Personal Bond Found Indigent Costs Suspended Sentence Satisfied

Capias / BFC / Warrant to Issue Capias Recalled Cost Satisfied Cost Partially Suspended \$ _____

Bond Forfeiture Vacated Original Bond Reinstated Credit for _____ Days Served \$ _____ Sentence Suspended _____ Days

Warrant Block Release Warrant Fee Waived Sentence Ordered Executed _____ Sentence Stayed Until (Date / Time) _____ Mandatory Days _____

Defendant Advised of Rights

3D Exam: W / BO I / A Demanded Days Held _____

Cont. to: _____ at _____ am / pm Drug Court

At: COPR CODR COCR Final SPW DV: [A][C] MHD: [S][P] Veteran's Docket: [S][P][C] DJP: [S][P][C]

For: Pretrial Trial Jury Trial PFS PVH CAP DIET COP Get On Track Project HOPE

Trial Had Trial in Progress Jury Sworn Motion Hearing _____ Anger Mgmt Parenting ROCK: [P][C][H] Drug Court: [S][P][C]

Probation Duration: _____ MO _____ YRS Active Inactive Form 95

Probation Conditions:

Interpreter Requested Language _____ Jury Waived

Atty: _____ Public Defender

Driver's License Suspended from Date of Arrest _____ or _____

From _____ to _____ DUI # Within 6 Yrs _____

Immobilization _____ Days Vehicle Forfeited TIP

INS: Shown Not Shown N/A LDPG ALS Appeal ALS Term

Motion To / For: _____

Granted Denied OSJ

JUDGE / MAGISTRATE *Thomas*

Revised 10/30/2013

Page 1 of 1

APR 15 2014



**PERSONAL BOND
COURT RELEASE AGREEMENT
IN THE CLEVELAND MUNICIPAL COURT**

REL NO. PB: A676967

CUYAHOGA COUNTY
CITY OF CLEVELAND

CASE NUMBER: 2014 CRB 003049
COURT DATE: April 15, 2014 at 8:30 am
3RD FLOOR COURTROOM C

BAIL AMOUNT: PB
DEFENDANT:
MAKEEBA S THOMAS

- JUDGE
 CLERK
 BAIL SCHEDULE

JUDGE: ANGELA R. STOKES
1.605 03D DISORDERLY CONDUCT INTOXICATION - MM

ATTORNEY:

ON April 11, 2014, The above DEFENDANT and the surety listed below agree to abide by the following RELEASE AGREEMENT pursuant to Criminal Rule 46. The DEFENDANT is to be released by the following method of bail and any condition the Court may impose to reasonably assure the appearance of the DEFENDANT for trial.

- PERSONAL RECOGNIZANCE:** SIGNATURE OF THE DEFENDANT ACKNOWLEDGING THE RELEASE CONDITIONS.
- \$ 1000 UNSECURED APPEARANCE BOND:** On default of the conditions of release, Judgment may be taken against the Defendant's goods, chattels, land and tenements.
- COURT SUPERVISED RELEASE PROGRAM:** Pursuant to Criminal Rule 46, Section C, and appearing to the Court that the defendant herein qualifies for the Court Supervised Release Program., It is therefore considered and ordered that the defendant be released from custody subject to the conditions listed in the Court of Common Pleas Supervised Release Form
- OTHER** _____

In lieu of, or in addition to the above, place the DEFENDANT IN CUSTODY OF: _____

ADDRESS _____ PHONE 216 481 0593 SS# _____

The conditions of release are such: that the above bonded DEFENDANT shall personally appear before the CLEVELAND MUNICIPAL COURT, Justice Center, 1200 Ontario Street in said city on April 15, 2014 AND SHALL FURTHER APPEAR BEFORE SAID Court of Common Pleas of Cuyahoga County, from time to time, on such days as may be required, until the case shall be finally disposed of and abide the judgment of the Municipal and Common Pleas Courts and depart without leave, then this RELEASE AGREEMENT shall be void, otherwise it shall be and remain in full force and virtue in law.

TAKEN, SIGNED, AND ACKNOWLEDGED BEFORE ME ON THE DATE WRITTEN ABOVE,

EARLE B. TURNER, Clerk of Cleveland Municipal Court
April 11, 2014

Unsecured Release Requester's Signature

Maria Buckley
Deputy Clerk of Cleveland Municipal Court

Defendant's Signature

Makeeba Thomas

Cleveland Municipal Court
Office of the Clerk of Courts
Criminal Division

Defendant's Address

12601 ABELL Ave. Cleveland OH 44126

FINAL RELEASE
CHECK
COMPLETED:

mlh
Deputy Clerk

X ZIP CRCSBOND

CLEVELAND MUNICIPAL COURT - JOURNAL ENTRY

Case Number: 2014 CRB 003049
STATE OF OHIO / CITY OF CLEVELAND
VS.
THOMAS, MAKEEBA S
AKA:

Event Date: 04/03/2014 8:30 am
Event: ARRAIGNMENT - DEFENDANT POSTED BOND
Event Location: 3RD FLOOR COURTROOM C
Event Judge: CRIMINAL, JUDGE/MAGISTRATE

Charge: 1 MM - 605.03B DISORDERLY CONDUCT INTOXICATION - MM

Charge	Short Description	Prosecutor				Suspended		Public Defender Fee
		Amends Charge	PG	NC	NGW	Fine	Days	
		<input type="checkbox"/>						
		<input type="checkbox"/>						
		<input type="checkbox"/>						
		<input type="checkbox"/>						
		<input type="checkbox"/>						
		<input type="checkbox"/>						

Bond Set \$ _____ No Contact Personal Bond Found Indigent Costs Suspended Sentence Satisfied

Capias / BFC / Warrant to Issue Capias Recalled Cost Satisfied Cost Partially Suspended \$ _____

Bond Forfeiture Vacated Original Bond Reinstated Credit for _____ Days Served \$ _____ Sentence Suspended _____ Days

Warrant Block Release Warrant Fee Waived Sentence Ordered Executed _____ Days Sentence Stayed Until (Date / Time) _____ Mandatory Days _____

Defendant Advised of Rights

3D Exam: W/BO I/A Demanded Days Held _____ at _____ am / pm Drug Court _____

Cont. to: _____

At: COPR CODR COCR Final SPW DIET CAP MHD: [S][P] Veteran's Docket: [S][P][C] DJP: [S][P][C]

For: Pretrial Trial Jury Trial PFS PVH Anger Mgmt JUDGEMENT ENTRY REBOOKED [P][C][H] Drug Court: [S][P][C]

Trial Had Trial in Progress Jury Sworn Motion Hearing Probation Duration: _____ MO _____ YRS N Active Inactive Form 95

Interpreter Requested Language _____ Jury Waived

Atty: _____ Public Defender

Driver's License Suspended from Date of Arrest _____ or _____

From _____ to _____ Days DUI # Within 6 Yrs _____

Immobilization _____ Days Vehicle Forfeited TIP

INS: Shown Not Shown N/A LDPG ALS Appeal ALS Term

Motion To / For: _____ Granted Denied OSJ

ATJ MADD # _____ SAC/ Clerk SA[A][C] AA _____ x per wk.

Probation Violation Hearing: Had Waived Found Not Found SRS

Probation Continued Until: _____ Probation / SIP Terminated

Notes: _____

JUDGE / MAGISTRATE *[Signature]*

Revised 10/30/2013

Page 1 of 1



**PERSONAL BOND
COURT RELEASE AGREEMENT
IN THE CLEVELAND MUNICIPAL COURT**

REL NO. PB: A676967

CUYAHOGA COUNTY
CITY OF CLEVELAND

CASE NUMBER: 2014 CRB 003049
COURT DATE: April 03, 2014 at 8:30 am
3RD FLOOR COURTROOM C

BAIL AMOUNT: PB
DEFENDANT:
MAKEEBA S THOMAS

JUDGE
 CLERK
 BAIL SCHEDULE

JUDGE: ANGELA R. STOKES
DISORDERLY CONDUCT INTOXICATION - MM

ATTORNEY:

1.605.03B
2.
3
4
5.
6

ON April 2, 2014, The above DEFENDANT and the surety listed below agree to abide by the following RELEASE AGREEMENT pursuant to Criminal Rule 46. The DEFENDANT is to be released by the following method of bail and any condition the Court may impose to reasonably assure the appearance of the DEFENDANT for trial.

- PERSONAL RECOGNIZANCE:** SIGNATURE OF THE DEFENDANT ACKNOWLEDGING THE RELEASE CONDITIONS.
- \$ 00C.00 UNSECURED APPEARANCE BOND:** On default of the conditions of release, Judgment may be taken against the Defendant's goods, chattels, land and tenements.
- COURT SUPERVISED RELEASE PROGRAM:** Pursuant to Criminal Rule 46, Section C, and appearing to the Court that the defendant herein qualifies for the Court Supervised Release Program. It is therefore considered and ordered that the defendant be released from custody subject to the conditions listed in the Court of Common Pleas Supervised Release Form
- OTHER** _____

In lieu of, or in addition to the above, place the DEFENDANT IN CUSTODY OF: SATF
ADDRESS 12601 Abell Ave CH 441126 PHONE 216-482-8205 SS# _____

The conditions of release are such: that the above bonded DEFENDANT shall personally appear before the CLEVELAND MUNICIPAL COURT, Justice Center, 1200 Ontario Street in said city on April 03, 2014 AND SHALL FURTHER APPEAR BEFORE SAID Court of Common Pleas of Cuyahoga County, from time to time, on such days as may be required, until the case shall be finally disposed of and abide the judgment of the Municipal and Common Pleas Courts and depart without leave, then this RELEASE AGREEMENT shall be void, otherwise it shall be and remain in full force and virtue in law.

