

IN THE SUPREME COURT OF OHIO

DISCIPLINARY COUNSEL, : CASE NO.: 14-1905
: :
Relator, : Matter Related to the Practice of
: Law Authorized by S. Ct. Prac. R.
-vs- : Section 13
: :
ANGELA ROCHELLE STOKES, : :
: :
Respondent. : :
: :

RESPONDENT'S MOTION FOR DISSOLUTION OR MODIFICATION OF ORDER OF
SUSPENSION UNDER GOV. BAR. R. V(5a)(C)(1) Exhibit A through Exhibit A-6

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Respondent

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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.) 2012TRC030161
9 FREDERICK J. PHILHOWER,)
10 Defendant.)

11

12

13 Transcript of digitally recorded proceedings had
14 Before the Honorable Judge Angela R. Stokes, on June
15 12, 2012, in Courtroom 15-C.

16

17 APPEARANCES:

18

On behalf of the plaintiff:

19

Victor R. Perez, Chief Police Prosecutor
By: Jonathan Cudnik, Assistant Police
20 Prosecutor.

21

On behalf of the defendant:

22

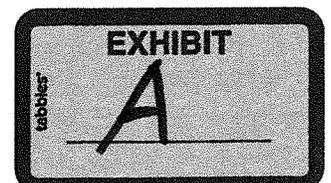
Jaime Serrat, Esq.

23

24

25 Demetrius D. Longmire

OFFICIAL COURT REPORTER
CLEVELAND MUNICIPAL COURT
Cleveland, Ohio 44113



P R O C E E D I N G S

1
2 THE COURT: Frederick Philhower's
3 case.
4 MR. SERRAT: Good morning, your
5 Honor. Jaime Serrat for Mr. Philhower.
6 THE COURT: This is docket number
7 47.
8 MR. CUDNIK: Judge, I believe we
9 have resolution.
10 MR. SERRAT: We do, your Honor.
11 THE COURT: Okay.
12 MR. CUDNIK: It's the City's
13 understanding the defendant will be entering
14 a plea of guilty on count one, Driving under
15 the influence of alcohol and/or drugs and a
16 plea of no contest to count four. Count
17 four is a reckless operation. Both those
18 pleas are forthcoming, the City moves to
19 nolle the balance of the charges against the
20 defendant. This will be his first lifetime
21 alcohol-related offense.
22 THE COURT: Okay. Is that
23 correct, counsel?
24 MR. SERRAT: That is correct, your
25 Honor. We're ready to proceed.

1 THE COURT: Thank you. And this
2 -- did you say this is the first OVI
3 conviction ever in his lifetime?

4 MR. CUDNIK: Yes, Judge. I'm
5 looking at the LEADS right now. Yep.

6 THE COURT: Thank you.

7 Mr. Philhower, on docket 47, count one
8 the charge is Driving under the influence of
9 alcohol and/or drugs. This is a first
10 conviction for Driving under the influence
11 of alcohol and/or drugs ever in your
12 lifetime. It carries a maximum fine of
13 \$1075 dollars. There's a mandatory minimum
14 fine of \$375 and court costs.

15 Do you understand?

16 THE DEFENDANT: Yes.

17 THE COURT: With respect to the
18 jail time, you are required to serve three
19 consecutive days in jail unless you are
20 given an opportunity to attend an
21 alternative to jail program. That would be
22 in lieu or instead of serving three
23 consecutive days. That's an alcohol
24 education program.

25 Do you understand?

1 THE DEFENDANT: Yes.

2 THE COURT: However, you could be
3 sentenced to serve up to six months or up to
4 180 days in jail.

5 Do you understand?

6 THE DEFENDANT: Yes.

7 THE COURT: Your driver's license
8 has to be suspended for at least six months.
9 It could be suspended for a period of up to
10 three years.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: If there was an
14 administered license suspension imposed in
15 this case, the Court would have to give you
16 credit for that suspension against any
17 suspension of your driver's license imposed
18 by the Court.

19 Do you understand?

20 THE DEFENDANT: Yes.

21 THE COURT: The Bureau of Motor
22 Vehicles will assess six points against your
23 driver's license.

24 Do you understand?

25 THE DEFENDANT: Yes.

1 THE COURT: The citation in this
2 case is dated May 15, 2012, operating a 2005
3 Chevrolet, in State Route 176, northbound on
4 Spring to Denison, in the City of Cleveland,
5 Ohio. There was an accident involved.

6 Do you recall and understand this
7 charge, sir?

8 THE DEFENDANT: Yes.

9 THE COURT: It says that the
10 prohibitive blood concentration was .132.

11 Do you recall and understand this
12 charge?

13 THE DEFENDANT: Yes.

14 THE COURT: And to this charge is
15 it your desire to withdraw your not guilty
16 plea, enter a plea of guilty, with a finding
17 of guilty to the charge of Driving under the
18 influence of alcohol and/or drugs?

19 THE DEFENDANT: Yes.

20 THE COURT: And on docket number
21 47, to count five, that's a change of plea
22 to the reckless separation. Is that
23 correct?

24 MR. SERRAT: It is, your Honor.

25 THE COURT: All right.

1 MR. SERRAT: It's number four on
2 the docket, but that is the charge.
3 THE COURT: You know, I have a
4 maximum --
5 MR. CUDNIK: Yes, Judge.
6 THE COURT: Our numbers may be
7 different.
8 MR. CUDNIK: But he is pleading to
9 reckless operation.
10 THE COURT: Okay. So, that's
11 count five.
12 MR. CUDNIK: I don't know.
13 THE COURT: Count four, I have a
14 maximum speed, but you -- and then I have --
15 I don't know. Maybe the Clerk's Office has
16 these all mixed up. I'm not sure.
17 MR. CUDNIK: There's bunch of
18 charges.
19 THE COURT: I know. I just want
20 to make sure. On the journal entry --
21 MR. CUDNIK: Yes.
22 THE COURT: -- count 4 says
23 maximum speed.
24 MR. CUDNIK: Okay.
25 THE COURT: Count 5 is the

1 reckless operation on the journal entry.

2 MR. CUDNIK: Okay.

3 THE COURT: That doesn't mean it's
4 correct. Then 6 is the failure to control.

5 MR. CUDNIK: Okay.

6 THE COURT: So the change in
7 plea-- then I also is another maximum speed.
8 I know it has -- which should it be?
9 There's change in plea to --

10 MR. CUDNIK: Reckless operation,
11 Judge.

12 THE COURT: -- to the -- so I have
13 count 5?

14 MR. CUDNIK: Yes, Judge.

15 THE COURT: -- to the reckless
16 operation?

17 MR. CUDNIK: Yes.

18 MR. SERRAT: We're fine with that,
19 Judge.

20 THE COURT: Okay. Is that
21 referred to the 90 -- the speeding charge of
22 99 miles per hour?

23 MR. CUDNIK: Probably, Judge. I
24 actually don't even have a copy of the
25 citation. I put this file together. I have

1 the accident report.

2 THE COURT: Do you both want a

3 copy of the citations.

4 MR. CUDNIK: Yes.

5 MR. SERRAT: No, Judge, I have one.

6 THE COURT: Would you like one?

7 MR. CUDNIK: Yes.

8 THE COURT: Could you make a copy

9 of just the front for Prosecutor Cudnik?

10 MR. SERRAT: We're fine with that,

11 Judge.

12 THE COURT: Okay. Count 5, sir,

13 is the reckless operation, a minor

14 misdemeanor carrying a maximum fine of up to

15 \$150 and court costs.

16 Do you understand?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. And this

19 refers--

20 MR. CUDNIK: I believe it refers to

21 the excessive speed.

22 THE COURT: Okay. Which was the

23 99 plus miles per hour --

24 MR. CUDNIK: Yes, Judge.

25 THE COURT: -- speeding charge.

1 Do you recall and understand the reckless
2 operation charge?

3 THE DEFENDANT: Yes.

4 THE COURT: To that charge, would
5 you like to withdraw your not guilty plea,
6 enter a plea of no contest and consent to a
7 finding of guilty?

8 THE DEFENDANT: Yes.

9 THE COURT: By changing your pleas
10 to both of these charges, sir, you are now
11 waiving or giving up your right to have
12 either a bench trial, tried to the Judge or
13 a jury trial, tried to eight jurors.

14 Do you understand?

15 THE DEFENDANT: Yes.

16 THE COURT: You are presumed,
17 considered to be innocent until the City of
18 Cleveland proves your guilt beyond a
19 reasonable doubt if your guilt is to be
20 proven at a trial.

21 Do you understand?

22 THE DEFENDANT: Yes.

23 THE COURT: If you were to have a
24 trial, sir, you have a right to remain
25 silent. No one can force to you testify or

1 to say anything at a trial.

2 Do you understand?

3 THE DEFENDANT: Yes.

4 THE COURT: You are also giving up
5 your right to subpoena witnesses who could
6 testify at a trial if you were to have one.

7 Do you understand?

8 THE DEFENDANT: Yes.

9 THE COURT: And you're giving up
10 your right to confront your accusers at
11 trial.

12 Do you understand?

13 THE DEFENDANT: Yes.

14 THE COURT: Have there been any
15 threats or promises made to force you to
16 change your plea to this charge?

17 THE DEFENDANT: No.

18 THE COURT: Are you satisfied with
19 your attorney's representation?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you ever any
22 questions about the rights you are giving
23 up?

24 THE DEFENDANT: No.

25 THE COURT: Do you have any

1 questions about the penalties that can be
2 imposed by the Court?

3 THE DEFENDANT: No.

4 THE COURT: Are you a citizen of
5 United States?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you have any
8 questions?

9 THE DEFENDANT: No.

10 THE COURT: No? I will accept
11 your plea of guilty with a finding to guilty
12 to count 1, Driving under the influence of
13 alcohol and/or drugs. Count 2, the DUI
14 breath test. 08-.169, that first degree
15 misdemeanor charge will be nolleed or
16 dismissed. The maximum speed charge will
17 also be nolleed or dismissed. Then there's a
18 fourth count, maximum -- count 4, the
19 maximum speed charge will also be nolleed or
20 dismissed. I'll accept your change in plea
21 to the reckless operation charge. And count
22 6 is a failure to control. That charge will
23 be nolleed or dismissed.

24 Do you understand?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. Do you have the
2 accident report?

3 MR. CUDNIK: I do, Judge. I was
4 able to pull it. If the Court recalls, we
5 kind of accelerated this case, but I was
6 able to get the report. I wasn't able to --
7 I got it yesterday, so as far as hearing
8 from anybody, I wasn't able to contact
9 anyone.

10 THE COURT: That's okay.

11 MR. SERRAT: May I address the
12 Court? I'm sorry.

13 MR. CUDNIK: I will note that one
14 person has a listed Pennsylvania address
15 with no phone number, and there's another
16 car involved also.

17 THE COURT: So there was one
18 additional car involved here; is that
19 correct?

20 MR. CUDNIK: You know what, Judge,
21 I'm not --

22 THE COURT: Positive.

23 MR. CUDNIK: I didn't even really
24 look at it until this morning.

25 THE COURT: That's okay.

1 MR. CUDNIK: But I think counsel
2 has some things he wants to address.

3 THE COURT: Sure.

4 MR. SERRAT: I do, Judge.

5 I've spoken with the individual from
6 Pennsylvania. It's property damage only.
7 He was fully insured. He's accepted his
8 responsibility from the very beginning,
9 Judge. He was incarcerated for two days
10 initially. On his own, he's taking the
11 initiative this weekend, Judge, he's already
12 paid for the DIP Program. I have a
13 certificate with me if the Court wants to
14 see it. This case was scheduled for next
15 week, we moved it till today. I was here
16 last week to see if I could obtain driving
17 privileges. So, on his own, Judge, he knows
18 how serious this was. He's -- he's -- he
19 was sober, I want to say for almost 8,
20 9 years. He just -- this was a slip.

21 THE COURT: I'm listening,
22 counsel.

23 PRIVATE ATTORNEY: He's back on track,
24 Judge. If the Court wants to see it, I can
25 show you the certificate that indicates

1 again full payment of the course. It's for
2 this weekend. And I would ask the Court to
3 consider if you could sentence him today
4 with the --

5 THE COURT: Well, this Court never
6 sentences on a DUI until the Court has all
7 the information.

8 MR. SERRAT: Okay.

9 THE COURT: But Mr. Philhower is
10 going to attend an alternative to jail
11 program --

12 MR. SERRAT: This weekend.

13 THE COURT: -- this coming
14 weekend?

15 MR. SERRAT: Correct.

16 THE COURT: Okay. And then, this
17 matter -- I will refer, if it's
18 acceptable -- refer Mr. Philhower's case to
19 Probation so that they can prepare a
20 presentencing investigative report, verify
21 the attendance at the alternative to jail
22 program. They'll also contact any named
23 victims, so they can have their input at the
24 time of sentencing. Okay. And then we can
25 come up with a date for sentencing. Also

1 I'd like you to submit to a urinalysis test
2 today, sir. There was a fee of \$9. You
3 have to pay that in the Probation Department
4 if you're able to do that. And then, when
5 Prosecutor Cudnik comments back, we can find
6 the best date for sentencing.

7 There is a jury demand in the file, so
8 would Mr. Philhower like to waive the jury
9 in this matter?

10 MR. SERRAT: We've already pled, so
11 I think it's moot, your Honor. But, yeah,
12 the answer is yes.

13 THE COURT: Well, if he's waiving
14 the jury, then he has to sign the jury
15 waiver form.

16 MR. SERRAT: Would the Court
17 entertain driving privileges, your Honor?

18 THE COURT: Not prior to the
19 Presentencing Investigative Report.

20 MR. SERRAT: Okay.

21 THE COURT: I did say that on the
22 last court date. Not until I have the
23 benefit of the urinalysis test and the
24 benefit of the presentencing investigative
25 report and input from the victim, and, of

1 course, the defendant. But we can try to
2 give you the earliest possible date to come
3 back on the docket, since he's attending the
4 Alternative to Jail Program this weekend.

5 MR. SERRAT: Right.

6 THE COURT: Now Probation does
7 request ten business days in order to
8 contact the victim and to prepare the
9 report.

10 And you said there's no phone number,
11 Attorney Cudnik?

12 MR. CUDNIK: I don't see one for
13 the Pennsylvania person, Judge.

14 THE COURT: There's another
15 person? There's more than --

16 MR. CUDNIK: What happened was,
17 there was -- due to the impact from the
18 defendant's vehicle with car number two,
19 which is the Pennsylvania gentleman, debris
20 from car number two looks like hit another
21 car. There was, like -- it was parked. No,
22 it wasn't park. It was all on the road.
23 So --

24 THE COURT: How many vehicles were
25 involved?

1 MR. CUDNIK: Two vehicles.

2 MR. SERRAT: Two.

3 MR. CUDNIK: One was struck with
4 the direct impact and then the debris from
5 that direct impact --

6 THE COURT: So two others besides
7 the defendant's vehicle?

8 MR. CUDNIK: Correct.

9 THE COURT: Correct? Okay. Do
10 you have -- is there a phone number for,
11 like, the third car or are there just
12 addresses because --

13 MR. CUDNIK: There's a local
14 address and --

15 THE COURT: -- there's --

16 MR. CUDNIK: There's a listed phone
17 number.

18 THE COURT: Because at least
19 Probation can at least call that number.
20 For the one that they don't have a phone
21 number, they'll have to send written
22 correspondence --

23 MR. SERRAT: Right.

24 THE COURT: -- to. So that may
25 take the two weeks. They do request ten

1 business days. We could probably do it a
2 little bit faster if there was a phone
3 number for the Pennsylvania address, but
4 there's no phone number for the Pennsylvania
5 person. Let's see. So if we go with the
6 ten business days, that -- I have like the
7 June 26th date.

8 Do you think that date would be okay,
9 counsel?

10 MR. SERRAT: Absolutely, Judge.

11 THE COURT: I think it's probably
12 the earliest they can prepare the report.

13 MR. CUDNIK: Okay.

14 THE COURT: So that would be
15 continued at the -- it's a joint request,
16 City's request and the defendants request.
17 June 26, 2012.

18 What time would you like, counsel?

19 MR. SERRAT: Early the better,
20 Judge.

21 THE COURT: Do you want the
22 8:30-hour?

23 MR. SERRAT: I do.

24 THE COURT: 8:30 a.m.

25 Prosecutor Cudnik, you'll subpoena

1 witnesses?

2 MR. CUDNIK: Yes.

3 THE COURT: Try to contact them to
4 see if there are restitution issues here.

5 MR. CUDNIK: Yes, Judge.

6 THE COURT: I'll make sure
7 Probation receives the accident report.

8 Mr. Philhower, this case will be
9 journalized in just a few moments. In less
10 than five minutes, you'll be able to go to
11 the six floor Probation Department. You can
12 just have a seat in the courtroom and we'll
13 let you know --

14 MR. SERRAT: Thank you, Judge.

15 THE COURT: -- as far as the file
16 is ready to go to the Probation Department.

17 MR. SERRAT: Thanks.

18 THE COURT: Now, if there's going
19 to be a request for driving privileges on
20 the June 26th sentencing date, you just need
21 a letter from your employer indicating the
22 days and hours of employment and you need
23 your insurance information.

24 MR. SERRAT: We already submitted
25 that by way of motion, but we'll do it

1 again.

2 THE COURT: Oh, okay.

3 MR. SERRAT: Thank you, Judge.

4 THE COURT: You're welcome. All
5 right. Well, if it's attached to the
6 motion, that's acceptable. You don't have
7 to resubmit it.

8 MR. SERRAT: Thank you.

9 THE COURT: You're welcome.

10 Things that the Court may consider at
11 sentencing, I may, but depending on what's
12 in the report, an Interlock device, but I'll
13 ask the Probation Department to give you
14 that information. I may think about a
15 continuous alcohol monitoring device. I
16 don't know. I've just asked them to give
17 you that information.

18 MR. SERRAT: Thank you, Judge.

19 THE COURT: Okay. You're welcome.

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C E R T I F I C A T E

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2

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

5

6 City of Cleveland,)
)
 7 vs.)
)
 8 Frederick J. Philhoser.)

9 I, Demetrius D. Longmire, court reporter, do
 10 hereby certify that as a reporter employed by the
 11 Cleveland Municipal Court, I took down in stenotype
 12 all of the digitally recorded proceedings had in said
 13 Cleveland Municipal Court in the above-entitled case
 14 on the date set forth; that I have transcribed my
 15 said stenotype notes into typewritten form as appears
 16 in the foregoing transcript of the proceedings; that
 17 said transcript is a complete record of the
 18 proceedings had in the hearing of said case and
 19 constitutes a true and correct transcript of the
 20 digitally recorded proceedings had therein.

21

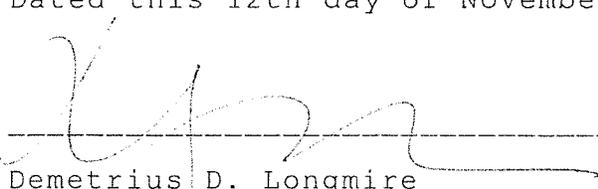
22

Dated this 12th day of November, 2014.

23

24

25



 Demetrius D. Longmire

OFFICIAL COURT REPORTER
 CLEVELAND MUNICIPAL COURT
 Cleveland, Ohio 44113

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.) 2012TRC030161
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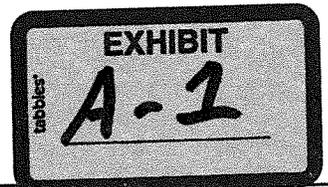
11 - - -
12
13 Transcript of proceedings had before the Honorable
14 Judge Angela R. Stokes on Tuesday, June 26, 2012, in
15 Courtroom 15-C.

16 - - -
17 APPEARANCES:

18 On behalf of the plaintiff:
19 Victor R. Perez, Chief Police Prosecutor.
20 By: Jonathan Cudnik, Assistant Police
Prosecutor.

21 On behalf of the defendant:
22 Jaime P. Serrat, Esq.

23
24
25 Tanya E. Gibson



P R O C E E D I N G S

- - -

(Thereupon, the following proceedings were
digitally recorded:)

- - -

THE COURT: Docket 61,
Mr. Frederick Philhower's case.

MR. SERRAT: Good morning, your
Honor, Jamie Serrat, 696-2150, on behalf of
Mr. Philhower.

THE COURT: Good morning.

MR. SERRAT: Good morning, your
Honor.

THE COURT: On the, in the
Presentence Investigative Report, it seems
to cite that there were two vehicles
involved.

MR. SERRAT: Yes, Judge.

THE COURT: One, it says the
presentencing officer spoke with a Ronnie
Brolich of Yourga Trucking.

MR. CUDNIK: Okay.

THE COURT: It says Robert Rubles
was driving a company truck at the time.

MR. CUDNIK: Yes, okay.

1 THE COURT: And that Mr., I'm
2 sorry, Ms. Brolich indicated that \$8,636.77
3 worth of damage was done to the truck and
4 their insurance coverage, company, rather
5 covered the damage, minus the \$5,000
6 deductible that their insurance is going
7 after the defendant's insurance company for
8 the, to be reimbursed.

9 MR. CUDNIK: Okay.

10 THE COURT: Regarding that matter.

11 MR. CUDNIK: Okay.

12 THE COURT: Regarding the second
13 vehicle or victim involved, a Kenneth
14 Miller.

15 MR. CUDNIK: Yes.

16 THE COURT: It says his vehicle was
17 damaged by debris from the accident.

18 MR. CUDNIK: Yes.

19 THE COURT: He stated he has
20 contacted the defendant's insurance, but has
21 had no resolution yet, and that his car has
22 not yet been repaired.

23 MR. CUDNIK: Yes.

24 THE COURT: Was that person
25 subpoenaed for today?

1 MR. CUDNIK: Yes, and he's local,
2 the other person was from Pennsylvania. I
3 don't know if they were subpoenaed. Did
4 probation contact them, Judge?

5 THE COURT: Well, that's the only
6 statement that they have.

7 MR. CUDNIK: OKAY.

8 The court: They have a phone
9 number and I believe they spoke to
10 Mr. Kenneth Miller.

11 MR. CUDNIK: Okay.

12 THE COURT: Indicating that his
13 vehicle was damaged --

14 MR. CUDNIK: Yes.

15 THE COURT: -- by debris from the
16 accident, and that he's contacted the
17 defendant's insurance carrier.

18 MR. CUDNIK: Okay.

19 The court: And has had no
20 resolution, and that his vehicle has not yet
21 been repaired.

22 MR. CUDNIK: Okay.

23 THE COURT: So maybe, Attorney
24 Serrat, may know a little bit more
25 information regarding that.

1 MR. SERRAT: I do, Judge.

2 THE COURT: I don't know if that
3 individual wanted to be present. You said
4 there was a subpoena for Mr. --

5 MR. CUDNIK: Kenneth Miller.

6 THE COURT: And he did not
7 appear. Let me see. I do see the subpoena
8 in the file, it says there was a bad
9 address.

10 MR. CUDNIK: Oh.

11 THE COURT: There's a phone number
12 in the file. I don't know if you want to
13 reach that person, if I should reset this
14 for another date so that person can be
15 present, or if he wants to attend by
16 telephone, and I could probably have a court
17 reporter, I'm not sure.

18 MR. CUDNIK: Sure. I don't know.

19 THE COURT: Or if he wants
20 resolution on this matter, we need to
21 continue it so he could file the proper
22 form.

23 MR. CUDNIK: Right.

24 MR. SERRAT: May I address that,
25 Judge?

1 THE COURT: I think we need to get
2 in touch with that person because they have
3 a right to have their voice heard in this
4 courtroom. I see a subpoena, also for --
5 MR. CUDNIK: Mr. Rubles.
6 THE COURT: Right, but, it says out
7 of the county. And we, pretty much, know
8 that the insurance carriers are going to
9 resolve that matter.
10 MR. CUDNIK: What's the number,
11 Judge.
12 THE COURT: Here, I could give it
13 to you from the probation report. Just one
14 second.
15 MR. CUDNIK: It says it's a bad
16 address?
17 THE COURT: Oh, I'm sorry, on the
18 subpoena it says, for Kenneth Miller, I
19 don't know what the correct address is, but
20 that's the subpoena. But, maybe you could
21 check with him.
22 MR. CUDNIK: Sure, Judge.
23 THE COURT: When you call him and
24 I'll hold onto this.
25 MR. CUDNIK: Okay. I have a copy of

1 the subpoena.

2 THE COURT: Okay. All right. So I
3 believe that Prosecutor Cudnik is going to
4 try to reach Mr. Miller to find out what is
5 going on, regarding the restitution issues
6 on that matter, and whether or not he wants
7 to be present and file restitution
8 documents, to be considered on this case.
9 But, I can recall this case as soon as the
10 prosecutor comes back into the courtroom.

11 MR. SERRAT: All right. I was just
12 going to say, Judge, I was going to provide
13 the name of the adjustor to the individual
14 who is handling the claim so --

15 THE COURT: -- do you want to join
16 the prosecutor back here?

17 MR. SERRAT: Yeah, that's what I was
18 gonna --

19 THE COURT: He's right there by the
20 personal bailiff's desk, that's fine. Thank
21 you.

22 *****

23 (Thereupon, a telephone conference was had
24 outside the chamber of the court:)

25

- - -

1 THE COURT: This case is docket
2 number 61, City of Cleveland vs. Frederick
3 Philhower, P-h-i-l-h-o-w-e-r.

4 MR. CUDNIK: Mr. Miller, can you
5 hear us?

6 THE WITNESS: Yeah.

7 MR. CUDNIK: Okay.

8 THE COURT: What is his full name,
9 again?

10 MR. CUDNIK: Kenneth Miller.

11 THE COURT: Okay. Mr. Miller, you
12 said, Kenneth Miller?

13 MR. CUDNIK: Yes, Judge.

14 THE COURT: Mr. Miller, hi, this is
15 Judge Stokes. We have present with us,
16 Jaime Serrat that represents the defendant,
17 Mr. Philhower.

18 Mr. Philhower is present and
19 Mr. Philhower is present for sentencing
20 today, and there are two sets of victims on
21 this case, and you are one of them. And so
22 the reason you did not receive your
23 subpoena, on the subpoena, the bailiffs
24 wrote that it's a bad address.