TAKEN, SIGNED, AND ACKNOWLEDGED BEFORE ME ON THE DATE WRITTEN ABOVE,

EARLE B. TURNER, Clerk of Cleveland Municipal Court
April 2, 2014

Unsecured Release Requester's Signature

Cleveland Municipal Court
Office of the Clerk of Courts
Criminal Division
Defendant's Signature

Deputy Clerk of Cleveland Municipal Court

FINAL RELEASE
CHECK
COMPLETED:
Chief Deputy Clerk
Defendant's Address

TIMESTAMP

CRCSBOND

3/31

IN THE CLEVELAND MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

CITY OF CLEVELAND,)	CASE NO. 2014 CRB 003049
)	
Plaintiff,)	
)	
vs.)	JUDGE ANGELA R. STOKES
)	
MAKEBA THOMAS,)	RESPONSE TO DEFENDANT'S
)	MOTION TO SET ASIDE
Defendant)	AND VACATE JUDGMENT

Now comes the Plaintiff, City of Cleveland, by and through its Law Director,
Barbara A. Langhenry, requesting a denial of the Defendant's Motion to Set Aside and
Vacate Judgment for the reasons stated in the attached brief.

Respectfully submitted,

BARBARA LANGHENRY
DIRECTOR OF LAW

VICTOR R. PEREZ
CHIEF PROSECUTOR

CITY OF CLEVELAND

By: 

Marco Tanudra (0089177)
Assistant City Prosecutor
Justice Center-8th floor
1200 Ontario Street
Cleveland, Ohio 44113-0000
216-664-4850

#6 #6

2014 MAR 21 A 11: 30 2014 MAR 21 A 11: 30

EARLE S. TURNER CLERK CLEVELAND MUNICIPAL COURT
EARLE S. TURNER CLERK CLEVELAND MUNICIPAL COURT

STATEMENT OF THE CASE

On or about February 4, 2014, Makeba Thomas (hereafter “Defendant”) was charged with Disorderly Conduct Intoxication in the City of Cleveland, a minor misdemeanor under Cleveland Codified Ordinance 605.03(B). On February 18, 2014, Defendant appeared for her arraignment, entered a plea of not guilty, and requested the matter set for trial. The trial date was set for February 26, 2014 at 2:00pm. On February 26, 2014, the court called Defendant’s case for trial. At that time, Defendant informed the court and the City that she has filed a written Request for a bill of particulars. At this time, neither the Court nor the City has been served with copies of the Request. The City moved to deny the request as it has not been served, the request was untimely, and the City case was called for trial. The Court denied the Defendant’s motion and proceeded to trial. Defendant was found guilty of the one count of Disorderly Conduct Intoxication under Cleveland Codified Ordinance 605.03(B). On February 27, 2014, the City finally received a copy of the Request for a bill of particulars from the clerk’s office. It was filed at 1:50pm on February 26, 2014—ten minutes before Defendant’s case was set for trial.

LAW AND ARGUMENT

- I. EVEN IF CONSTRUED AS A PETITION FOR POST-CONVICTION RELIEF, DEFENDANT’S CLAIMS ARE INAPPOSITE FOR SHE FAILED TO FILE HER MOTION FOR A BILL OF PARTICULARS WITHIN THE TIMEFRAME SET BY OHIO CRIM.R. 7(E).**

Under R.C. 2953.21(A)(1), a person who has been convicted of a criminal offense may petition the sentencing court to vacate the judgment prior to direct appeal for the denial of constitutional rights. Courts may construe vaguely titled motions meeting the criteria set in R.C. 2953.21(A)(1) as a petition for post-conviction relief. *State v. Werber*, 8th Dist. Cuyahoga No. 100290, 2014-Ohio-609, ¶ 10. For written requests for a bill of particulars, Ohio Crim.R. 7(E) provides that the request must be made “within twenty-one days after arraignment but not later than seven days before trial, or upon court order.”

Without going into the merits of whether this vague motion could be construed as a petition for post-conviction relief under R.C. 2953.21(A)(1), Defendant’s claims are unfounded. Defendant filed her written request for a bill of particulars ten minutes before she was scheduled to go to trial. Neither did the court order the prosecuting attorney to furnish a bill of particulars. Because Defendant failed to comport with the schedule rules under Ohio Crim.R. 7(E), Defendant’s claims are without merit.

CONCLUSION

For the foregoing reasons, the City respectfully requests that this Honorable Court deny the Defendant’s Motion to Set Aside and Vacate the Judgment.

Respectfully submitted,

BARBARA LANGHENRY
DIRECTOR OF LAW

VICTOR R. PEREZ
CHIEF PROSECUTOR

CITY OF CLEVELAND

By:



Marco Tanudra (0089177)

Assistant City Prosecutor
Justice Center-8th floor
1200 Ontario Street
Cleveland, Ohio 44113-0000
216-664-4850

Certificate of Service

A copy of the City's Response to Defendant's Motion to Set Aside and Vacate the Judgment was delivered by ordinary U.S. mail to Makeba Thomas, Defendant, at 12601 Abell Avenue, Cleveland, OH 44120, on the 21st day of March, 2014.

VICTOR R. PEREZ
CHIEF PROSECUTOR
CITY OF CLEVELAND

By:



Marco Tanudra (0089177)
Assistant City Prosecutor
Justice Center-8th floor
1200 Ontario Street
Cleveland, Ohio 44113-0000
216-664-4850



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

IN THE CASE
 STATE OF OHIO
 CUYAHOGA COUNTY
 CITY OF CLEVELAND

SUMMONS UPON COMPLAINT(S)
2014 CRB 003049

- VS -

605.03B DISORDERLY CONDUCT
 INTOXICATION - MM

MAKEEBA S THOMAS
 12601 ABELL
 CLEVELAND, OH 44120

TO: MAKEEBA S THOMAS;

Complaints, copies attached hereto, have been filed in the Cleveland Municipal Court, charging that you violated the above mentioned law(s) of the State of Ohio / City of Cleveland.
 You are hereby **SUMMONED** and **ORDERED** to **APPEAR**:

CLEVELAND MUNICIPAL COURT
JUSTICE CENTER
1200 ONTARIO STREET
CLEVELAND, OHIO

Date: March 31, 2014 at 9:00 am on the 15TH
FLOOR COURTROOM A

Your failure to appear in Court may be deemed as **CONTEMPT OF COURT AND A WARRANT** may be issued for your **ARREST**.

CERTIFIED MAIL SERVICE RETURN

This summons was sent by certified mail on

Returned:

- ENDORSED
- UNCLAIMED
- REFUSED

CERTIFIED MAIL SERVICE RETURN

This summons was sent by certified mail on

Returned:

- ENDORSED
- UNCLAIMED
- REFUSED

RETURNED FOR FAILURE OF SERVICE

- MOVED LEFT NO ADDRESS
- NO SUCH ADDRESS

- ADDRESSEE UNKNOWN
- OTHER _____

EARLE B. TURNER, CLERK
 CLEVELAND MUNICIPAL COURT

P. ROBINSON, Chief Deputy Clerk

EARLE B. TURNER, Clerk, Cleveland Municipal Court
 P. ROBINSON, Deputy Clerk

Gregory Sims, Chief Deputy Bailiff

Print Date/Time: 3/19/2014 10:09:42 AM

pull

CLEVELAND MUNICIPAL COURT

STATE OF OHIO
CITY OF CLEVELAND
Plaintiffs
Vs.
Makeba Thomas
Defendant.

Case No: 2014 CRB 003049

Judge Angela Stokes.

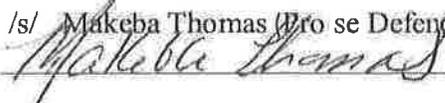
**Defendants Motion To Set Aside
Vacate Judgment Prosecutor Failed
to Respond to Defendants Timely
Filed Request of Bill of Particulars
pursuant to Ohio Criminal Rule of
Procedure 7(E), and Violation of due
process rights to effective counsel.**

Now comes, The Defendant, Makeba Thomas representing herself, does hereby submit: Defendants Motion to Set Aside Vacate Judgment Prosecutor Failed to Respond to Defendants Timely Filed Request of Bill of Particulars pursuant to Ohio Criminal Rule of Procedure 7(E). On Wed February 26, 2014 Defendant filed a Motion for Bill of Particulars filed pursuant to Ohio Criminal Rule of Procedure 7(E), at clerk's office on Wed February 26, 2014 in triplicate. The Prosecutor failed to respond. The prosecutor failed to accept a copy of the Bill of Particular. See; *State v. Brown, 98 Ohio St. 3d 121, 2002-Ohio-7040 -- Syllabus*; "A demand for discovery or a bill of particulars is a tolling event pursuant to R.C. 2945.72(E)." *State v. Crespo, Mahoning App. No. 03 MA 11, 2004-Ohio-1526* - **Dismissal of the indictment an appropriate remedy after repeated failures to provide a bill of particulars.** Lead opinion questions applicability of the least severe sanction rule of *Lakewood v. Papadelis (1987), 32 Ohio St.*

. These motions are filed pursuant to Ohio Criminal Rule of Procedure 7(E), which provides:
"When the defendant makes a written request within twenty-one days after arraignment but not later than seven days before trial, or upon court order, the prosecuting attorney shall furnish the defendant with a bill of particulars setting up specifically the nature of the offense charge and of the conduct of the defendant alleged to constitute the offense. A bill of particulars may be amended at any time subject to such conditions as justice requires." The discovery requested is crucial to the defendant's defense in this matter. *State v. Henley (2000), 138 Ohio App. 3d 209 -- Court was required to obtain a waiver of the right to counsel before proceeding to a trial at which the defendant represented himself. Failure to do so precludes imposition of jail time. Apparent ability to retain counsel, failure to object and possible waiver at arraignment do not matter. Burden is not on the defendant to disprove waiver. State v. Haag (1976), 49 Ohio App. 3d 268 -- Applying Crim. R. 22, if the defendant was not represented by counsel, and the record fails to affirmatively demonstrate that he had the opportunity to obtain counsel or waived his right to counsel, any resulting sentence must be vacated. State v. Minor (1979), 64 Ohio App. 2d 129 -- Headnote 2: "The right to counsel guaranteed by Crim. R. 44 is not satisfied where the court causes attorneys in attendance at a court session to counsel unrepresented defendants." Makeba Thomas asks for all due leniency from the court because she is not an attorney.*

WHEREFORE, Defendant, Makeba Thomas respectfully requests this Honorable Court to grant Defendants Motion to Set Aside Vacate Judgment Prosecutor Failed to Respond to Defendants Timely Filed Request of Bill of Particulars pursuant to Ohio Criminal Rule of Procedure 7(E), and Violation of due process rights to effective counsel. Respectfully submitted,

/s/ Makeba Thomas (Pro se Defendant)

 5/17/14

12601 Abell Ave

Cleveland Ohio 44120

CERTIFICATE OF SERVICE

This certifies that the foregoing Defendants Motion to Set Aside Vacate Judgment Prosecutor Failed to Respond to Defendants Timely Filed Request of Bill of Particulars pursuant to Ohio Criminal Rule of Procedure 7(E), and Violation of due process rights to effective counsel. Motion for Bill of Particulars filed pursuant to Ohio Criminal Rule of Procedure 7(E), at clerk's office on Wednesday March 5, 2013 in triplicate. Pro se for Defendant; /s/ Makeba Thomas (Pro se Defendant) 12601 Abell Ave Cleveland Ohio 44120

/s/ Makeba Thomas (Pro se Defendant)

Makeba Thomas 3/17/14

fw
2/26

CLEVELAND MUNICIPAL COURT

STATE OF OHIO
CITY OF CLEVELAND
Plaintiffs

Vs.
Makeba Thomas

Defendant.

Case No: 2014 CRB 003049

Judge Angela Stokes.

**Motion for Bill of Particulars filed
pursuant to Ohio Criminal Rule of
Procedure 7(E).**

Now comes, The Defendant, Makeba Thomas representing herself, does hereby request a Bill of Particulars from the Prosecutors, with a response to include, but not necessarily be limited to, video tape recordings available in this case, and the all radio transmissions made by telephone, cell phone, or via text messages especially documents related to and concerning medical care and transport manifesto written by arresting officers. Also provide me with identification of precisely all the evidence the City Of Cleveland plans to use against me, including what statements attributed to the Defendants arrest the prosecution contends to prove. These motions are filed pursuant to Ohio Criminal Rule of Procedure 7(E), which provides:

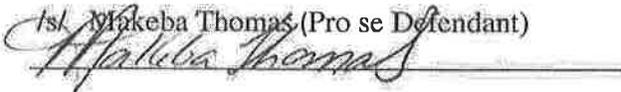
#6
2015 FEB 26 P 1:50
ELEANOR B. TURNER CLERK
CLEVELAND MUNICIPAL COURT

"When the defendant makes a written request within twenty-one days after arraignment but not later than seven days before trial, or upon court order, the prosecuting attorney shall furnish the defendant with a bill of particulars setting up specifically the nature of the offense charge and of the conduct of the defendant alleged to constitute the offense. A bill of particulars may be amended at any time subject to such conditions as justice requires." The discovery requested is crucial to the defendant's defense in this matter. **Makeba Thomas asks for all due leniency from the court because she is not an attorney.**

WHEREFORE, Defendant, Makeba Thomas respectfully requests this Honorable Court to grant Defendant's request for Discovery to uphold the Defendant's critical right to a fair trial.

Respectfully submitted,

/s/ Makeba Thomas (Pro se Defendant)



12601 Abell Ave

Cleveland Ohio 44120

CERTIFICATE OF SERVICE

This certifies that the foregoing Motion for Bill of Particulars filed pursuant to Ohio Criminal Rule of Procedure 7(E), at clerk's office on Wed February 26, 2013 in triplicate.
Pro se for Defendant; /s/ Makeba Thomas (Pro se Defendant) 12601 Abell Ave Cleveland Ohio 44120

/s/ Makeba Thomas (Pro se Defendant)



CLEVELAND MUNICIPAL COURT - JOURNAL ENTRY

DOB: 10/19/1983
SSN: XXX-XX-5448
SCR Status: OPEN
Arresting Agency: - CLEVELAND POLICE DEPARTMENT

Case Number: 2014 CRB 003049
STATE OF OHIO / CITY OF CLEVELAND
VS.
THOMAS, MAKEEBA S
AKA:

Event Date: 02/26/2014 2:00 pm
Event: MINOR MISDEMEANOR TRIAL
Event Location: 15TH FLOOR COURTROOM C
Event Judge: STOKES, ANGELA R.

PD No. 49

Charge	Short Description	Prosecutor							Suspended		Public Defender Fee		
		PNG	NGW	NC	PG	Amends Charge	FC	NG	NOL	DWP		Fine	Days
1. MM - 695.03B DISORDERLY CONDUCT INTOXICATION - MM		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

Bond Set \$ _____
 Capias / BFC / Warrant to Issue
 Bond Forfeiture Vacated
 Warrant Block Release
 Personal Bond
 Capias Recalled
 Original Bond Reinstated
 Warrant Fee Waived
 Defendant Advised of Rights

Found Indigent Costs Suspended
 Cost Satisfied
 Credit for Days Served \$ _____
 Sentence Ordered Executed
 Sentence Stayed Until (Date / Time) _____
 Found Indigent Costs Suspended
 Cost Partially Suspended \$ _____
 Sentence Suspended
 Fine _____ Days
 Sentence Satisfied
 Cost Partially Suspended \$ _____
 Sentence Suspended
 Fine _____ Days

Refer to Probation: PSI SIP: [S][P][C] CWS Hrs _____ Date _____
 DV: [A][C] MHD: [S][P] Veteran's Docket: [S][P][C] DJP: [S][P][C]
 JUDGEMENT ENTRY RECEIVED COP Get On Track Project HOPE
 ANGRY JUROR RELOCATION ROCK: [P][C][H] Drug Court: [S][P][C]
 Probation Duration: MO _____ YRS Active Inactive Form 95
 FEB 20 2014
 Probation Conditions:

Interpreter Requested Language _____ Jury Waived Jury Waived
 ATTY: _____ Public Defender Public Defender
 Driver's License Suspended from Date of Arrest _____ or _____
 From _____ to _____ DUI # Within 6 Yrs _____
 Immobilization _____ Days Vehicle Forfeited TIP
 INS: Shown Not Shown N/A LDPG ALS Appeal ALS Term
 Motion To / For: _____

Granted Denied OSJ
 JUDGE / MAGISTRATE *Angela Stokes*
 Notes: *Officers told me when wife present*
 Probation Violation Hearing: Had Waived Found Not Found SRS
 Probation Continued Until: _____ Probation / SIP Terminated

IN THE CASE OF:
STATE OF OHIO
CUYAHOGA COUNTY
CITY OF CLEVELAND

CLEVELAND MUNICIPAL COURT
CRIMINAL SUBPOENA

CASE NO: 2014 CRB 003049

- VS -

MAKEEBA S THOMAS

TO: OFFICER CHARLES MOTEN – Badge # - 2306
ACCIDENT INVESTIGATION
UNIT

MC/ORC:
605.03B

DISORDERLY CONDUCT INTOXICATION - MM

You are **COMMANDED** to appear before the Cleveland Municipal Court to testify as a witness in the case of the City of Cleveland/State of Ohio versus the above named defendant

DATE: 02/26/2014

PLACE: Courts Tower – Justice Center
1200 Ontario Street, Cleveland, OH

TIME: 2:00 pm

COURTROOM: 15TH FLOOR COURTROOM C
ANGELA R. STOKES

Your failure to appear in Court may be deemed as **CONTEMPT OF COURT** and a **WARRANT** may be issued for your **ARREST**. If you have any questions concerning the **COURT APPEARANCE**, CALL: 216-664-4850.