25 I understand, from the prosecutor, it is

1 not a bad address, so I'm not certain why,
2 you know, they wrote it's a bad address when
3 it's not.

4 THE WITNESS: Well, what could have
5 happened there is, that they may have went
6 by my license. I just moved out to Rocky
7 River with my license, about two and-a-half
8 months ago. It could have been the
9 Hartville address that he, actually, wrote
10 on my license.

11 THE COURT: This is on Riverview.

12 THE WITNESS: Yes, it's Riverview
13 Avenue, Rocky River, Ohio, 44116.

14 THE COURT: That's what it has on
15 the subpoena so we're not certain what
16 happened, sir. But, anyway, since the
17 matter is, the defendant wants to go forward
18 with sentencing today, what are you planning
19 to do about the restitution?

20 Are you looking for restitution on this
21 case or something that you would like to
22 pursue, civilly, with the insurance
23 companies, we're not certain.

24 THE WITNESS: Civilly, with the
25 insurance company, as long as the insurance

1 company takes care of the damage on the
2 truck, I don't have a problem. I wasn't
3 hurt at all in the accident, that part I'm
4 not that worried about.

5 It's, basically, it's a 2000 vehicle and
6 it's pretty much a very, in excellent
7 condition for the year and make that it is.
8 So, I mean, to have that side fixed one
9 month and then within a month and-a-half,
10 two months, whatever it was, it happened,
11 again. I mean, I would just like to have
12 the paint and stuff fixed up, and the dents
13 in the door fixed.

14 THE COURT: I understand, according
15 to Attorney Serrat, that Mr. Philhower's
16 insurance company has been in touch with
17 you, correct?

18 THE WITNESS: Yes.

19 THE COURT: Okay. So are you
20 waiting, do you want to wait until that
21 matter has been resolved before we determine
22 if you want to pursue restitution on this
23 case?

24 THE WITNESS: Yeah, that will be,
25 yeah, that will be fine because --

1 THE COURT: -- what do the parties
2 anticipate that will be, 30 days or so?

3 MR. CUDNIK: Do you have an
4 appointment set up with the insurance
5 company, sir?

6 THE WITNESS: No, sir, I don't. I
7 got to call them back.

8 MR. CUDNIK: Okay.

9 THE COURT: Okay. Well, because if
10 things don't work out the way that you want,
11 with respect to the insurance company, then
12 you could pursue restitution on this case,
13 if you so chose.

14 THE WITNESS: Okay.

15 THE COURT: We really need to know,
16 that at the time of sentencing, if need be,
17 this matter needs to be continued for 30
18 days, you will have to be diligent about
19 contacting or getting the estimate.

20 MR. CUDNIK: Yes.

21 THE COURT: We will need you to do
22 that and, maybe, the defendant wouldn't mind
23 passing for sentencing for another 30 days
24 or so, I'm not sure.

25 THE WITNESS: I could get that done

1 as soon as you need it done. If you need it
2 done right now, my truck, I was in
3 Cleveland, I'm down in Canton right now, I
4 couldn't run up there and grab the truck.

5 MR. CUDNIK: We understand.

6 THE COURT: Prosecutor Cudnick,
7 would it be better for me to pass? I'm
8 going to have to pass for sentencing, I'm so
9 sorry.

10 MR. SERRAT: I understand.

11 THE COURT: He's going to work on
12 it, it's a little bit difficult because he's
13 in Canton and Cleveland, he's going to take
14 care of this right away.

15 MR. SERRAT: Mr. Miller, Jamie
16 Serrat, I represent the defendant here, I
17 have spoken to the representative from
18 Farmer's, they accepted full responsibility.
19 They indicated that you would be, not
20 compensated, but he has plenty of insurance.
21 And Megan is the one that called you from
22 Farmer's and, like I said, don't worry about
23 it, it will be taken care of to your
24 satisfaction, okay?

25 THE WITNESS: All right.

1 THE COURT: Okay. So what date do
2 the parties want to come back; I didn't
3 bring my calender in here.

4 MR. SERRAT: I'm open, Judge.

5 THE BAILIFF: Do you want me to get
6 it?

7 THE COURT: I pretty much know my
8 calendar.

9 How much time do you need, Mr. Miller?

10 THE WITNESS: I could, probably, have
11 everything straightened out around, maybe,
12 by Friday, I could have the estimates done
13 on the truck and the insurance.

14 MR. CUDNIK: You will definitely
15 have that done by Friday; could you come to
16 court next week, Mr. Miller?

17 THE WITNESS: Next week I'm going to
18 be out of town for work. I'm going to be
19 down in South Carolina that will be, kind
20 of, tough.

21 MR. CUDNIK: When are you back in
22 town?

23 THE WITNESS: Not until, possibly,
24 the following weeks.

25 MR. CUDNIK: Okay. So, probably,

1 around the 18th?

2 THE COURT: I think I'm in a
3 seminar that week, unless I put it on one of
4 my civil days.

5 MR. SERRAT: Unless he gets the
6 check by then and is fully compensated, then
7 he wouldn't even have to come down.

8 THE COURT: Let me just look at
9 this calendar here and see.

10 MR. CUDNIK: Hold on one second,
11 Mr. Miller.

12 THE WITNESS: Excuse me, sir, what is
13 the reason for me having to be there?

14 Mr. CUDNIK: We want to make sure
15 that you are taken care of, sir, and if
16 there's anything that you want to say about
17 this case. So if you want to keep this case
18 open, so we make sure that everything works
19 out with the insurance, because one of the
20 aspects of this case, is that the Judge can
21 chose to sentence on this criminal case. As
22 far as any restitution, unless you decide to
23 pursue it through the insurance company, and
24 we're just, kind of, keeping it open until
25 we know for sure what happens with you

1 because there are, actually, two cars
2 involved and one car it appears has already
3 been taken care of.

4 THE WITNESS: Okay.

5 THE COURT: Then if you decide, if
6 you have been compensated to your
7 satisfaction, sir, regarding the damage to
8 your vehicle, then the date that we're going
9 to pick, if you chose not to be present,
10 then we could let the prosecutor know, you
11 will not have to be present, then he would
12 have all of the information to tell the
13 defense attorney and the Court, the
14 restitution would not be an issue in this
15 matter because it's been resolved; do you
16 understand?

17 THE WITNESS: Okay. I got you.

18 THE COURT: It's really up to you,
19 we're just trying to take into
20 consideration, whatever you would like to
21 do.

22 THE WITNESS: Okay.

23 THE COURT: Do you want to pass for
24 sentencing so you could resolve the
25 restitution issues and then if you did get

1 them resolved, you don't have to be present
2 on the sentencing date?

3 THE WITNESS: Yeah, if I could get
4 everything resolved and I don't have to be
5 there, that would be a better thing for me.

6 THE COURT: If not, then you will
7 need to be present to file the green
8 restitution form to present that
9 documentation to the Clerk of Courts and
10 give that information to the prosecutor; do
11 you understand?

12 THE WITNESS: Yes.

13 THE COURT: All right. It's,
14 probably, best to pass for sentencing. What
15 about July 24th? I do have a docket, what's
16 your schedule like?

17 MR. SERRAT: It doesn't matter.

18 THE COURT: Is that okay with your
19 client?

20 MR. SERRAT: Of course it is, Judge.

21 THE COURT: I'll continue it at the
22 city's request, and pass for sentencing
23 until July 24th. I think that's a Tuesday.

24 MR. CUDNIK: Yes, it's a Tuesday.

25 THE COURT: What time would the

1 parties like?

2 MR. SERRAT: 8:30, Judge.

3 THE COURT: Okay, 8:30 a.m. then
4 you will receive a subpoena once again.

5 Well, hopefully, you will receive the
6 subpoena this time. Please take Prosecutor
7 Cudnik's phone number or the prosecutor who
8 will be here in July.

9 MR. CUDNIK: I'll talk to you for a
10 second, Mr. Miller.

11 THE COURT: If we decide everything
12 is taken care of, we don't need to have you
13 come in.

14 MR. SERRAT: Judge --

15 THE COURT: Wait a minute? What
16 are you doing? Could you just wait for
17 instructions from the Court.

18 MR. SERRAT: Because of driving
19 privileges and things like that, could you
20 sentence today and have a review in 30 days,
21 and see if the matter would have be taken
22 care of?

23 THE COURT: I think I would rather
24 he wait. I'm just now seeing the full
25 sentencing report which means --

1 THE COURT: I think he should be
2 listening.

3 MR. CUDNIK: Hold on, Mr. Miller.

4 THE COURT: The assessment
5 indicates alcohol dependancy and cocaine
6 dependency. If I grant driving privileges,
7 I mean, there are two victims here. I will,
8 probably, be imposing an alcohol monitoring
9 device and interlock device. I would rather
10 wait until the victims gets this all
11 settled.

12 MR. SERRAT: Okay. All right.

13 THE COURT: I know he has a concern
14 about trying to operate a motor vehicle.

15 MR. SERRAT: It's just for work,
16 it's getting very difficult to go to work.
17 It's from Seven Hills to Mentor, it's
18 becoming a heavy burden on the family. The
19 AA meetings he's attending is becoming a
20 problem.

21 THE COURT: I understand. I know.
22 I want to be sensitive to that.

23 MR. SERRAT: Okay.

24 THE COURT: I know you have to make
25 your record.

1 THE COURT: We're going to stick
2 with the July 24th date. I think it's
3 better to wait until I have everything.

4 MR. CUDNIK: That's fine, Judge.

5 Mr. Miller, hold on one second.

6 MR. SERRAT: I think his damage is
7 minimal.

8 Do you mind asking him that?

9 THE COURT: Thank you, Tanya.

10 ****

11 - - -

12 (Thereupon, the following proceedings were
13 digitally recorded:)

14 - - -

15 THE COURT: I'll note on docket 61,
16 that that matter was heard with a court
17 reporter, on Frederick Philhower's case, on
18 case number 2012TRC030161.

19 - - -

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C E R T I F I C A T E

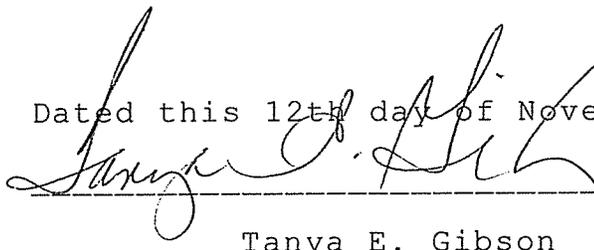
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State of Ohio,)
County of Cuyahoga,) SS:
City of Cleveland.)

City of Cleveland,)
)
 vs.)
)
Frederick Philhower.)

I, Tanya E. Gibson, court reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the 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 proceedings had in the hearing of said case and constitutes a true and correct transcript of the proceedings had therein.

Dated this 12th day of November, 2014.



Tanya E. Gibson

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

3 IN THE MUNICIPAL COURT

4 - - -
5 CITY OF CLEVELAND,)
6 Plaintiff,)
7 vs.) 2012 TRC 030161
8 FREDERICK J. PHILHOWER,)
9 Defendant.)

10 - - -
11
12 Transcript of digitally recorded proceedings had
13 before the Honorable Judge Angela R. Stokes, on
14 Tuesday, July 24, 2012, in Courtroom 15C.

15 - - -
16 APPEARANCES:
17
18 On behalf of the plaintiff:
Victor R. Perez, Chief Police Prosecutor.
19 By: Angela Richardson, Asst. Police Pros.
20 On behalf of the defendant:
By: James Serrat, Esq.
21

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23
24
25 MARVA M. WILSON



P R O C E E D I N G S

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THE COURT: Mr. Fredrick
Philhower's case.

MR. SERRAT: Good morning your
Honor, Jamie Serrat on behalf of
Mr. Philhower.

THE COURT: Good morning. This is
docket number 49.

MS. RICHARDSON: Your Honor, (Inaudible)
did receive a telephone call from the victim
in this case, Kenneth Miller and he
indicated that there are no restitution
issues, that his insurance company handled
everything.

THE COURT: All right thank you.
Do you have the information about the
damages to the victim? Was that property
damage to the victim's vehicle? Do you have
the specifics regarding that?

MS. RICHARDSON: No, your Honor.

MR. SERRAT: I'm sorry. I do judge.
It was property only. We discovered --

THE COURT: How much was the
property damage?

MR. SERRAT: I'm sorry?

1 THE COURT: How much was the
2 property damage.

3 MR. SERRAT: It was minimal. I want
4 to say it was less than five hundred
5 dollars. This was debris that was hit, that
6 hit the vehicle. We had a conversation with
7 -- if you recall -- outside of chambers last
8 time we were here.