**IN ORDER TO RECEIVE YOUR WITNESS FEE, BRING THIS SUBPOENA WITH YOU.
PLEASE HAVE THIS FORM STAMPED BY THE BAILIFF IN THE COURTROOM.**



Earle B. Turner, Clerk
Cleveland Municipal Court

N. TUCKER
Chief Deputy Clerk

CLEVELAND MUNICIPAL COURT SERVICE INFORMATION

- Personal Service
- Residence Service
- Address Incorrect
- Address Not Located
- Person Has Moved
- No Such Person At This Address
- Other

with _____

By: _____
Deputy Bailiff

STATE OF OHIO
CUYAHOGA COUNTY
CITY OF CLEVELAND

CLEVELAND MUNICIPAL COURT
CRIMINAL SUBPOENA

CASE NO: 2014 CRB 003049

- VS -

MAKEEBA S THOMAS

MC/ORC:
605.03B

DISORDERLY CONDUCT INTOXICATION - MM

TO: OFFICER CHARLES MOTEN - Badge # - 2306
ACCIDENT INVESTIGATION
UNIT

FEB 19 2014

You are **COMMANDED** to appear before the Cleveland Municipal Court to testify as a witness in the case of the City of Cleveland/State of Ohio versus the above named defendant

DATE: 02/26/2014

PLACE: Courts Tower - Justice Center
1200 Ontario Street, Cleveland, OH

TIME: 2:00 pm

COURTROOM: 15TH FLOOR COURTROOM C
ANGELA R. STOKES

Your failure to appear in Court may be deemed as **CONTEMPT OF COURT** and a **WARRANT** may be issued for your **ARREST**. If you have any questions concerning the COURT APPEARANCE, CALL: 216-664-4850.

**IN ORDER TO RECEIVE YOUR WITNESS FEE, BRING THIS SUBPOENA WITH YOU.
PLEASE HAVE THIS FORM STAMPED BY THE BAILIFF IN THE COURTROOM.**



Earle B. Turner, Clerk
Cleveland Municipal Court

N. TUCKER

Chief Deputy Clerk

CLEVELAND MUNICIPAL COURT SERVICE INFORMATION

Personal Service

Residence Service

with _____

Address Incorrect

Address Not Located

Person Has Moved

No Such Person At This Address

Other

By: _____

J. BOCK #296

Deputy Bailiff

Welcome To The Cleveland Municipal Court
Courtroom 15-C
Judge Angela R. Stokes

Sign-In Sheet
For
Police Officers

CASE # 14CRB003049

A. STOKES FEB 26 2014

Name of Police Officer William TELL 2323

Name of Defendant MAKEBA THOMAS

Please advise the Assistant City Prosecutor of your presence who
will submit this form to Judge Stokes.

Thank You For Your Assistance

Welcome To The Cleveland Municipal Court
Courtroom 15-C
Judge Angela R. Stokes

Sign-In Sheet
For
Police Officers

A. STOKES FEB 26 2014

Name of Police Officer

C. MOTEN # 2306

Name of Defendant

MAKEEBA S. THOMAS

Please advise the Assistant City Prosecutor of your presence who
will submit this form to Judge Stokes.

Thank You For Your Assistance

Welcome To The Cleveland Municipal Court

Courtroom 15-C

Judge Angela R. Stokes

STOKES FEB 25 2014

Sign-In Sheet

For

Family Members(s)/Friend(s)

Of The Defendant

Name of Family Member/Friend

PAUL MAWNING

Name of Defendant

MAKERR T. THOMAS

Is The Defendant Incarcerated?

Yes

No



Please submit to the nearest bailiff.

Thank You For Your Assistance

Court Journal



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

Date: 08/21/2014

Cleveland Municipal Court Journal

Page 1 of 10

2014 CRB 003049

STATE OF OHIO/CITY OF CLEVELAND VS. THOMAS, MAKEEBA S

Case Number
2014 CRB 003049

Status
CLOSED

Judge
MOORE, LAUREN C.

Defendant Name
THOMAS, MAKEEBA S

Date of Birth
10/19/1983

Opened
02/12/2014

Case Disposition
(J) DISMISSED WANT OF PROSECUTION

Case Type
CRB - MISDEMEANOR

CHARGE

<u>Charge Code</u> 605.03B	DISORDERLY CONDUCT INTOXICATION - MM	<u>Degree of Offense</u> MM	<u>Speed</u>	<u>Zone</u>
Amended Charge:	Description:			
Plea:	No Plea	Decision: DISMISSAL		
Charge Disposition:	DISMISSED FOR WANT OF PROSECUTION	Charge Disposition Date:		04/24/2014

SENTENCE

Fine Amt: 50.00	Cost Amt:	Traffic Points:
License Suspended Days:	Spnd Start Date:	Spnd End Date:
Jail Number of Days:	Jail Start Date:	Jail End Date:

SUSPENDED SENTENCE

Fine Amt:	Cost Amt:	Jail Number of Days:
License Suspended Days:		

PROBATION

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

No.	Date of	Pleadings Filed, Orders and Decrees	Amount Owed/ Amount Dismissed	Balance Due
1	01/01/1900	BACK FILED IMAGES		
2	02/12/2014	COMPLAINT HAS BEEN RECEIVED AND IS HEREBY FILED Charge #1: DISORDERLY CONDUCT INTOXICATION - MM		
3	02/12/2014	FINE AMOUNT DUE Charge #1: DISORDERLY CONDUCT INTOXICATION - MM	55.00 55.00	0.00
4	02/12/2014	BASIC COURT COSTS Charge #1: DISORDERLY CONDUCT INTOXICATION - MM	127.00	0.00



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

Date: 08/21/2014

Cleveland Municipal Court Journal

Page 2 of 10

2014 CRB 003049

STATE OF OHIO/CITY OF CLEVELAND VS. THOMAS, MAKEEBA S

Receipt: 547127 Date: 03/03/2014

92.00

5	02/12/2014	HEARING SCHEDULED: Event: MISDEMEANOR ARRAIGNMENT Date: 02/18/2014 Time: 8:30 am Judge: CRIMINAL, JUDGE/MAGISTRATE Location: 3RD FLOOR COURTROOM C		
6	02/18/2014	DEFENDANT HAVING BEEN ADVISED OF HIS/HER RIGHTS, ENTERS A PLEA OF NOT GUILTY. Charge #1: DISORDERLY CONDUCT INTOXICATION - MM		
7	02/18/2014	CASE ASSIGNED TO THE PERSONAL DOCKET OF: Participant(s): Judge ANGELA R. STOKES		
8	02/18/2014	HEARING SCHEDULED: Event: MINOR MISDEMEANOR TRIAL Date: 02/26/2014 Time: 2:00 pm Judge: STOKES, ANGELA R. Location: 15TH FLOOR COURTROOM C		
9	02/18/2014	THE WITNESSES ARE HEREBY ORDERED TO BE SUBPOENAED		
10	02/19/2014	SUBPOENA ISSUED TO THE CLEVELAND POLICE DEPARTMENT	5.00	0.00
			5.00	
11	02/19/2014	BAILIFF SERVICE ISSUED Issue Date: 02/19/2014 Service: SUBPOENA ISSUED TO THE CLEVELAND POLICE DEPARTMENT Method: (CR) BAILIFF SERVICE - SUBPOENA Cost Per: \$		
		MOTEN, CHARLES ACCIDENT INVESTIGATION UNIT Tracking No: T000110637		
12	02/26/2014	FINE AMOUNT DUE Charge #1: DISORDERLY CONDUCT INTOXICATION - MM	50.00	0.00
			50.00	
13	02/26/2014	FOUND GUILTY Charge #1: DISORDERLY CONDUCT INTOXICATION - MM		
14	02/26/2014	MOTION FOR BILL OF PARTICULARS FILED BY DEFENDANT	5.00	0.00
			5.00	



CLEVELAND MUNICIPAL COURT

Office of the Clerk of Court

Earle B. Turner

Justice Center • Level Three

1200 Ontario Street • Cleveland, Ohio 44113-1669

CRIMINAL DIVISION

Date: 08/21/2014

Cleveland Municipal Court Journal

Page 3 of 10

2014 CRB 003049

STATE OF OHIO/CITY OF CLEVELAND VS. THOMAS, MAKEEBA S

- 15 02/26/2014 THE DEFENDANT HAS BEEN ADVISED OF HIS/HER
CONSTITUTIONAL RIGHT TO AN ATTORNEY FOR
REPRESENTATION ON THIS CASE
- 16 02/26/2014 OFFICER PRESENT IN COURT (OFFICER TELL & MOTEN
WERE PRESENT)
- 17 02/26/2014 TRIAL HAD
- 18 02/26/2014 SUMMARY OF ACTIONS IN COURT:

Charges:

Party Name: THOMAS, MAKEEBA S - DEFENDANT

Charge Number: 1

Action Code: DISORDERLY CONDUCT INTOXICATION

- MM

Charge Dscr:

Degree of Offense: Minor Misdemeanor

Indicted Charge:

Amended Charge:

Amended DGOF:

Action Change Date: # of Counts:

Speed Limit: Speed:

Payable: No ITN #:

Plea Code: Guilty Plea Date: 02/26/2014

Decision Code: GUILTY Decision Date: 02/26/2014

Dispositions:

Code: FOUND GUILTY (REPORT TO BMV) Date:
02/26/2014

Party Charge Comments:

Sentencing:

Fine: 50.00 Costs Amt: Costs Incl: No

Traffic Points: Ins Proof: Req. Drivers Ed.: No

Driving School:

DUI School:

Lic. Susp. Days: Susp. Start Date: Susp. End Date:

Modification Start: Modification End:

Narrative Code:

Jail:

Days in Jail: Start Date: End Date:

House Arrest Days: Days Served:

Credit Days:

Probation:

Type: Days:

Start Date: End Date:

Suspend:

Fine: Costs Amt: Lic Suspend Days:

Days in Jail: Jail Time:



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

Date: 08/21/2014

Cleveland Municipal Court Journal

Page 4 of 10

2014 CRB 003049

STATE OF OHIO/CITY OF CLEVELAND VS. THOMAS, MAKEEBA S

Restriction Text:

Monies Dismissed: \$55

The following event: MINOR MISDEMEANOR TRIAL
scheduled for 02/26/2014 at 2:00 pm has been resulted as
follows:

Result: GUILTY / NO CONTEST TO ORIGINAL CHARGE(S)

19	02/26/2014	FINE AND COST SHEET GIVEN TO DEFENDANT		
		FINE AND COSTS - BALANCE DUE		
		Sent on: 02/26/2014 16:46:12.46		
20	03/03/2014	PARTIAL PAYMENT IN THE AMOUNT OF : \$50.00 CASH		
21	03/03/2014	DEFENDANT IS HEREBY GRANTED TIME TO PAY THE FINE/COSTS ASSESSED PRIOR TO 6/3/2014	15.00	0.00
		Charge #1: DISORDERLY CONDUCT INTOXICATION - MM		
		Receipt: 547127 Date: 03/03/2014		
22	03/17/2014	MOTION FILED BY DEFENDANT/ DEFENDANT'S MOTION TO SET ASIDE VACATE JUDGMENT PROSECUTOR FAILED TO RESPOND TO DEFENDANT'S REQUEST	5.00	0.00
			5.00	
23	03/18/2014	HEARING SCHEDULED: Event: MOTION HEARING Date: 03/31/2014 Time: 9:00 am Judge: ADRINE, RONALD B. Location: 15TH FLOOR COURTROOM A		
24	03/18/2014	A SUMMONS IS ORDERED ISSUED FOR THE DEFENDANT'S APPEARANCE	0.00	0.00
25	03/19/2014	BY ORDER OF THE COURT, THE CLERK HAS ISSUED A SUMMONS FOR THE DEFENDANT	10.00	0.00
			10.00	
26	03/19/2014	BY ORDER OF THE COURT, THE CLERK HAS ISSUED A SUMMONS FOR THE DEFENDANT	10.00	0.00
			10.00	
27	03/19/2014	Issue Date: 03/19/2014 Service: SUMMONS ORDERED ISSUED\$\$ Method: (CR) BAILIFF SERVICE Cost Per: \$		



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

Date: 08/21/2014

Cleveland Municipal Court Journal

Page 5 of 10

2014 CRB 003049

STATE OF OHIO/CITY OF CLEVELAND VS. THOMAS, MAKEEBA S

THOMAS, MAKEEBA S
 12601 ABELL
 CLEVELAND, OH 44120
 Tracking No: G000035154

THOMAS, MAKEEBA S
 12601 ABELL
 CLEVELAND, OH 44120
 Tracking No: G000035155

28	03/21/2014	MOTION FILED BY DEFENDANT/ RESPONSE TO DEFENDANT'S MOTION TO SET ASIDE AND VACATE JUDGMENT	5.00	0.00
			5.00	
29	03/21/2014	UNSUCCESSFUL SERVICE Method : (CR) BAILIFF SERVICE Issued : 03/19/2014 Service : SUMMONS ORDERED ISSUED\$\$ Served : 03/21/2014 Return : 03/21/2014 On : THOMAS, MAKEEBA S Signed By : Reason : (CR) BAIL SERV RET - MAIL SLOT Comment : Tracking #: G000035154		
30	03/31/2014	THE DEFENDANT HAVING FAILED TO APPEAR, A CAPIAS IS ORDERED	30.00	0.00
			30.00	
31	03/31/2014	SUMMARY OF ACTIONS IN COURT: Option: CAPU - CAPIAS/WARRANT - UPPER COURTROOMS Applied to Charges: Party: THOMAS, MAKEEBA S: DISORDERLY CONDUCT INTOXICATION - MM Option Details: Availability: Only with E-Payments Display dockets when applied: Yes Compare Date: Current Date Effective Date Range: 01/01/1900 to 12/31/2999 Disposition of Case Items: Case Disposition Code: (IJ) UNAVAILABILITY OF PARTY Case Status: CLOSED - Always Set Status Override: Yes		



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

Date: 08/21/2014

Cleveland Municipal Court Journal

Page 6 of 10

2014 CRB 003049

STATE OF OHIO/CITY OF CLEVELAND VS. THOMAS, MAKEEBA S

Create Reopen: No
 Event Result: CAPIAS/WARRANT TO ISSUE
 DEFENDANT FAILED TO APPEAR
 Complete all Ticklers if Case Disposed: Yes

Party Charge Maintenance:
 Override: Yes
 Fines/Costs: No
 Complete Charge Ticklers: No

Docket Adjustments:
 Sequence: 1
 Docket Entry: CAPIAS ORDERED
 Add Condition: Always Add
 Docket Amount: 30.00
 Case: No

32	04/02/2014	BOND PROCESSNG FEE-GEN	5.00 5.00	0.00
33	04/02/2014	ALERT ISSUED CAPIAS issued on: 04/02/2014 For: THOMAS, MAKEEBA S Bond Amt: Bond Type:		
34	04/02/2014	LETTER TO DEFENDANT REGARDING CAPIAS FOR FAILURE TO APPEAR TO BE PROCESSED AND MAILED CAPIAS - FAILURE TO APPEAR Sent on: 04/02/2014 08:04:09.32		
35	04/02/2014	HEARING SCHEDULED: Event: ARRAIGNMENT - DEFENDANT POSTED BOND Date: 04/03/2014 Time: 8:30 am Judge: CRIMINAL, JUDGE/MAGISTRATE Location: 3RD FLOOR COURTROOM C Result: JUDICIAL REVIEW		
36	04/02/2014	BOND INFORMATION Arrest Bond Added to Case with: Action Code: DISORDERLY CONDUCT INTOXICATION - MM Arrest Date: 04/02/2014 Custody Location: BOND POSTED - DEFENDANT RELEASED Bond Status: POSTED Status Date: 04/02/2014 Blanket Bond: No Okay to Apply: No		



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

Date: 08/21/2014

Cleveland Municipal Court Journal

Page 7 of 10

2014 CRB 003049

STATE OF OHIO/CITY OF CLEVELAND VS. THOMAS, MAKEEBA S

Bond Type: PERSONAL BOND
Bond/Pwr No.: A676967

- 37 04/02/2014 ALERT CANCELLED
CAPIAS canceled on: 04/02/2014
For: THOMAS, MAKEEBA S
- 38 04/07/2014 JOURNAL ENTRY NOTE: NO ACTION TAKEN - TTP
- 39 04/07/2014 SUMMARY OF ACTIONS IN COURT:

Charges:
Party Name: THOMAS, MAKEEBA S - DEFENDANT
Charge Number: 1
Action Code: DISORDERLY CONDUCT INTOXICATION
- MM
Charge Dscr:
Degree of Offense: Minor Misdemeanor
Indicted Charge:
Amended Charge:
Amended DGOF:
Action Change Date: # of Counts:
Speed Limit: Speed:
Payable: No ITN #:
Plea Code: Guilty Plea Date: 02/26/2014
Decision Code: GUILTY Decision Date: 02/26/2014
Party Charge Comments

Sentencing:
Fine: 50.00 Costs Amt: Costs Incl: No
Traffic Points: Ins Proof: Req. Drivers Ed.: No
Driving School:
DUI School:
Lic. Susp. Days: Susp. Start Date: Susp. End Date:
Modification Start: Modification End:
Narrative Code:

Jail:
Days in Jail: Start Date: End Date:
House Arrest Days: Days Served:
Credit Days:

Probation:
Type: Days:
Start Date: End Date:

Suspend:
Fine: Costs Amt: Lic Suspend Days:
Days in Jail: Jail Time:

Restriction Text:



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

Date: 08/21/2014

Cleveland Municipal Court Journal

Page 8 of 10

2014 CRB 003049

STATE OF OHIO/CITY OF CLEVELAND VS. THOMAS, MAKEEBA S

The following event: ARRAIGNMENT - DEFENDANT
POSTED BOND scheduled for 04/03/2014 at 8:30 am has
been resulted as follows:
Result: JUDICIAL REVIEW

40	04/11/2014	BOND PROCESSNG FEE-GEN	5.00	0.00
			5.00	
41	04/11/2014	BOND INFORMATION		
		Arrest Bond Added to Case with: Action Code: DISORDERLY CONDUCT INTOXICATION - MM Arrest Date: 02/04/2014 Custody Location: BOND POSTED - DEFENDANT RELEASED Bond Status: POSTED Status Date: 04/11/2014 Blanket Bond: No Okay to Apply: No Bond Type: PERSONAL BOND Bond/Pwr No.: A676967		
42	04/11/2014	HEARING SCHEDULED: Event: ARRAIGNMENT - DEFENDANT POSTED BOND Date: 04/15/2014 Time: 8:30 am Judge: CRIMINAL, JUDGE/MAGISTRATE Location: 3RD FLOOR COURTROOM C		
		Result: CASE CONTINUED - RETURNED TO ORIGINAL JUDGE		
43	04/15/2014	THIS CASE IS HEREBY TRANSFERRED BY ORDER OF ADMINISTRATIVE JUDGE TO THE PERSONAL DOCKET OF: Participant(s): Judge LAUREN C. MOORE		
44	04/15/2014	HEARING SCHEDULED: Event: MINOR MISDEMEANOR TRIAL Date: 04/24/2014 Time: 9:00 am Judge: MOORE, LAUREN C. Location: 14TH FLOOR COURTROOM A		
45	04/15/2014	THE WITNESSES ARE HEREBY ORDERED TO BE SUBPOENAED		
46	04/17/2014	SUBPOENA ISSUED TO THE CLEVELAND POLICE DEPARTMENT	5.00	0.00
			5.00	
47	04/17/2014	Issue Date: 04/17/2014		