9 THE COURT: I do but I don't have
10 all of the specifics. I know there was a
11 prior DUI conviction on the defendant's
12 record. That there was an accident victim
13 whether or not the -- it was good the
14 insurance carrier was taking care of it but
15 this was a second O V I in his lifetime.
16 There's just a little bit of information in
17 the Probation report and it indicates that
18 Mr. --

19 Who contacted you? Was that
20 Mr. Kenneth Miller?

21 MS. RICHARDSON: Yes, your Honor.

22 THE COURT: Okay, because it says
23 in this report -- I think there were two
24 cars, right?

25 MR. SERRAT: Correct.

1 THE COURT: Two vehicles involved.

2 MR. SERRAT: One lives out of town,
3 Judge. That individual had already been
4 taken care of.

5 THE COURT: The Probation report
6 reflects that there was \$8,636.77 worth of
7 damage to the first vehicle. Their
8 insurance company covered the damages. That
9 was with Yourga Trucking Company; that
10 Robert Rugal --- Rubal (phonetic) rather,
11 was driving a company truck. The
12 spokesperson, Ms. Ronnie Brolich (phonetic),
13 indicated there was \$8,636.77 worth of
14 damage. Your insurance covered the damages,
15 minus the five thousand dollar deductible.
16 And that their insurance carrier is going
17 after this -- the defendant's insurance
18 carrier to be reimbursed regarding the five
19 thousand dollar deductible.

20 Then the second victim would be
21 Mr. Miller. I don't have any information,
22 specifics about that but I understand he
23 states he's been made whole through the
24 insurance carrier.

25 -- is there anything else you would like

1 to say on Mr. Philhower's behalf?

2 MR. SERRAT: I do, your Honor, with
3 the court's permission, I did have an
4 opportunity to review the P S I the last
5 time we were here, Judge. I just want to
6 convey to the Court that Mr. Philhower spent
7 two days in jail. And right after it,
8 Judge, he took it upon his own to realize
9 the severity of this incident and he did --
10 he's already completed the three-day
11 intervention program, judge. He put himself
12 in counseling with Hope. The Court has an
13 assessment. I have a follow-up assessment,
14 Judge, if I may approach, that was prepared
15 by Fred Stevens.

16 Judge, I'm also handling -- handing you
17 the number of AA meetings that he's
18 conducted. The Court was aware of some last
19 time. I now have an update that has about
20 ten or 12 other AA meetings that he's
21 attended to, Judge.

22 Also Judge, your Honor, I have a letter
23 of employment (inaudible) submitted,
24 indicating how valuable he is to the
25 company. Judge, if I may continue.

1 THE COURT: You may.

2 MR. SERRAT: Judge, certainly he was
3 having some marital issues, marital issues.
4 Those things -- the wife is in court and
5 would indicate to the Court and she's
6 indicated to me that she's seen a 180 degree
7 turn the way Fred's behaving 24 hours a day.

8 He wants to continue with treatment.
9 He's hoping that the Court would allow him
10 to continue with the treatment and continue
11 to work and to turn his life around as he
12 has been for the last almost two months
13 since this incident occurred.

14 We know that this is the second one. He
15 had a prior back in 1996. He knows he needs
16 help and he wants to continue with the
17 treatment as well as the meetings, your
18 Honor. With the Court's permission he would
19 like to have a few remarks for the Court.

20 THE COURT: Certainly.

21 MR. SERRAT: Go a head. Go a head
22 and speak loud.

23 THE DEFENDANT: Your Honor, I'm not
24 sure if either of the individuals that were
25 in the accident (inaudible) are in the

1 courtroom but I have had no peace since that
2 night. I apologize to those individuals.
3 I'm glad to know everybody is okay from
4 that.

5 I've taken every step that I have can
6 think of or what was suggested to me by the
7 treatment counselors and my sponsor at
8 Alcoholics Anonymous to make sure that I
9 never cause something like this again. And
10 I deeply regret that evening and I beg the
11 Court's mercy (inaudible).

12 THE COURT: All right thank you.
13 Did you complete the five weeks of intensive
14 outpatient treatment? Are you in the after-
15 care phase at this time, sir?

16 THE DEFENDANT: I'm two sessions from
17 completing the five weeks.

18 THE COURT: The five-week program?

19 THE DEFENDANT: Yes, your Honor.

20 MR. SERRAT: Judge, I think
21 Fred Stevens indicated that in his follow-up
22 letter and is recommending of course to
23 continue outpatient treatment.

24 THE COURT: This letter references
25 -- I'm trying to find out what they're

1 saying the diagnosis is. Alcohol dependency
2 and cocaine dependency.

3 MR. SERRAT: Judge, may I address
4 the cocaine issue? Fred Stevens the
5 counselor has been treating him -- -

6 THE COURT: I read the report.

7 MR. SERRAT: You read that? Okay.
8 I just want to bring it to the Court's
9 attention.

10 THE COURT: We don't have a July
11 urinalysis test.

12 Would it be negative, sir?

13 THE DEFENDANT: Yes, your Honor it
14 would.

15 THE COURT: The maximum fine is
16 \$1,075 and up to 180 days in jail. You will
17 receive credit for time served. I believe
18 you served two days in jail and you attended
19 an Alternative to Jail Program; correct? So
20 that would be five days. And that was
21 attended -- he attended the Alternative to
22 Jail program from June 14th to June 17th.
23 I'll suspend \$700 of the fine, imposing the
24 mandatory minimum fine of \$375.

25 -- I'm going to suspend 175 days of the

1 sentence. The active probationary period
2 will be for three years. That can always be
3 shortened. Driver's license will be
4 suspended from the date of this offense,
5 May 15, 2012. And that will be until
6 May 15, 2015. The Administrative License
7 Suspension is hereby terminated. You had
8 insurance coverage on the date of this
9 offense is that right? Does he have that
10 proof.

11 MR. SERRAT: I do, Judge.

12 THE COURT: I believe he has it
13 just from the information from the victims
14 but --

15 MR. SERRAT: I made some notations
16 on the copies. If the Court would excuse my
17 mess.

18 THE COURT: Okay. That's quite all
19 right. Thank you. The record will reflect
20 compliance with the financial responsibility
21 law. Now I am suspending 175 days but that
22 is on the condition that you are to wear a
23 continuous alcohol monitoring device, at
24 least while you're in the treatment phase
25 and it could always review --

1 maintained negative breathalyzer and
2 urinalysis tests, then that's when the court
3 can consider possibly removing the
4 continuous alcohol monitoring device. And
5 that device would actually be placed on you
6 sometime today. Are you prepared for that?

7 MR. SERRAT: I am, your Honor.

8 THE COURT: Okay we'll have someone
9 -- Mr. Oriti will probably --

10 Can you ask Mr. Oriti to come to the
11 courtroom on Mr. Philhower's case? I don't
12 know Mr. Oriti's phone number but if just
13 call X4930, the general number.

14 MR. SERRAT: The cost, Judge?

15 THE COURT: Now that I don't know.

16 Did the Probation Department not provide
17 with you that information, sir?

18 THE DEFENDANT: It did, your Honor.

19 I'm not (inaudible) I'm not sure. What I
20 was told if I understood correctly was that
21 monitoring system is approximately five
22 hundred dollars a month.

23 THE COURT: It might be; I don't
24 know. I don't really know what it cost.

25 THE DEFENDANT: I'm not sure if there

1 is something the Court would be able to do
2 possibly to lower that a month.

3 THE COURT: I don't become involved
4 with whatever company that they use.

5 THE DEFENDANT: I understand.

6 THE COURT: That's why I asked them
7 to please provide with you that information.
8 But Mr. Oriti will be here in just a moment.
9 He'll let you know exactly what the cost is.
10 Did he tell you about more than one company?

11 THE DEFENDANT: Your Honor, he
12 explained three different tools you may want
13 to use. The cost associated with the three.
14 We didn't get into any in-depth conversation
15 outside of that.

16 THE COURT: Okay.

17 THE DEFENDANT: But I'm aware of what
18 you speak -- what you're asking.

19 THE COURT: It's better than going
20 to the Cleveland House of Corrections.

21 THE DEFENDANT: It's a -- your Honor,
22 pardon my interruptions.

23 THE COURT: -- so you can maintain
24 your employment.

25 THE DEFENDANT: Pardon my

1 interruptions, your Honor.

2 THE COURT: Oh no that's quite all
3 right but I thought long and hard about
4 this. I mean second O V I in your lifetime,
5 two victims here, however I want you to be
6 able to maintain your employment and --

7 THE DEFENDANT: And I --

8 THE COURT: -- and this I think
9 would be a good way to do that but also to
10 safely monitor no alcohol usage and of
11 course they will be checking urinalysis for
12 any other illegal -- for any other
13 substances.

14 MR. SERRAT: I don't know if you are
15 done or not, Judge; I was going to talk
16 about the driving privileges. I filed a --
17 so he can go to work or else he won't be
18 able. I filed the motion like two or three
19 weeks ago. The Court --

20 THE COURT: He'll have an interlock
21 device on the vehicle because even if he has
22 an alcohol monitoring device, that doesn't
23 mean you can't operate a vehicle. The
24 interlock device is on the vehicle and you
25 breathe into that. And if there is alcohol,

1 that will stop you. The alcohol monitoring
2 device just let us know you used alcohol.
3 So there are a lot of things going to do to
4 protect you and to protect the community Mr.
5 -- I mean you have to prove yourself because
6 there are two victims out here, two sets of
7 victims. And I know that you are
8 remorseful. I do believe that you are
9 remorseful but we have to have some safe-
10 guards in place, at least for a period of
11 time.

12 MR. SERRAT: I know the restraint
13 it's going to put on him but we will be more
14 than glad to meet any condition. We just
15 don't want him to lose his job, Judge.

16 THE COURT: I understand and --

17 MR. SERRAT: And I would --

18 THE COURT: I'm a trying to
19 protect --

20 MR. SERRAT: I know what you're
21 doing.

22 THE COURT: -- your job.

23 MR. SERRAT: That's why I was asking

24 --

25 THE COURT: -- I want you to have

1 your job.

2 THE DEFENDANT: I understand.

3 MR. SERRAT: That's why I was asking
4 for driving privileges with any condition
5 the Court imposes.

6 THE DEFENDANT: If he's willing to have
7 the interlock device on the vehicle.

8 MR. SERRAT: That's fine.

9 THE COURT: I just need something
10 indicating the days and the hours of
11 employment.

12 MR. SERRAT: I have a letter with --
13 judge -- the letter -- specifics.

14 THE COURT: The days and the --

15 MR. SERRAT: He can work seven days
16 a week if they allow him. That's how bad
17 they want him. He'll work as much as you
18 let him work. I think that's what the owner
19 indicated in his letter.

20 THE COURT: --

21 Well counsel, shall I recall this once
22 you've had a chance to speak to Mr. Oriti
23 about the costs of the interlock device and
24 the continuous alcohol monitoring device?
25 No, you're just going to --

1 MR. SERRAT: Judge, he will do
2 whatever you want him to do. He just wants
3 to go home to be with his wife, and go to
4 work and continue with his treatment. My
5 only problem, Judge with all due respect I
6 have to be --

7 THE COURT: Well for me to -- I
8 told you before the Court has to have the
9 days and hours of employment for me to write
10 an occupational driving privileges order.
11 Counsel, you know that. This does not give
12 me that information. I'm not writing an
13 order without that documentation from your
14 employer. Your employer can certainly fax
15 it to the Court and I can write that order
16 and then your attorney doesn't necessarily
17 have to be present for that but the Court
18 has to have a letter indicating the hours.

19 MR. SERRAT: I filed a motion --

20 THE COURT: Now I don't think this
21 letter has it. I'll read it again but --

22 MR. SERRAT: Judge I filed a motion
23 back in May I think it was, where I was very
24 specific with the hours.

25 THE COURT: Are those the current

1 hours?

2 MR. SERRAT: Yes.

3 THE DEFENDANT: Yes.

4 MR. SERRAT: His hours of
5 employment.

6 THE COURT: Let me see the driving
7 -- I mean the --

8 Can you get the insurance information?
9 That's okay. This is attached. This shows
10 -- this just shows through July 15th so I
11 need something that goes beyond
12 July 15, 2012. The insurance information --
13 attached to the motion is just through July
14 15th. The information you just showed me is
15 that the same card?

16 MR. SERRAT: It just got renewed,
17 yes.

18 THE DEFENDANT: It's renewed.

19 THE COURT: So do you have the
20 renewal card? I cannot write a driving
21 privileges order unless I see that it goes
22 beyond that date, sir.

23 MR. SERRAT: I will --

24 THE COURT: But they can always fax
25 it to the Court. Your insurance carrier can

1 fax it to the Court. We already have it
2 written out. The fax number if you need
3 that -- is there one here?

4 MR. SERRAT: Judge, I'll come over
5 tomorrow with all the details.

6 THE COURT: All right. So
7 regarding the occupational driving
8 privileges?

9 MR. SERRAT: If that's that's the
10 only choice I have. Without that you will
11 not consider it.

12 THE COURT: Well unless they fax
13 it.

14 MR. SERRAT: Oh I'm sorry. We'll
15 fax it. We'll fax it today.

16 THE COURT: You want it now?

17 MR. SERRAT: We'll fax it today.
18 Yeah, absolutely.

19 THE COURT: Okay.

20 MR. SERRAT: Okay. Sorry. I
21 misunderstood the Court.

22 THE COURT: That's okay.

23 MR. SERRAT: Thanks.

24 THE COURT: And then he doesn't
25 have to come back.

1 MR. SERRAT: I gotcha.

2 THE COURT: But Mr. Oriti will be
3 here to help you sign up for both of these.
4 You pick whatever companies you want,
5 whichever has the best rates for the
6 interlock lock device. And that's going to
7 be on which vehicle, the 2005 Chevrolet?
8 Which vehicle?