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

Date: 08/21/2014

Cleveland Municipal Court Journal

Page 9 of 10

2014 CRB 003049

STATE OF OHIO/CITY OF CLEVELAND VS. THOMAS, MAKEEBA S

Service: SUBPOENA ISSUED TO THE CLEVELAND POLICE
DEPARTMENT
Method: (CR) BAILIFF SERVICE - SUBPOENA
Cost Per: \$

TELL, WILLIAM
Tracking No: T000115035

- 48 04/24/2014 CASE IS DISMISSED FOR WANT OF PROSECUTION. THE
DEFENDANT IS HEREBY DISCHARGED AS TO THIS CASE.
- 49 04/24/2014 MOTION GRANTED FOR: VACATE JUDGEMENT
- 50 04/24/2014 SUMMARY OF ACTIONS IN COURT:

Charges:
Party Name: THOMAS, MAKEEBA S - DEFENDANT
Charge Number: 1
Action Code: DISORDERLY CONDUCT INTOXICATION
- MM
Charge Dscr:
Degree of Offense: Minor Misdemeanor
Indicted Charge:
Amended Charge:
Amended DGOF:
Action Change Date: # of Counts:
Speed Limit: Speed:
Payable: No ITN #:
Plea Code: No Plea Plea Date: 04/24/2014
Decision Code: DISMISSAL Decision Date: 04/24/2014
Dispositions:
Code: DISMISSED FOR WANT OF PROSECUTION
Date: 04/24/2014
Party Charge Comments:

Sentencing:
Fine: 50.00 Costs Amt: Costs Incl: No
Traffic Points: Ins Proof: Req. Drivers Ed.: No
Driving School:
DUI School:
Lic. Susp. Days: Susp. Start Date: Susp. End Date:
Modification Start: Modification End:
Narrative Code:

Jail:
Days in Jail: Start Date: End Date:
House Arrest Days: Days Served:
Credit Days:

Probation:
Type: Days:



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

Date: 08/21/2014

Cleveland Municipal Court Journal

Page 10 of 10

2014 CRB 003049

STATE OF OHIO/CITY OF CLEVELAND VS. THOMAS, MAKEEBA S

Start Date: End Date:

Suspend:

Fine: Costs Amt: Lic Suspend Days:

Days in Jail: Jail Time:

Restriction Text:

Monies Dismissed: \$227

The following event: MINOR MISDEMEANOR TRIAL
 scheduled for 04/24/2014 at 9:00 am has been resulted as
 follows:

Result: DISMISSED FOR WANT OF PROSECUTION

Totals By:	BASIC COURT COST (F)	127.00	0.00
	COSTS	85.00	0.00
	FEE	15.00	0.00
	FINE	105.00	0.00

*** End of Report ***

I, Earle B. Turner, Clerk of the Cleveland Municipal Court
 hereby certify that the above and foregoing is truly taken and
 copied from the original docket in Case No. **2014 CRB 003049**
 now on file in the Office of the Clerk of Court.

Witness my hand and seal of Cleveland Municipal Court this
 21 day of August 2014.

EARLE B. TURNER, CLERK

By: 

 Chief Deputy Clerk

2-26-14 Transcript

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

3

4 IN THE MUNICIPAL COURT

5

6 CITY OF CLEVELAND,)
7 Plaintiff,)
8 vs.) 2014CRB003049
9 THOMAS S. MAKEBA,)
10 Defendant.)

11

12

13 Transcript of digitally recorded proceedings had
14 before the Honorable Judge Angela R. Stokes, on
15 Wednesday, February 26, 2014, in Courtroom 15-C.

16

17

18 APPEARANCES:

19

On behalf of the plaintiff:

20

Victor R. Perez, Chief Police Prosecutor
By: Marco Tanudra, Ass't Police Pros.

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

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: Docket 49 for Miss Makeba Thomas. The record will reflect Officer Moten is present. You have one minor misdemeanor Disorderly Conduct Intoxication charge. It carries a maximum fine of up to \$150, if there is a conviction. So your options are a trial, if you'd like to have a trial. You can enter a no contest plea with an explanation, or a no contest plea stipulating to a finding of guilty. What would you like to do?

THE DEFENDANT: I want to continue with the plea I have, which is not guilty and have a trial.

THE COURT: Thank you. Swear in the witnesses, please.

THE DEFENDANT: Excuse me?

THE COURT: Tell the bailiff to swear in the witnesses.

THE BAILIFF: Raise your right hand, please. Swear the testimony you're about to give in this case will be the truth, the whole truth, nothing but the truth, as you shall answer onto God? If so say I do.

1 THE DEFENDANT: Yes, I do.
2 THE POLICE OFFICER: (Indicating).
3 THE COURT: Would you like to make
4 an opening statement?
5 MR. TANUDRA: City will waive
6 opening, your Honor.
7 THE COURT: Miss Thomas, would you
8 like to make an opening statement or would
9 you like to waive your opening statement?
10 THE DEFENDANT: I would like to wait.
11 THE COURT: I said would you like
12 to make a statement or would you like to
13 forego it? Would you like to waive it or
14 would you like to make an opening statement?
15 THE DEFENDANT: Well, I would like for
16 the officers to be able to present any
17 evidence that they have against me with the
18 charge that they have, you know, brung forth
19 to the courts.
20 THE COURT: All right.
21 MR. TANUDRA: I believe that another
22 officer is on his way.
23 THE COURT: Oh. So I should recall
24 this in a few moments?
25 MR. TANUDRA: Yes, your Honor.

1 THE COURT: Okay. I'll be happy to
2 recall it. You may be seated. I'll recall
3 it when the other officer comes to the
4 courtroom.

5 * * * * *

6 THE COURT: I'd like to recall
7 Docket 49, Makeba Thomas's case.

8 Miss Thomas, on this it's a minor
9 misdemeanor Disorderly Conduct Intoxication
10 charge, as you know. It is a minor
11 misdemeanor. If there is a conviction, the
12 maximum penalty can be a fine of up to \$150
13 and court costs.

14 And these are your options. You may
15 have a formal trial, or you may enter a no
16 contest plea and tell the Court everything
17 you'd like to say. I would listen to your
18 explanation. I'll listen to the explanation
19 of Officer Moten and Officer Tell, and then
20 I would make a decision as to your innocence
21 or guilt, or you can enter a no contest plea
22 stipulating to a finding of guilty. Do you
23 understand your three options.

24 THE DEFENDANT: Yes, ma'am. May I make
25 a statement?

1 THE COURT: Well, tell me how would
2 you like to proceed as far as your trial?
3 Or do you want --
4 THE DEFENDANT: Well, first of all --
5 THE COURT: Excuse me. Excuse me.
6 THE DEFENDANT: Go ahead. Sorry.
7 THE COURT: That's okay. Do you
8 want a trial or do you want to enter a no
9 contest plea with an explanation, or no
10 contest plea stipulating to a finding of
11 guilty?
12 THE DEFENDANT: Trial.
13 THE COURT: Swear in the witnesses,
14 please.
15 THE BAILIFF: Raise your right hand.
16 Ma'am. The testimony you're about to give
17 is the truth, the whole truth, and nothing
18 but the truth, so answer onto God? Say I do.
19 THE DEFENDANT: I do.
20 THE POLICE OFFICER: I do.
21
22
23
24
25

1 He's asking for you to put it on the record.

2 THE DEFENDANT: Okay. Well, my
3 question was if I can have either a Motion
4 to Dismiss or a Motion for Continuance.

5 THE COURT: A Motion -- what's the
6 basis for your Motion to Dismiss?

7 THE DEFENDANT: I mean, being as though
8 the accusing officer, he was not present
9 when I first stepped up. I wasn't given the
10 option to Motion to Dismiss. They stated
11 that he was on his way. I mean, he wasn't
12 here.

13 THE COURT: You know what, that's
14 no grounds. The Motion is denied.

15 THE DEFENDANT: Okay.

16 THE COURT: All right. And the
17 Motion for Continuance, for what reason?

18 THE DEFENDANT: I would like to present
19 to the prosecutor a Bill of Particulars, a
20 Motion.

21 THE COURT: You should have done
22 that. This matter has been set for trial.
23 It's a minor misdemeanor. These officers
24 are here. What are you looking for? What
25 type of Discovery? What is this? This

1 matter is set for trial. I am not going to
2 continue this matter.

3 THE DEFENDANT: Uh-hmn.

4 THE COURT: What document -- what
5 are you looking for?

6 THE DEFENDANT: I'm looking for the
7 officers to present evidence of
8 intoxication.

9 THE COURT: That's what the
10 trial -- this is what the trial is set for.

11 THE DEFENDANT: Okay. Okay, ma'am.

12 THE COURT: Do you have an opening
13 statement that you'd like to make?

14 THE DEFENDANT: No.

15 THE COURT: You may proceed.

16 MR. TANUDRA: The City would like to
17 call Officer Tell.

18 THE COURT: Let me just ask this
19 one question since both officers are here,
20 and she doesn't know, should there be a
21 Motion for Separation of witnesses? She
22 doesn't know. So one officer is going to
23 wait outside the courtroom until he's called
24 in to testify.

25 THE DEFENDANT: That's fine.

1 THE COURT: Because she does not
2 know. I mean I really don't have to do this
3 but --

4 DIRECT EXAMINATION

5 BY MR. TANUDRA:

6 Q Officer, please state your name and badge number
7 for the record?

8 A Officer William Tell, Badge No. 2323.

9 Q And where do you work?

10 A City of Cleveland, Division of Police,
11 (inaudible) traffic.

12 Q For how long?

13 A 15 years.

14 Q On February 4th of this year were you working?

15 A That's correct.

16 Q And what kind of work were you doing.

17 A Secondary (inaudible).

18 Q And on that day were you wearing a uniform?

19 A That's correct.

20 Q On that day did you have occasion to come in
21 contact with the defendant?

22 A Yes.

23 Q Would you please describe what happened?

24 A On the day in question, me and my partner was
25 called to the scene for a female being disorderly

1 and intoxicated by the casino (inaudible)
2 security (inaudible).

3 Q And what did you observe when you responded?

4 A Upon our arrival, we heard the female arguing
5 with her boyfriend, and she was also arguing with
6 the casino bouncer, the security staff.

7 Q And what else was she doing?

8 A She refused to leave the premises after being
9 ordered to do so by security staff and also by
10 myself.

11 Q Can you describe how she was arguing with them?

12 A She was very loud, argumentative. She got into a
13 tussling match with her boyfriend in front of the
14 (inaudible) walked over to the female and asked
15 her just leave the premises several times. She
16 took two steps and then stopped. So then I
17 placed the female under arrest.

18 Q Okay. And you said this happened in the casino?

19 A That's correct.

20 Q Can you describe for the Court -- would you
21 describe the area of the casino where this
22 happened?

23 A This happened up on the second floor by the sky
24 walk, the slot machines.

25 Q Were other people around?

- 1 A That's correct.
- 2 Q How many?
- 3 A I'm not sure. Just myself, Officer Moten,
4 several security guards.
- 5 Q Is it more than two people?
- 6 A That's correct.
- 7 Q And this happened in the city of Cleveland?
- 8 A Yes.
- 9 Q Is the defendant here today?
- 10 A Yes, she is.
- 11 Q Could you please describe for the Court what
12 she's wearing?
- 13 A Black jacket, blue jeans.
- 14 Q Can you please describe for the record where
15 she's located?
- 16 A At the right podium.
- 17 MR. TANUDRA: Your Honor, may the
18 record reflect the witness has
19 identified the defendant?
- 20 THE COURT: The record shall so
21 reflect.
- 22 Q And was there anything else that you remember
23 about this incident?
- 24 A Yes. Later -- later on that evening, we got word
25 that the defendant suffered some kind of injury

1 due to our arrest. But in the holding cell the
2 defendant didn't tell us that she was hurt.

3 Q Okay. And is there anything else other than
4 that?

5 A Yes. The supervisor was called to the scene, RMS
6 report, and (inaudible) support. The form was
7 all filled out that morning. Proper action was
8 taken.

9 Q Okay.

10 A And the defendant, was -- she was conveyed to
11 CPU. That's when we heard that she was injured
12 and was taken to the hospital.

13 MR. TANUDRA: No further questions.

14 THE COURT: All right. Miss
15 Thomas, if you have any questions to ask
16 officer Tell on cross-examination, you may
17 ask those questions at this time.

18 THE DEFENDANT: Yes, I do have a
19 question.

20 CROSS-EXAMINATION

21 BY MS. THOMAS:

22 Q You said your name was what, again?

23 A Tell.

24 Q Officer Tell? My question to you is, you stated
25 that I was in an altercation with my boyfriend.

1 A Yes. The boyfriend was trying to get you to
2 leave the casino.

3 Q First off, that man you're speaking about, he's
4 not even my boyfriend.

5 THE COURT: Excuse me. Excuse me.

6 THE DEFENDANT: Okay.

7 THE COURT: Now, if you want to
8 enter a no contest plea and just tell me
9 everything you want to say, you can do that.

10 THE DEFENDANT: Well, ma'am --

11 THE COURT: Excuse me. You
12 interrupt me one more time you're going to
13 be in that holding cell. I am not going to
14 accept your disrespectful behavior,
15 whatsoever. If you want a trial, you have
16 to follow the order of a trial.

17 THE DEFENDANT: Okay.

18 THE COURT: So on cross-examination
19 you can only ask the officer questions, and
20 you may certainly do that, but you can't
21 testify right now. You'll be able to
22 testify later during the trial.

23 THE DEFENDANT: Okay.

24 THE COURT: Or you can just enter a
25 no contest plea and tell me everything you'd

1 like to say.

2 THE DEFENDANT: I'll continue with my
3 not guilty plea.

4 THE COURT: All right. Well, then
5 you need to follow the instructions. Last
6 warning.

7 THE DEFENDANT: Okay.

8 THE COURT: All right. Proceed.
9 Do you have any other questions to ask
10 Officer Tell?.

11 THE DEFENDANT: No, I do not.

12 THE COURT: Redirect?

13 MR. TANUDRA: No redirect, your
14 Honor.

15 THE COURT: All right.

16 MR. TANUDRA: City will --

17 THE COURT: Would you like for the
18 other officer to come into the courtroom?

19 MR. TANUDRA: Yes, your Honor, the
20 City would like to call Officer Moten.

21

22

23

24

25

1 CHARLES MOTEN,
2 having been first duly sworn, was
3 examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. TANUDRA:

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

8 A Yes. Officer Moten, M-O-T-E-N, Badge No. 2346.

9 Q Where do you work?

10 A City of Cleveland, Division of Police?

11 Q For how long?

12 A Fourteen years.

13 Q And on February 4th of this year were you
14 working?

15 A Yes.

16 Q What kind of employment?

17 A I was working secondary employment at the
18 Horseshoe Casino.

19 Q And did you have another officer working with
20 you?

21 A Yes.

22 Q Who was that?

23 A Officer Tell.

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

1 A Yes.

2 Q Would you please describe the incident?

3 A Yeah. We received a call on the radio that there
4 was a guest disturbing on the second floor. We
5 responded and we found when I arrived, the guest
6 standing to my right wearing the black jacket,
7 blue jeans. She was being very disruptive. She
8 was arguing with the security staff.

9 We attempted to ask the lady -- she refused
10 to leave. There was another gentleman there with
11 her. He attempted to get her to leave. She
12 became verbally abusive towards him, also. He
13 eventually left without her.

14 Officer Tell then advised her that she
15 needed to leave or she would be arrested. She
16 refused, became verbally abusive towards him,
17 also. She was then being placed under arrest.

18 MR. TANUDRA: Your Honor, may the
19 record reflect the witness identified the
20 defendant?

21 THE COURT: The record shall so
22 reflect.

23 Q Is there anything else that you remember from
24 this incident?

25 A That's basically the reason why she was arrested.

1 MR. TANUDRA: No further questions,
2 your Honor.

3 THE COURT: All right. Miss
4 Thomas, if you have any questions to ask
5 Officer Moten on cross-examination, you may
6 ask those questions.

7 THE DEFENDANT: Yes, I would like to
8 ask him a question.

9 CROSS-EXAMINATION

10 BY MS. THOMAS:

11 Q My question to you is, in the process of you guys
12 arresting me, did you or did you not use
13 excessive force?

14 A No.

15 Q Okay.

16 THE COURT: Do you have any other
17 questions?

18 THE DEFENDANT: No, I do not.

19 THE COURT: Redirect?

20 MR. TANUDRA: No, redirect, your
21 Honor.

22 THE COURT: City rests?

23 MR. TANUDRA: City rests at this
24 time.

25 THE COURT: All right. Miss

1 Thomas, if you would like you may give your
2 testimony at this time.

3 THE DEFENDANT: Okay. Can I start from
4 the beginning of what happened at the
5 Horseshoe Casino?

6 THE COURT: You may give your
7 testimony at this time.

8 THE DEFENDANT: Okay. Okay, your
9 Honor, I was in the Horseshoe Casino.

10 THE COURT: Okay. Just one second.

11 * * * * *

12 THE COURT: Miss Thomas, you may
13 give your testimony. Recalling Docket 49,
14 Makeba Thomas's case. You may proceed.

15 THE DEFENDANT: Okay. On February 4th,
16 I was in the Horseshoe Casino. We were
17 actually getting ready to leave. We started
18 heading our way upstairs back to the sky
19 walk.

20 First of all, while I was downstairs, I
21 actually was aware of a security guard that
22 was like constantly following me around. So
23 once I had got upstairs to get onto another
24 slot machine, the same security officer was
25 still making his rounds. And now at this

1 point he's standing behind me while I'm on a
2 slot machine.

3 I actually asked him was there a
4 problem, anything was wrong, and he stated
5 no. I says I felt uncomfortable with him
6 following me. I had seen him maybe four to
7 five times, the short length of time that I
8 was in there.

9 He stated to me that he needed to see my
10 ID. I told him I don't think I need to show
11 you my ID, I've already been in through the
12 Horseshoe Casino doors. You have to show ID
13 before you even come through the door if you
14 look underage.

15 He stated that if I don't give him my ID
16 I had to leave. I asked him why did I have
17 to leave. He took it upon -- I guess he was
18 mad because I wouldn't show him my ID. So
19 he then called head of security or whomever
20 he dispatched or whatever, and that's when
21 Officer Tell and a few other security
22 officers approached me, asked me for my ID.

23 I refused to give it to them. They told
24 me to leave. I asked them why did I have to
25 leave there? They didn't give me a reason

1 why I had to leave. I was not bothering
2 anyone. I was not causing any physical harm
3 to myself nor anyone else, and I was not
4 intoxicated. They -- the officers were being
5 very disrespectful towards me, and I said
6 some things back to them as well that they
7 did not like.