9 THE DEFENDANT: (Inaudible) it's going
10 to be (inaudible).

11 THE COURT: What's he saying?

12 MR. SERRAT: It will be the wife's
13 car. It's an '08, '08 Chevy.

14 THE COURT: Does he understand that
15 you will be the only person that can operate
16 that vehicle. She won't be able to operate
17 that vehicle. If it registers positive and
18 you tell me she was driving that vehicle, my
19 order is going to say that you are the only
20 person that can operate that vehicle.

21 THE DEFENDANT: I will have my
22 insurance fax that information over with the
23 vehicle that we will be using.

24 THE COURT: Okay. When will that
25 be done, sir?

1 MR. SERRAT: I'm sorry, Judge?

2 THE COURT: When is that going to
3 be done?

4 MR. SERRAT: Tomorrow. I mean this
5 afternoon, when I call the agent, I will
6 fax it this afternoon.

7 THE COURT: Okay so then you want
8 to come back on my docket sometime this
9 afternoon, Mr. Philhower; is that what
10 you're saying, sir?

11 THE DEFENDANT: Yes.

12 THE COURT: That's fine with the
13 court. I have a huge docket.

14 MR. SERRAT: I know. What's our
15 other choice? There is no choice unless --

16 THE COURT: He can always come back
17 another day if he so chooses.

18 MR. SERRAT: Oh no, no, no, no, no.
19 I would love to see you Judge but --

20 THE COURT: Or it can be later. You
21 know this is --

22 MR. SERRAT: Okay why don't we come
23 back later this afternoon, Judge.

24 You want to do that?

25 THE DEFENDANT: Yes.

1 MR. SERRAT: Okay.

2 THE COURT: But Mr. Oriti you need
3 to meet with him to know when --

4 This continuous alcohol monitoring
5 device is going to be placed on you today
6 sir.

7 Did you reach Mr. Oriti?

8 THE BAILIFF: No, your Honor. He's
9 off all week.

10 THE COURT: So who is his back up?

11 THE BAILIFF: The supervisor is going
12 to come up. They weren't sure if it's
13 Mr. McGlynn who was doing it next but they
14 said they were going to send up someone, if
15 not a supervisor.

16 MR. SERRAT: Judge, we certainly can
17 have the insurance company fax it over. I
18 will need to make a phone call to fax it
19 immediately.

20 THE COURT: That's fine and I can
21 write the occupational driving privileges
22 out. But I just need to know your --

23 MR. SERRAT: Okay.

24 THE COURT: Does this motion have
25 the days and hours, or is it like the letter

1 I have?

2 MR. SERRAT: No, it has the days and
3 hours in the motion.

4 THE COURT: I see the insurance
5 information. I don't see a letter attached
6 to the motion from the employer.

7 MR. SERRAT: We'll fax something as
8 well, Judge, from the employer.

9 THE COURT: It has to have a
10 letter --

11 MR. SERRAT: I understand.

12 THE COURT: -- from your
13 employer --

14 MR. SERRAT: Right from the
15 employer.

16 THE COURT: -- indicating the days
17 and hours of employment and your insurance
18 information for me to write a driving
19 privileges order. You have to be here to
20 sign it once the Court writes it.

21 And then Mr. Oriti is on vacation but I
22 understand some supervisor or this backup
23 person, regarding continuous alcohol
24 monitoring device and any company that has
25 an interlock device for the vehicle.

1 MR. SERRAT: Okay.

2 THE COURT: I can always give you a
3 time to pay date regarding your fine and
4 court costs since you're incurring the costs
5 of these other instruments.

6 MR. SERRAT: All right.

7 THE COURT: Okay. So I should just
8 recall this a little later whenever --

9 MR. SERRAT: We would -- Judge could
10 I --

11 THE COURT: Just tell me --

12 MR. SERRAT: How about -- can we --
13 can you -- how quickly can you add
14 something? Once I have it done, I would
15 like to call the Court. Can we add it like
16 tomorrow if I have it? I know you have
17 heavy dockets every day.

18 THE COURT: We do and we have a
19 judges's meeting tomorrow from 12:30 to two.

20 MR. SERRAT: Okay.

21 THE COURT: So that kind of cuts
22 into that docket but you're asking me to --

23 MR. SERRAT: Thursday; what about
24 Thursday? We'll have it done by Thursday.

25 THE COURT: Well I mean that's the

1 day of the judges's meeting --

2 MR. SERRAT: Oh I'm sorry.

3 THE COURT: -- on Thursday. So
4 you're asking me to continue the motion for
5 occupational driving privileges?

6 MR. SERRAT: Wednesday, Judge?
7 We'll have it done by Wednesday. That's
8 tomorrow.

9 THE COURT: That's fine.

10 MR. SERRAT: Okay.

11 THE COURT: Then you can also
12 submit to a urinalysis test so I'll have
13 that before -- because I don't have a
14 current one.

15 MR. SERRAT: Great.

16 THE COURT: You can do that today.

17 MR. SERRAT: Okay.

18 THE COURT: Okay.

19 MR. SERRAT: Thank you, your Honor.

20 THE COURT: What time would you
21 like Wednesday for the occupational --

22 MR. SERRAT: 8:30.

23 THE COURT: That's fine with the
24 Court.

25 MR. SERRAT: Great. Thank you very

1 much, Judge.

2 THE COURT: Just have a seat,
3 Mr. Philhower.

4 MR. SERRAT: I'm going to take him
5 outside for a second and bring him right
6 back, Judge.

7 THE COURT: There is a room right
8 over there.

9 MR. SERRAT: Okay. I'll talk to him
10 over there. Thank you.

11 THE COURT: Mr. McGlynn.

12 This is the gentleman who is going to
13 give you the prices --

14 Mr. McGlynn, this is Mr. Philhower. He
15 needs information about the cost of
16 continuous alcohol monitoring.

17 MR. MCGLYNN: Okay.

18 THE COURT: Whatever company you
19 all choose. And any interlock company,
20 whatever is best for his finances.

21 MR. MCGLYNN: Scram.

22 THE COURT: Yes scram. Absolutely.

23 MR. MCGLYNN: Okay.

24 THE COURT: And then he has to go
25 down and submit to a urinalysis test.

1 MR. MCGLYNN: Is he going to be set
2 up today or (inaudible prices) --

3 THE COURT: He is going to be set
4 up today on the continuous alcohol
5 monitoring device.

6 MR. MCGLYNN: Okay.

7 THE COURT: He may want -- I think
8 he wants an additional day to get a letter
9 from his employer regarding the days and
10 hours of his employment on the interlock
11 device.

12 MR. MCGLYNN: Is he being set up by
13 tomorrow? The scram (inaudible).

14 THE COURT: Today.

15 MR. MCGLYNN: Before today.

16 THE COURT: Yes. I'm suspending
17 175 days on the condition that he has an
18 alcohol monitoring device. Two accident
19 victims.

20 MR. MCGLYNN: Okay. (Inaudible)

21 THE COURT: Absolutely. Do you
22 want his Probation report or anything?

23 MR. MCGLYNN: Sure. I can bring it
24 right back up to you.

25 THE COURT: That's this one and I

1 think I had asked for him to get this
2 information and I believe it was given to
3 him months ago.

4 MR. MCGLYNN: I'm sure Richard gave
5 it to him.

6 THE COURT: I'm sure too.

7 MR. MCGLYNN: I will go over it again
8 with him.

9 THE COURT: Yes, please. Thank
10 you.

11 These are some things they added. I
12 don't know if his attorney wants these back
13 or add them (inaudible). I'll ask him but I
14 don't want to mix them up.

15 MR. MCGLYNN: Okay.

16 THE COURT: These are things they
17 gave these me this morning.

18 MR. MCGLYNN: You want me to take
19 them?

20 THE COURT: Well I don't -- you'll
21 bring them back up?

22 MR. MCGLYNN: (Inaudible).

23 THE COURT: Because I'm not sure
24 what he wants back. Okay. Just don't mix
25 them up.

1 MR. MCGLYNN: All right.

2 THE COURT: Okay. Thank you,
3 Mr. McGlynn.

4 MR. MCGLYNN: You're welcome.

5 *****

6 THE COURT: Mr. Philhower, I
7 understand that you are going to be fitted
8 with the continuous alcohol monitoring
9 device today, and that you would like to
10 come back tomorrow at 8:30 regarding the
11 occupational driving privileges motion.
12 Correct?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. If you'll just
15 have a seat to your right. And then you
16 will submit to a urinalysis test today too.
17 That will be nine dollars. Then a bailiff
18 will escort to you the Probation Department
19 in just a few moments okay, thank you, or at
20 least take your files downstairs.

21 These documents, should I let
22 Attorney Serrat -- should I hold on -- I
23 don't know if he want me to hold on to
24 these. I'll hold onto to them and then when
25 he's here tomorrow I'll decide if wants

1 these placed back into his file or if he
2 wants me to attach them to your probation
3 report. Is that okay?

4 THE DEFENDANT: Yes. Yes, ma'am.

5 THE COURT: Okay.

6 THE DEFENDANT: Is that all?

7 THE COURT: Yes. And I'll note we
8 can review your fine and court costs
9 tomorrow when Attorney Serrat is here, okay.

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Okay. All right.

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C E R T I F I C A T E

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

City of Cleveland,)
V.)
Frederick J. Philhower)

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 proceedings had in said Cleveland Municipal Court in the above-entitled case on the date set forth; that I have transcribed my said stenotype notes into typewritten form as appears in the foregoing transcript of the proceedings; that said transcript is a complete record of the proceedings had in the hearing of said case and constitutes a true and correct transcript of the proceedings had therein.

Dated this 10th day of November, 2014.



Marva M. Wilson

**SAFETY THROUGH EDUCATION
DRIVER INTERVENTION PROGRAM**

**www.duiintervention.com
fstevens68@aol.com**

**P: (440) 590-3404
F: (216) 741-0695**

DATE: June 18, 2012

TO: Probation Officer Jennifer Adkins

FROM: Program Director Fred Stevens

RE: Fred Philhower – Court date - 6/26/12



AUTHORIZATION TO DISCLOSE/CONSENT FOR THE RELEASE OF CONFIDENTIAL INFORMATION

Name of Client: Fred Philhower

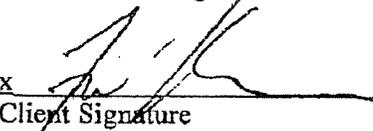
Date of Birth: 4/18/70

The Safety Through Education Driver Intervention Program is authorized to disclose information as noted below.

Name/Title of Individual(s) and/or Court to Whom Disclosure is Made:
Cleveland Municipal Court – Probation Officer Jennifer Adkins

Purpose of Disclosure: To provide information regarding program completion, recommendations, referrals to service providers and program participation.

Type/Amount of Information to be Disclosed: Information in the Program Completion Report June 14 – 17, 2012 covering the 72-hour Safety Through Education Driver Intervention Program.

x  _____ Date: 6-17-12
Client Signature

Fred Stevens PCC, LICDC _____ Date: 6/17/12
Staff Signature

Revocation: This authorization is subject to revocation at any time except to the extent the program or person who is to make the disclosure has already acted in reliance on it. Drug and/or alcohol clients can revoke consent in writing.

I hereby revoke consent in writing: _____ Date: _____
Client Signature

Staff Signature _____ Date: _____

This authorization expires in 180 days or on the formal closure of my court case.

Prohibition Against Re-Disclosure: This information has been disclosed to you from records protected by Federal confidentiality rules. The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R., Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The Federal rules restrict any use of information to criminally investigate or prosecute any alcohol or drug abuse client. (These conditions apply to every page disclosed and a copy of this authorization will accompany every disclosure).

H.O.P.E. COUNSELING AUTHORIZATION TO DISCLOSE CLIENT INFORMATION

Name of Client: FRED PHILHOWER Date of Birth: 4/18/70

The following program is authorized to disclose, receive, or exchange information as noted below.

H.O.P.E. Counseling
Program Authorized to Make Disclosure

ATTORNEY JAMIE SERRAT
Authorized Individual/Organization to Whom Disclosure is Made

Purpose of Disclosure: to coordinate treatment, to gather assessment information for treatment planning, to gather information for ongoing treatment, or other purposes (specify):

Type of Information to be Disclosed: progress notes, diagnostic assessment information, progress in treatment, lab results, urine testing, attendance, HIV/AIDS testing or status, pregnancy testing, prenatal care, diagnosis, information on mental illness and/or treatment, or other type of information (specify):

Amount of Information to be Disclosed: information covering the previous three months, information covering the most recent admission, or other amount of information (specify):

[Signature] 6-2012
Signature and Date of Client or Other Person Authorized to Permit Disclosure

Fred Stevens PCC, LICDC 6/20/12
Signature and Date of H.O.P.E. Counseling Staff or Witness

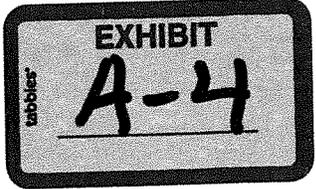
Revocation: This authorization is subject to written revocation at any time except to the extent the program or person who is to make the disclosure has already acted in reliance on it.

I hereby revoke consent _____
Client's Signature and Date

Signature and Date of Person Witnessing Revocation

This authorization expires (specify event, date and/or condition) _____

Prohibition Against Re-Disclosure: This information has been disclosed to you from records protected by Federal confidentiality rules. The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R., Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The Federal rules restrict any use of information to criminally investigate or prosecute any alcohol or drug abuse client. Drug abuse patient records are also protected under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 45 C.F.R. parts 160 and 164. (These conditions apply to every page disclosed and a copy of this authorization will accompany every disclosure.)



SOQIC

Adult Assessment

**H.O.P.E. Counseling
Rockside Plaza
1440 Rockside Road, Suite 113
Parma, OH 44134
P: (216) 741-0589
F: (216) 741-0695
www.hopecounselingprogram.com**

Agency Name: H.O.P.E. Counseling

Assessment Date: June 20, 2012

Client Name: Fred Philhower

ADULT DIAGNOSTIC ASSESSMENT

Client Name (First, MI, Last) Fred J. Philhower		Client No.																																											
Presenting Problem			Date of Admission																																										
Note Symptoms: behavioral and functioning problems and precipitating factors; indicate referral source and reason for referral; services sought and client expectations. Fred reported he is here to follow through with the assessment recommendation he received at the Safety Through Education Driver Intervention Program that he attended June 14 – 17, 2012. Fred said on May 15, 2012 he received an OVI. According to Fred, he expects to follow through with a treatment recommendation that likely will result from today's assessment. Fred mentioned a probation officer wants him to have an assessment prior to his June 26, 2012 sentencing court date in Cleveland Municipal Court.																																													
Living Situation																																													
My Home <input checked="" type="checkbox"/> Rent <input type="checkbox"/> Own		**Residential Care/Treatment Facility <input type="checkbox"/> Hospital <input type="checkbox"/> Temporary Housing <input type="checkbox"/> Residential Care <input type="checkbox"/> Nursing Home																																											
**Other <input type="checkbox"/> Friend's Home <input type="checkbox"/> Relative's/Guardian's Home <input type="checkbox"/> Foster Care Home <input type="checkbox"/> Respite Care <input type="checkbox"/> Jail/Prison <input type="checkbox"/> Homeless Living with Friend <input type="checkbox"/> Homeless in Shelter/No Residence <input type="checkbox"/> Others:																																													
**Identify Facility or Person's Name Fred lives with his fiancé Hilary and her daughter Alijah.																																													
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Client Name (First, MI, Last) Fred J. Philhower	Client No.
Primary/Family/Marital/Significant Other Support Systems	
Fred reported he and his fiancé Hilary are both terrified and stressed that he may go to jail after his upcoming court date. Fred said it's possible that he may not have to serve jail time. According to Fred, Hilary is mentally/emotionally disabled with bi-polar disorder and they have been together one year. Fred reported his parents have been married 44 years and as far as he knows they're doing fine in Philadelphia, PA. Fred said he has three younger sisters (Mary Ann - 40, Chrissy - 38, and Carolyn - 36) who are also doing o.k. According to Fred, he was married less than three years from 2005 to 2008. His ex-wife had an affair and she filed for divorce.	
Pertinent Family History (to include family MH and AOD history)	
Fred reported his parents drink socially, and both of his grandfathers were probably alcoholics. Fred said one of his sisters (Mary Ann who was in a very serious car accident a long time ago) has alcoholic tendencies. According to Fred, his youngest sister Carolyn has mental/emotional health problems related to depression and anxiety.	
Strengths/Capabilities/Weaknesses	
Fred's strengths are that he's reliable, trustworthy, and reasonably disciplined when not drinking. Fred's weaknesses are that he has an ego, he can be whiny, lazy, and sometimes ungrateful.	
Limitations of Activities of Daily Living (include information relating to financial status and ability to manage own finances)	
Fred said he hasn't had a good night of sleep since his OVI and the automobile accident on May 15 th . He has been really stressed and restless over what he's done not only to himself but also to other people such as the accident victim and how his fiancé has been negatively affected.	
Friendship/Social/Peer Support Relationships	
Fred has three close friends who are AA members.	
Meaningful Activities (community involvement, volunteer activities, leisure/recreation, other interests)	
Fred reported he likes the beach, ocean, and surfing.	
Community Supports/Self Help Groups (AA, NA, NAMIC, etc.)	
Fred used to attend AA meetings almost every day. Now he isn't attending as many meetings as he should. Now he may attend four AA meetings per week.	
Religion/Spirituality	
Catholic and spiritual	
Cultural/Ethnic Issues/Information/Concerns	
Irish and German	
Developmental Issues	
None reported by Fred	
Sexual History/Concerns	

Client Name (First, MI, Last) Fred J. Philhower		Client No.	
None reported by Fred			
Education, Employment, and Military Information			
Education History (check all that apply)		Highest Grade Completed	Vocational Year Completed
<input type="checkbox"/> GED <input checked="" type="checkbox"/> HS Grad			
<input checked="" type="checkbox"/> College	No. of Yrs, Qtrs., or Semesters A few quarters	Degree/Major None reported by Fred	<input type="checkbox"/> Other Degree:
History of Learning Difficulties (including performance/behavioral problems due to AOD use)			
<input checked="" type="checkbox"/> None Reported		<input type="checkbox"/> Learning Disability/Type: _____	
		<input type="checkbox"/> Developmental Delays	
		<input type="checkbox"/> Special School Placement: _____	
		<input type="checkbox"/> Other: _____	
Barriers to Learning			
<input checked="" type="checkbox"/> None Reported		<input type="checkbox"/> Inability to Read or Write <input type="checkbox"/> Other: _____	
Special Communication Needs			
<input checked="" type="checkbox"/> None Reported		<input type="checkbox"/> TDD/TTY Device <input type="checkbox"/> Sign Language Interpreter <input type="checkbox"/> Assistive Listening Device(s)	
		<input type="checkbox"/> Language Interpreter Services Needed/ Other Spoken Language: _____	
		<input type="checkbox"/> Other: _____	
Employment (check all that apply)			
<input checked="" type="checkbox"/> Full Time (35 hrs. or more per week)		<input type="checkbox"/> Part Time (<35 hrs. per week) <input type="checkbox"/> Non-Competitive	
<input type="checkbox"/> Unemployed/Date Last Worked: _____			
Not In Labor Force			
<input type="checkbox"/> Disabled		<input type="checkbox"/> Retired <input type="checkbox"/> Homemaker <input type="checkbox"/> Student <input type="checkbox"/> Living in Institution	
<input type="checkbox"/> Other: _____			
If employed, name of employer. Center-Tyler Auto Body			
Job Performance History			
No. of Jobs in Last 5 Years 2		Comments (include performance/behavioral problems due to AOD use) Fred reported his work performance may have been affected by his alcohol use.	
Attendance			
<input type="checkbox"/> Above Average		<input checked="" type="checkbox"/> Normal <input type="checkbox"/> Tardiness <input type="checkbox"/> Absenteeism	
Performance			
<input type="checkbox"/> Exemplary		<input checked="" type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Below Average	
Employment Interests/Skills			
Is client satisfied with job?		(If not currently employed) Client wants to work?	
<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Is client experiencing financial problems?		Is client concerned that employment will affect benefits?	
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Comments on Past or Current Employment/Education Skills/Interests (include information relating to past or current employment/education skills and interests)			
Fred's main employment skills are automotive, collision repair, and painting/finishing along with inventory management and quality control.			
Military History			

Client Name (First, M., Last) Fred J. Philhower			Client No.				
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, describe branch of service, any pertinent duties, and any trauma experienced during service as applicable. N/A							
Type of Discharge (if other than General/Honorable) N/A			Date of Discharge N/A				
Mental Health Treatment History							
Outpatient Mental Health Treatment <input type="checkbox"/> None Reported							
Agency		Check if Current	Past (Date)	Clinician Name			
Unsure			1992-93	Unsure - didn't really help			
Psychiatric Hospitalizations <input checked="" type="checkbox"/> None Reported							
Hospital		Date of Service	Reason (suicidal, depressed, etc.)				
Previous or Current Diagnoses (if known) <input type="checkbox"/> Not Known by Client Unsure							
Other Comments Regarding Mental Health Treatment History <input type="checkbox"/> No Comments "I'm open to exploring this possibility."							
Current Medication Information (prescription/OTC/herbal)							
<input checked="" type="checkbox"/> None Reported							
Medication	Rationale	Dosage/Route/Frequency	Prescribed By	Compliance			
				Yes	No	Partial	Unk
				<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"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Primary Care Physician (name, phone no., and address) Dr. Rick McBumey				Date of Last Physical Exam Under a year ago			

Client Name (First, MI, Last) Fred J. Philhower						Client No.
Past Psychotropic Medications						
<input type="checkbox"/> None Reported						
Psychotropic Medications				Reason for Discontinuation		
Paxil				Ineffective		
Remeron				Ineffective		
Alcohol/Drug History						
Illegal drug use/abuse past 12 months?		x No <input type="checkbox"/> Yes		Non-prescription drug abuse past 12 months?		x No <input type="checkbox"/> Yes
Prescription drug abuse past 12 months?		x No <input type="checkbox"/> Yes		Alcohol abuse past 12 months?		<input type="checkbox"/> No x Yes
Toxicology screen completed?						
<input type="checkbox"/> Not Indicated		x No <input type="checkbox"/> Yes		If yes, results: N/A		
Presenting with symptoms of withdrawal?						
x No <input type="checkbox"/> Yes		If yes, symptoms: N/A				
Check All That Apply						
<input type="checkbox"/> IV Drug User		<input type="checkbox"/> Pregnant				
Substance	Age of First Use	Date of Last Use	Frequency of Use	Amount	Method	Symptoms within current 12 months (see symptoms below)
Alcohol	12	June 10, 2012	Daily	At least one fifth of liquor per day	Oral	Fred reported he's experienced shakes, sweats, and restlessness.
Crack Cocaine	16	December, 2011	1-2 times per week	4-5 grams per use	Smoke	Feeling physically exhausted.
Symptoms: Tolerance – Yes Withdrawal – Yes Loss of Control (explain in comment section) – Yes						
Comment: Fred reported alcohol is his main drug of choice. He isn't sure if he is dependent on cocaine.						
Alcohol/Drug Treatment History						
AOD Treatment						
<input type="checkbox"/> None Reported						
Current: <input type="checkbox"/> OP <input type="checkbox"/> IOP <input type="checkbox"/> Residential <input type="checkbox"/> Others:						
Past: x OP <input type="checkbox"/> IOP x Residential <input type="checkbox"/> Hospital <input type="checkbox"/> Detox <input type="checkbox"/> Others:						
If current or past complete the following:						
Name of Provider Agency			Type of Service		Date of Service	
Unsure – in Pennsylvania			Inpatient		Twice in the early to mid-1990s	
Unsure – in Pennsylvania			Outpatient		Twice in 1988 and in the 1990s	

Client Name (First, Mi, Last) Fred J. Philhower		Client No.
<input type="checkbox"/> Other Addictive Behaviors: <input type="checkbox"/> Gambling <input type="checkbox"/> Sex <input type="checkbox"/> Internet <input type="checkbox"/> Shopping <input checked="" type="checkbox"/> Other: N/A		
Other Comments Regarding Substance Abuse/Use and Other Addictive Behaviors (include AOD use/abuse by other family members/significant others, AOD related legal problems, SAMI stage of treatment for providers using dual disorders integrated treatment approach) Fred reported he had four or five DUIs in the 1990s and his last alcohol related offense before his May 15, 2012 OVI was probably in 1998.		
Legal History		
Legal Guardian/Custodian Name and Address of Legal Guardian/Custodian		Phone No.
x None Reported N/A		()
Current Legal Status <input type="checkbox"/> None Reported <input type="checkbox"/> On Probation <input type="checkbox"/> Detention <input type="checkbox"/> On Parole <input type="checkbox"/> Awaiting Charge <input checked="" type="checkbox"/> AOD Related Legal Problems <input type="checkbox"/> Conditional Release <input type="checkbox"/> Outpatient Commitment <input type="checkbox"/> Court Ordered to Treatment x Others: 6/26/12 -- sentencing court date		
History of Legal Charges <input type="checkbox"/> None Reported <input type="checkbox"/> Juvenile: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes if yes: <input type="checkbox"/> Status Offense (e.g., Unruly) <input type="checkbox"/> Delinquency <input checked="" type="checkbox"/> Adult: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes if yes: <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony		
List and Date Most Recent Legal Charges 5/15/12 -- OVI		
Convictions - 4 <input type="checkbox"/> None Reported		
Pending Charges - OVI <input type="checkbox"/> None Reported		
Incarcerations x None Reported		Name and Phone No. of Probation/Parole Officer (if applicable) N/A
Civil Proceedings x None Reported		Domestic Relations Court Problems (i.e., custody, protective services, restraining order) N/A
Juvenile Court Involvement (related to child abuse, neglect, or dependency) Current: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Comment: N/A Past: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Comment: N/A		
Child Support Enforcement Orders x None Reported N/A		
Children's Protective Services Involvement with Family x None Reported N/A		
Name of Children's Protective Services Caseworker(s) Assigned to Family (if applicable) x None Reported N/A		
Abuse History (describe in comments section each element checked)		
<input checked="" type="checkbox"/> No Self Reported History of Abuse/Violence <input type="checkbox"/> Physical Abuse <input type="checkbox"/> Domestic Violence/Abuse <input type="checkbox"/> Community Violence <input type="checkbox"/> Physical Neglect <input type="checkbox"/> Emotional Abuse <input type="checkbox"/> Elder Abuse <input type="checkbox"/> Sexual Abuse/Molestation <input type="checkbox"/> Other:		
Comments (identify if client was/is a victim of abuse or a perpetrator or both) None reported by Fred		