8 And yes, the guy that I was with did ask
9 me to leave. He never put his hands on me.
10 The officers are the ones who apprehended
11 me, walked me toward the elevator to go
12 downstairs, put me in whatever holding cell
13 they had, and they dislocated my elbow in
14 the process.

15 THE COURT: All right. Cross-
16 examination?

17 CROSS-EXAMINATION

18 BY MR. TANUDRA:

19 Q Ma'am, were you drinking that night?

20 A Yes, I had one drink. As a matter of fact a
21 drink, and half of my friend's.

22 Q Okay.

23 A Uh-hmn.

24 Q Did you -- did someone make you drink that night?

25 A No, they did not.

1 Q How many people were around you at that time?

2 A At what time?

3 Q When you were -- when the officers approached
4 you?

5 A The two people that I was with and plus it was a
6 few other people who were in the casino as well.

7 MR. TANUDRA: No further questions,
8 your Honor. No further questions.

9 THE COURT: All right. Is there
10 anything else you would like to say, Miss
11 Thomas?

12 THE DEFENDANT: Excuse me?

13 THE COURT: Is there anything else
14 you would like to say?

15 THE DEFENDANT: No, I would not.

16 THE COURT: All right. Do you rest
17 your case?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: Would the City like to
20 make an opening, closing argument?

21 MR. TANUDRA: Yes. Based on the
22 testimony of the witness, your Honor, the
23 defendant was intoxicated that night. It
24 was -- there were more than two people
25 around her, and at that time she was

1 arguing, she was causing annoyance, and the
2 City would ask for a conviction, your Honor.

3 THE COURT: Miss Thomas, would you
4 like to make a closing argument?

5 THE DEFENDANT: Yes, I would. I would
6 like to ask how can they determine if I was
7 intoxicated just because I had one drink? I
8 mean I had one drink in the Horseshoe Casino
9 that was purchased there.

10 I was not intoxicated. The officers
11 were disrespectful to me. I say what I had
12 to say. They did not like it, and they used
13 excessive force in the process of
14 apprehending me, and they dislocated my
15 elbow.

16 THE COURT: Thank you. Prosecutor
17 Tanudra, final --

18 MR. TANUDRA: Nothing, your Honor.

19 THE COURT: Thank you. The record
20 will reflect trial held. The Court makes a
21 finding of guilty with respect to this
22 charge.

23 And how long were you in custody, Miss
24 Thomas?

25 THE DEFENDANT: I was not in custody at

1 all, ma'am. They had me -- you're saying
2 as far as the holding cell? I want to say
3 maybe 25, 30 minutes before the transporting
4 officers came.

5 THE COURT: So you weren't booked?
6 It says booked, but then it was scratched
7 off.

8 THE DEFENDANT: Yes, they --

9 THE COURT: Excuse me. She wasn't
10 booked, then?

11 THE POLICE OFFICER: No.

12 THE COURT: Okay.

13 THE POLICE OFFICER: No, your Honor. When
14 she got to the hospital the (inaudible) at
15 CPU, that's when they determined that she
16 had an injury. But she didn't let us know
17 she was hurt.

18 THE COURT: Okay. Are you
19 employed, Miss Thomas?

20 THE DEFENDANT: Excuse me?

21 THE COURT: Are you employed?

22 THE DEFENDANT: Yes, I am.

23 THE COURT: All right. On this
24 matter the Court is going to impose a fine
25 of \$50 and court costs. If you had been in

1 custody, I was going to give you credit for
2 time served, but they're telling me that you
3 weren't booked on this matter. So you have
4 a fine of \$50 and court costs.

5 The Court does expect a partial payment
6 today or within 24 hours. This will be
7 journalized in just a moment. You'll
8 receive your fine and court costs sheet from
9 the bailiff or the journalizer.

10 - - -

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,)
City of Cleveland.) SS:

City of Cleveland,)
)
 vs.)
)
Makeba S. Thomas.)

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 28th day of August, 2014.

Grace Evangelou

Grace Evangelou

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 BAILIFF: Docket No. 48, Makeba
Thomas.
THE COURT: Capias issued for the
defendant's arrest.

C E R T I F I C A T E

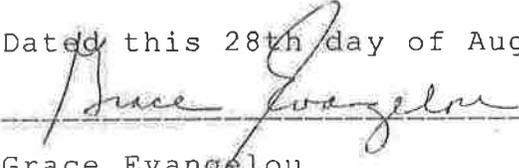
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

City of Cleveland,)
 vs.)
Makeba S. Thomas.)

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 28th day of August, 2014.



Grace Evangelou

4-15-14 Transcript

1 STATE OF OHIO,)
COUNTY OF CUYAHOGA,) SS EARLEY, M. D., J.
2 CITY OF CLEVELAND.)

3
4 IN THE MUNICIPAL COURT

5 - - -
6 CITY OF CLEVELAND,)
7 Plaintiff,)
8 vs.) 2014CRB003049
9 MAKEBA S. THOMAS,)
10 Defendant.)

11 - - -
12
13 Transcript of digitally recorded proceedings had
14 before the Honorable Judge Michelle Denise Earley, on
15 Tuesday, April 15, 2014, in Courtroom 3-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 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: Miss Thomas?

THE DEFENDANT: How you doing?

THE COURT: I'm good. How are you,
Miss Thomas?

THE DEFENDANT: Fine.

THE COURT: What is this? Let's
see. I'm not sure why they put it on this
docket.

Well, your case will go in front of
Judge Adrine, okay?

THE DEFENDANT: So sit down and have a
a seat and wait for the next court date?

THE COURT: Yes.

THE DEFENDANT: Outside?

THE COURT: Yes.

THE DEFENDANT: Thank you, your Honor.

THE COURT: You're welcome.

C E R T I F I C A T E

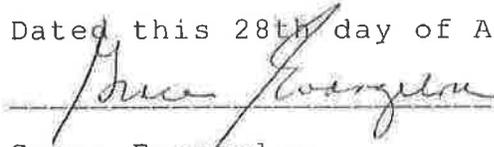
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

City of Cleveland,)
vs.)
Makeba S. Thomas.)

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 28th day of August, 2014.


Grace Evangelou

4-24-14 Transcript

1 STATE OF OHIO,)
COUNTY OF CUYAHOGA,) SS: MOORE, L. C., J.
2 CITY OF CLEVELAND,)

3 IN THE MUNICIPAL COURT

4 - - -
5 CITY OF CLEVELAND,)
6 Plaintiff,)
7 V.) Case No. 2014CRB003049
8 MAKEBA S. THOMAS.)
9 Defendant.)

10 - - -
11 Transcript of proceedings had before the Honorable
12 Judge Lauren C. Moore, on Thursday, the 24th day of
13 April, 2014, in Courtroom 14A.

14 - - -
15 APPEARANCES:
16
17 On behalf of the plaintiff:
Victor Perez, Chief Police Prosecutor
18 By: Jonathan Cudnik, Assistant Police
Prosecutor
19
20 On behalf of the defendant:
Pro Se.

21
22 - - -
23
24
25 Cindy L. LaRosa, RPR, CRI, MSCJ

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

1
2 THE BAILIFF: Makeba Thomas. Makeba
3 Thomas.
4 MR. CUDNIK: There is a little bit
5 of a procedural history to this case, Judge.
6 There was a trial on this already in front
7 of Judge Stokes on February 26, 2014, and I
8 believe Judge Stokes found her guilty. Then
9 there was a motion to set aside the verdict.
10 THE COURT: Who filed that?
11 MR. CUDNIK: I don't know. Who
12 filed the vacated judgment?
13 THE DEFENDANT: I did.
14 THE COURT: How did you know how to
15 do that?
16 THE DEFENDANT: I have my ways; I do
17 research.
18 MR. CUDNIK: Apparently, the City
19 didn't respond to the motion, so it was
20 reset for trial. I have no witness present.
21 THE COURT: It's dismissed.
22 THE DEFENDANT: Thank you.
23 MR. CUDNIK: I believe it was
24 granted because it was reset for trial.
25 THE DEFENDANT: I have a question about

1 the vacated judgment. I basically wanted
2 the decision that Angela Stokes made to be
3 vacated because I was convicted with no
4 evidence.

5 THE COURT: Well, it is a Motion to
6 Vacate Judgment, and it's granted based on
7 the fact that there has been no response to
8 your motion and it's dismissed.

9 THE DEFENDANT: Thank you very much.

10 A VOICE: Can I ask you a
11 question?

12 THE BAILIFF: No, no, no, sir. Sir.
13 Sir.

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

4
 5 City of Cleveland,)

6 V.)

7 Makeba S. Thomas.)

8
 9 I, Cindy L. LaRosa, Registered Professional
 10 Reporter, do hereby certify that as a reporter
 11 employed by the Cleveland Municipal Court, I have
 12 transcribed the stenotype notes taken down by Lori
 13 Craig of the proceedings had in said Cleveland
 14 Municipal Court in the above-entitled case on the
 15 date set forth; that I have transcribed the said
 16 stenotype notes into typewritten form as transcribed
 17 and appears in the foregoing transcript of the
 18 proceedings; that said transcript is a complete
 19 record of the proceedings had in the hearing of said
 20 case and constitutes a true and correct transcript of
 21 the proceedings had therein.

22 Dated this 22nd day of August, 2014.

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