Client Name (First, MI, Last) Fred J. Phihower		Client No.
Problem Checklist Including Functional Domains		
Check	Check All Current Problem	As Evidenced By / Signs/Symptoms
<input type="checkbox"/>	Nutritional/Eating Pattern Changes/Disorders N/A	
x	Pain Management Ribs and thumb pain from his car accident	
x	Depressed Mood/Sad Yes	
x	Bereavement Issues "I'm grieving the loss of my sobriety."	
x	Anxiety Yes	
<input type="checkbox"/>	Traumatic Stress N/A	
<input type="checkbox"/>	Anger/Aggression N/A	
<input type="checkbox"/>	Oppositional Behaviors N/A	
x	Inattention Difficulty concentrating	
x	Impulsivity Sometimes	
<input type="checkbox"/>	Disturbed Reality Contact (psychosis) N/A	
x	Mood Swings/Hyperactivity Very high and very low	
x	Substance Use/Addiction "I'm addicted because alcohol controls me and i don't control it."	
<input type="checkbox"/>	Other Addictive Behaviors N/A	
x	Sleep Problems Interrupted and not enough sleep	
<input type="checkbox"/>	Psychosocial Stressors N/A	
<input type="checkbox"/>	Pertinent Health Issues/Medical History (include any allergies and food/drug reactions) N/A	

Client Name (First, MI, Last) Fred J. Philhower		Client No.
<input type="checkbox"/>	Client's Family Needs Education to be Able to (Describe areas of family education needs. Family education must be directed to the exclusive well being of the client.) N/A	
<input type="checkbox"/>	Client Needs Other Environmental Supports (Describe areas where environmental supports are needed to support the client in community living and possible sources of that support.) N/A	
<input type="checkbox"/>	Other N/A	
Skills Deficits/Skills Training/Community Support Needs (check all applicable skills deficits, skills training, and/or community support needs identified)		
<input type="checkbox"/>	Client needs symptom and disability management skills.	<input type="checkbox"/> Client needs restoration or development of social/personal skills.
<input type="checkbox"/>	Client needs residential supports to develop skills necessary for community living.	<input type="checkbox"/> Client needs employment related services to develop skills necessary for successful employment.
<input type="checkbox"/>	Client needs education related services to develop skills necessary to enhance academic success.	<input type="checkbox"/> Client needs restoration or development of social support skills and networks including recreational activities.
As Evidenced By (describe the specific skill deficits or areas where improvement is needed.) N/A		

Ohio Mental Health Consumer Outcomes

Are Outcomes Tools Utilized? If yes, identify what tool is used and attach the results.

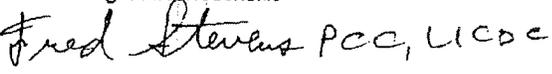
Yes No N/A

Mental Status Screen

General Observations	
Appearance	x Well Groomed <input type="checkbox"/> Unkempt <input type="checkbox"/> Disheveled
Build	x Average <input type="checkbox"/> Thin <input type="checkbox"/> Overweight
Attitude	x Cooperative <input type="checkbox"/> Hostile <input type="checkbox"/> Mistrustful <input type="checkbox"/> Withdrawn <input type="checkbox"/> Preoccupied <input type="checkbox"/> Demanding
Eye Contact	x Average <input type="checkbox"/> Avoidant <input type="checkbox"/> Intense
Motor Activity	<input type="checkbox"/> Calm x Overactive <input type="checkbox"/> Poor Coordination <input type="checkbox"/> Motor Retardation <input type="checkbox"/> Tremor <input type="checkbox"/> Tic
Speech	x Clear <input type="checkbox"/> Slurred <input type="checkbox"/> Rapid <input type="checkbox"/> Pressured
Comment:	
Thought Content	
Delusions	x None Reported <input type="checkbox"/> Grandiose <input type="checkbox"/> Paranoid <input type="checkbox"/> Somatic <input type="checkbox"/> Bizarre <input type="checkbox"/> Negative <input type="checkbox"/> Religious
Other	x None Reported <input type="checkbox"/> Autistic <input type="checkbox"/> Obsessional <input type="checkbox"/> Phobic <input type="checkbox"/> Guilty <input type="checkbox"/> Ideas of Reference <input type="checkbox"/> Preoccupied <input type="checkbox"/> Guarded <input type="checkbox"/> Other:
Suicidal	x None Reported <input type="checkbox"/> Ideation (assess lethality if present): <input type="checkbox"/> Intent <input type="checkbox"/> Plan <input type="checkbox"/> Self Mutilation:
Homicidal	x None Reported <input type="checkbox"/> Ideation (assess lethality if present): <input type="checkbox"/> Intent <input type="checkbox"/> Plan
Comment:	

Client Name (First, MI, Last) Fred J. Philhower		Client No.	
Perception			
Hallucinations x None Reported	<input type="checkbox"/> Auditory	<input type="checkbox"/> Visual	<input type="checkbox"/> Olfactory <input type="checkbox"/> Gustatory <input type="checkbox"/> Tactile
Other x None Reported	<input type="checkbox"/> Illusions	<input type="checkbox"/> Depersonalization	<input type="checkbox"/> Derealization
Comment:			
Thought Process			
x Logical	<input type="checkbox"/> Circumstantial	<input type="checkbox"/> Tangential	<input type="checkbox"/> Loose <input type="checkbox"/> Racing
<input type="checkbox"/> Incoherent	<input type="checkbox"/> Concrete	<input type="checkbox"/> Blocked	<input type="checkbox"/> Flight of Ideas
Comment:			
Mood - How are you feeling right now?			
"I feel heart and soul sick."			
Affect			
<input type="checkbox"/> Euthymic	<input type="checkbox"/> Depressed	x Anxious	<input type="checkbox"/> Angry <input type="checkbox"/> Euphoric <input type="checkbox"/> Irritable
x Full	<input type="checkbox"/> Constricted	<input type="checkbox"/> Flat	<input type="checkbox"/> Inappropriate <input type="checkbox"/> Labile
Comment:			
Behavior			
x Cooperative	<input type="checkbox"/> Resistant	x Agitated	<input type="checkbox"/> Impulsive <input type="checkbox"/> Over Sedated
<input type="checkbox"/> Assaultive	<input type="checkbox"/> Aggressive	<input type="checkbox"/> Hyperactive	<input type="checkbox"/> Restless <input type="checkbox"/> Loss of Interests
<input type="checkbox"/> Anhedonia	<input type="checkbox"/> Akathisia	<input type="checkbox"/> Withdrawn	<input type="checkbox"/> Dystonia <input type="checkbox"/> Tardive Dyskinesia
Comment:			
Cognition			
Impairment of: x None Reported	<input type="checkbox"/> Orientation	<input type="checkbox"/> Memory	<input type="checkbox"/> Attention/Concentration <input type="checkbox"/> Ability to Abstract
Intelligence Estimate	<input type="checkbox"/> DD	<input type="checkbox"/> Borderline	x Average <input type="checkbox"/> Above Average
Comment:			
Insight/Judgment			
Fred's insight/judgment was adequate.			
Elaboration of Active/Current Mental Status Findings			
During the interview Fred was significantly stressed and anxious but overall he seems mentally/emotionally stable.			

Client Name (First, MI, Last) Fred J. Philhower	Client No.												
Client/Family/Guardian Expression of Service Preferences													
Clinician and client (and/or primary support person) should have a meaningful recovery focused dialogue to engage and allow the client (and/or primary support person) to express their desired treatment preferences and priorities. Identify the indicated needs/preferences of client/family/ guardian for the full range of behavioral health clinical and community-based rehabilitative services, and environmental support services available to them.													
1. Behavioral Health Clinical and Rehabilitative Service Preferences													
N/A													
2. Environmental Support Preferences													
N/A													
Clinical/Interpretative Summary													
This Clinical/Interpretative Summary is Based Upon Information Provided By (check all that apply)													
<table style="width: 100%; border: none;"> <tr> <td><input checked="" type="checkbox"/> Client</td> <td><input type="checkbox"/> Parent(s)</td> <td><input type="checkbox"/> Guardian(s)</td> <td><input type="checkbox"/> Family/Friend</td> <td><input type="checkbox"/> Physician</td> <td><input type="checkbox"/> Records</td> </tr> <tr> <td><input type="checkbox"/> Law Enforcement</td> <td><input type="checkbox"/> Service Provider</td> <td><input type="checkbox"/> School Personnel</td> <td><input type="checkbox"/> Others:</td> <td></td> <td></td> </tr> </table>		<input checked="" type="checkbox"/> Client	<input type="checkbox"/> Parent(s)	<input type="checkbox"/> Guardian(s)	<input type="checkbox"/> Family/Friend	<input type="checkbox"/> Physician	<input type="checkbox"/> Records	<input type="checkbox"/> Law Enforcement	<input type="checkbox"/> Service Provider	<input type="checkbox"/> School Personnel	<input type="checkbox"/> Others:		
<input checked="" type="checkbox"/> Client	<input type="checkbox"/> Parent(s)	<input type="checkbox"/> Guardian(s)	<input type="checkbox"/> Family/Friend	<input type="checkbox"/> Physician	<input type="checkbox"/> Records								
<input type="checkbox"/> Law Enforcement	<input type="checkbox"/> Service Provider	<input type="checkbox"/> School Personnel	<input type="checkbox"/> Others:										

Client Name (First, MI, Last) Fred J. Philhower	Client No.
<p>Narrative Summary - Include etiology of presenting problem and maintenance of the problem; mental health history; AOD history; severity of problem; where problem occurs (functioning at home, at work, in community); onset of problem (acute vs. chronic); client motivation for treatment, whether problem is known to be responsive to treatment.</p> <p>Fred is a 42-year old male who reported he last drank alcohol June 10, 2012 and he normally drinks at least one fifth of liquor per day. Fred said he last smoked crack cocaine in December, 2011 and around that time he was using approximately four to five grams once or twice a week. According to Fred, he had four or five DUIs in the 1990s and his last alcohol related offense before his May 15, 2012 OVI was probably in 1998.</p> <p>Fred meets criteria for a diagnosis of Alcohol Dependence and Cocaine Dependence due to his tolerance to alcohol and cocaine, withdrawal from alcohol and cocaine, and loss of control over alcohol and cocaine. As a result of his diagnosis, I recommend that Fred have treatment/counseling to help him address his alcohol/drug use issues and related mental/emotional health concerns. Treatment and counseling will also help Fred to more effectively manage his stress. I also recommend that Fred continue to regularly attend Alcoholics Anonymous (AA) meetings. Treatment, counseling, and AA benefits Fred substantially more than incarceration at this time in his life.</p> <p>On the day after his assessment, Fred started the Intensive Outpatient (IOP) Treatment Program at H.O.P.E. Counseling. Fred will be participating in group counseling eight hours per week during the initial five-week IOP treatment program followed by twelve weeks of non-intensive outpatient/aftercare once a week. Fred will also be involved in individual counseling during his time in the H.O.P.E. Counseling Program.</p>	
Signature	
Provider Signature/Credentials 	Date 6/27/12
Supervisor Signature/Credentials (if applicable)	Date

Admission Criteria - Adult Protocol Level of Care (Must meet 4 out of 6 dimensions in each level of care. Check all boxes that apply in all dimensions)

Client Name:	Client ID#	Level I-A: Non-Intensive Outpatient Treatment	Level I-B: Intensive Outpatient Treatment	Level II-A: Non-Medical Residential	Level II-B: Medical Community Residential	Level III-A: Ambulatory Detoxification	Level III-B: 23 Hour Observation Bed	Level III-C: Sub-Acute Care	Level IV: Acute Hospital Detoxification
Dimension 1 Acute Intoxication Withdrawal		<input type="checkbox"/> No need for detoxification <input type="checkbox"/> Low risk of withdrawal <input type="checkbox"/> Medical management not required	<input checked="" type="checkbox"/> Low to moderate withdrawal risk <input type="checkbox"/> 24 hour medical management not required	<input type="checkbox"/> Low to moderate withdrawal risk <input type="checkbox"/> 24 hour medical management not needed	<input type="checkbox"/> Moderate risk of severe withdrawal <input type="checkbox"/> Needs medical monitoring 24 hours per day	<input type="checkbox"/> Detoxification can be conducted on an outpatient basis <input type="checkbox"/> Withdrawal symptoms are severe, medication to be monitored can be conducted outpatient	<input type="checkbox"/> Moderate to high risk of severe withdrawal, requires daily medical management <input type="checkbox"/> Has used substance in the past two weeks	<input type="checkbox"/> Serious risk of withdrawal, requires inpatient medical management <input type="checkbox"/> Other symptoms require hospital setting	
Comments									
Dimension 2 Biomedical Conditions and/or Complication (BMC/C)		<input type="checkbox"/> No BMC/C beyond capacity of milieu <input type="checkbox"/> BMC/C stable do not distract from tx.	<input checked="" type="checkbox"/> BMC/C are being addressed <input type="checkbox"/> BMC/C do not interfere with tx.	<input type="checkbox"/> BMC/C minimal to moderate <input type="checkbox"/> BMC/C do not require 24 hour per day medical monitoring <input type="checkbox"/> BMC/C are being addressed	<input type="checkbox"/> BMC/C requires 24 hour per day medical monitoring <input type="checkbox"/> BMC/C can be safely monitored at this level	<input type="checkbox"/> Health seriously damaged by addiction <input type="checkbox"/> BMC/C can be safely monitored at this level	<input type="checkbox"/> Sustained medical management required <input type="checkbox"/> Close medical management required <input type="checkbox"/> BMC/C could interfere with treatment in the absence tx. And medical management	<input type="checkbox"/> BMC/C or pregnancy needs medical monitoring for detoxification <input type="checkbox"/> Recurring seizures requires medical care <input type="checkbox"/> Other complications require medical care	<input type="checkbox"/> BMC/C or pregnancy needs medical stabilization and treatment <input type="checkbox"/> Recurring seizures requires medical management tx. <input type="checkbox"/> Other medical symptoms require medical tx.
Comments									
Dimension 3 Emotional/Behavioral/Cognitive Conditions and/or Complications (EBC/C)		<input type="checkbox"/> No EBC/C <input type="checkbox"/> Some EBC/C conditions but does not interfere with treatment <input type="checkbox"/> Cognitive impairment, non-interfering with tx., AND <input type="checkbox"/> Minimal risk of harm to self or others	<input checked="" type="checkbox"/> Low to moderate conditions addressed in this level <input type="checkbox"/> EBCC can be addressed in this level <input type="checkbox"/> Not at risk of harm to self or others	<input type="checkbox"/> EBC/C do not interfere with treatment in this level <input type="checkbox"/> Cognitive impairment requires close supervision	<input type="checkbox"/> EBC/C do not interfere with treatment and require 24 hour structured treatment <input type="checkbox"/> Requires residential treatment to manage EBC/C	<input type="checkbox"/> EBC/C do not interfere with treatment with recovery, after detoxification required <input type="checkbox"/> EBC/C are a problem and can be monitored in this level of care	<input type="checkbox"/> EBC/C do not interfere with treatment sustained medical management <input type="checkbox"/> EBC/C requires additional medical evaluation before disposition plan can be made	<input type="checkbox"/> EBC/C unstable, structured monitoring needed <input type="checkbox"/> Cognitive impairment needs 24 hr. monitoring <input type="checkbox"/> Potential for harm to self or others <input type="checkbox"/> Mental confusion requires monitoring <input type="checkbox"/> Other EBC/C post detox. Tx. required	<input type="checkbox"/> EBC/C requires medical assessment, and tx. <input type="checkbox"/> Stabilization and medical tx. needed <input type="checkbox"/> High Risk behaviors, Potential harm to self or others <input type="checkbox"/> Other conditions require medical management
Comments									

Admission Criteria (Continued) Adult Protocol Level of Care (Must meet 4 out of 6 dimensions in each level of care. Check all boxes that apply in all dimensions)

Client Name:

Client ID #

Date:

	Level I-A: Non-Intensive Outpatient Treatment	Level I-B: Intensive Outpatient Treatment	Level II-A: Non-Medical Commun. Residential	Level II-B: Medical Community Residential	Level III-A: Ambulatory Detoxification	Level III-B: 23 Hour Observation Bed	Level III-C: Sub-Acute Care	Level IV: Acute Hospital Detoxification
Dimension 4 Treatment Acceptance Resistance	<input type="checkbox"/> Aware of problem, willing to engage in treatment <input type="checkbox"/> Resistant but can be motivated to engage in treatment	<input type="checkbox"/> Resistance requires structured treatment <input checked="" type="checkbox"/> Intensive clinical treatment needed to motivate client for treatment	<input type="checkbox"/> Motivated to receive structured treatment 24 hours per day <input type="checkbox"/> Moderate resistance to tx. Requires motivation 24 hours per day	<input type="checkbox"/> Motivated to receive structured treatment 24 hours per day <input type="checkbox"/> Moderate resistance to tx. Requires motivation 24 hours per day noncompliance at a less intensive level of care	<input type="checkbox"/> Minimal awareness of addiction, treatment referral after detoxification is required <input type="checkbox"/> Potential to be motivated for treatment if additional interventions are provided	<input type="checkbox"/> Resistant to treatment, requires medical treatment for acute addiction symptoms <input type="checkbox"/> Acceptance, resistance requires additional evaluation and medical supervision	<input type="checkbox"/> Minimal awareness of addiction, tx. Required <input type="checkbox"/> Some awareness of addiction, yet requires intensive inpatient intervention	<input type="checkbox"/> Acute crisis, referral after detox acquired <input type="checkbox"/> Resisted tx. At lower level of care <input type="checkbox"/> Some awareness of addiction, but intensive intervention needed
Comments								
Dimension 5 Relapse Potential	<input type="checkbox"/> Moderate to high relapse risk without treatment <input type="checkbox"/> Low relapse Potential	<input checked="" type="checkbox"/> Moderate to high relapse risk without treatment <input type="checkbox"/> Close monitoring needed to prevent relapse	<input type="checkbox"/> Moderate to high relapse risk without 24 hour supervision <input type="checkbox"/> Client has history of relapse in a less intensive level of care	<input type="checkbox"/> Moderate to high relapse risk without 24 hour supervision <input type="checkbox"/> Client has history of relapse in a less intensive level of care	<input type="checkbox"/> Acute addiction crisis, no immediate recovery potential without treatment referral after detoxification <input type="checkbox"/> History of repeated complicated detoxifications	<input type="checkbox"/> Symptoms require immediate medical management in a structured setting <input type="checkbox"/> Relapse potential requires medical evaluation and management	<input type="checkbox"/> Acute addiction crisis, needs treatment to prevent relapse <input type="checkbox"/> Has a history of relapse	<input type="checkbox"/> Acute addiction crisis requires immediate treatment <input type="checkbox"/> History of relapse at a lower level of care
Comments								
Dimension 6 Recovery Environment (Environ.)	<input type="checkbox"/> Supportive environment <input type="checkbox"/> Has access to social and peer support <input type="checkbox"/> Tx. will help client cope with environment <input type="checkbox"/> Environment does not interfere with treatment at this level	<input type="checkbox"/> Environment supportive <input checked="" type="checkbox"/> Needs regular reinforcement to cope with environment <input type="checkbox"/> Environment not supportive, treatment can increase coping skills	<input type="checkbox"/> Environment does not support recovery <input type="checkbox"/> Environment has deteriorated and 24 hour per day stabilization is necessary <input type="checkbox"/> No means of developing a support system	<input type="checkbox"/> Environment does not support recovery <input type="checkbox"/> Environment has deteriorated and 24 hour per day stabilization is necessary <input type="checkbox"/> No means of developing a support system	<input type="checkbox"/> Environment stable, supportive, can follow detoxification regimen on outpatient basis <input type="checkbox"/> Environment poor for recovery, yet is able to cope at this level of care	<input type="checkbox"/> Environment not supportive of recovery, needs stabilization elsewhere <input type="checkbox"/> Diagnostic evaluation indicates a need to remove client from environment	<input type="checkbox"/> Environment not a factor in admission	<input type="checkbox"/> Environment not a factor in admission
Comments								

Client Name (First, Mi, Last) Fred J. Philhower			Client No.																																																						
Diagnosis: <input checked="" type="checkbox"/> DSM-IV Codes (or successor) <input type="checkbox"/> ICD-9 CM Codes (or successor)																																																									
Check Primary	Axis	Code	Narrative Description																																																						
<input checked="" type="checkbox"/>	Axis I	303.90	Alcohol Dependence																																																						
<input type="checkbox"/>		304.20	Cocaine Dependence																																																						
<input type="checkbox"/>																																																									
<input type="checkbox"/>	Axis II	V71.09	No Diagnosis																																																						
<input type="checkbox"/>	Axis III	Fred reported having physical pain with his ribs and thumb.																																																							
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 15%; text-align: center;">Axis IV</td> <td style="width: 55%;"> Describe, if yes: Problems with primary support group: Fred would benefit from improving his social support network. </td> <td style="width: 10%; text-align: center;">x</td> <td style="width: 10%; text-align: center;">Yes</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> <td style="width: 10%; text-align: center;">No</td> </tr> <tr> <td></td> <td>Problems related to the social environment: N/A</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Yes</td> <td style="text-align: center;">x</td> <td style="text-align: center;">No</td> </tr> <tr> <td></td> <td>Educational problems: N/A</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Yes</td> <td style="text-align: center;">x</td> <td style="text-align: center;">No</td> </tr> <tr> <td></td> <td>Occupational problems: N/A</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Yes</td> <td style="text-align: center;">x</td> <td style="text-align: center;">No</td> </tr> <tr> <td></td> <td>Housing problems: N/A</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Yes</td> <td style="text-align: center;">x</td> <td style="text-align: center;">No</td> </tr> <tr> <td></td> <td>Economic problems: N/A</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Yes</td> <td style="text-align: center;">x</td> <td style="text-align: center;">No</td> </tr> <tr> <td></td> <td>Problems with access to health care services: N/A</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Yes</td> <td style="text-align: center;">x</td> <td style="text-align: center;">No</td> </tr> <tr> <td></td> <td>Problems with interaction with the legal system/crime: Fred will be going to court for his OVI offense.</td> <td style="text-align: center;">x</td> <td style="text-align: center;">Yes</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">No</td> </tr> <tr> <td></td> <td>Other psychosocial and environmental problems: Fred is significantly stressed and anxious. He will benefit from increasing his healthy stress coping skills</td> <td style="text-align: center;">x</td> <td style="text-align: center;">Yes</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">No</td> </tr> </table>				Axis IV	Describe, if yes: Problems with primary support group: Fred would benefit from improving his social support network.	x	Yes	<input type="checkbox"/>	No		Problems related to the social environment: N/A	<input type="checkbox"/>	Yes	x	No		Educational problems: N/A	<input type="checkbox"/>	Yes	x	No		Occupational problems: N/A	<input type="checkbox"/>	Yes	x	No		Housing problems: N/A	<input type="checkbox"/>	Yes	x	No		Economic problems: N/A	<input type="checkbox"/>	Yes	x	No		Problems with access to health care services: N/A	<input type="checkbox"/>	Yes	x	No		Problems with interaction with the legal system/crime: Fred will be going to court for his OVI offense.	x	Yes	<input type="checkbox"/>	No		Other psychosocial and environmental problems: Fred is significantly stressed and anxious. He will benefit from increasing his healthy stress coping skills	x	Yes	<input type="checkbox"/>	No
Axis IV	Describe, if yes: Problems with primary support group: Fred would benefit from improving his social support network.	x	Yes	<input type="checkbox"/>	No																																																				
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	Problems with interaction with the legal system/crime: Fred will be going to court for his OVI offense.	x	Yes	<input type="checkbox"/>	No																																																				
	Other psychosocial and environmental problems: Fred is significantly stressed and anxious. He will benefit from increasing his healthy stress coping skills	x	Yes	<input type="checkbox"/>	No																																																				
Axis V	Current GAF: 62	Highest GAF in Past Year (if known): 62																																																							
Further Evaluations Needed																																																									
x	None Indicated	<input type="checkbox"/> Psychiatric	<input type="checkbox"/> Psychological	<input type="checkbox"/> Neurological	<input type="checkbox"/> Medical	<input type="checkbox"/> Educational																																																			
<input type="checkbox"/>	Vocational	<input type="checkbox"/> Visual	<input type="checkbox"/> Auditory	<input type="checkbox"/> Nutritional	<input type="checkbox"/> AOD	<input type="checkbox"/> Other:																																																			
Treatment Recommendations/Assessed Needs																																																									
1.	<input type="checkbox"/> Deferred	x	Referred																																																						
Fred is being referred to treatment. Intensive Outpatient (IOP) is his most appropriate level of care.																																																									
2.	<input type="checkbox"/> Deferred	<input type="checkbox"/>	Referred																																																						
3.	<input type="checkbox"/> Deferred	<input type="checkbox"/>	Referred																																																						
4.	<input type="checkbox"/> Deferred	<input type="checkbox"/>	Referred																																																						
5.	<input type="checkbox"/> Deferred	<input type="checkbox"/>	Referred																																																						

Client Name (First, M, Last) Fred J. Philhower										Client No.	
Client/Guardian/Family Participation in Assessment and Response to Recommendations											
N/A											
Signatures											
Provider Signature/Credentials <i>Fred Stevens PCC, LICDC</i>										Date 6/22/12	
Provider Signature/Credentials Rendering Diagnosis, if Different than Above (ODADAS only)										Date	
Supervisor Signature/Credentials (if applicable)										Date	
Physician Signature/Credentials										Date	
Date of Service	Staff ID No.	Loc. Code	Prcdr. Code	Mod 1	Mod 2	Mod 3	Mod 4	Start Time	Stop Time	Total Time	Diagnostic Code
Date of Service	Staff ID No.	Loc. Code	Prcdr. Code	Mod 1	Mod 2	Mod 3	Mod 4	Start Time	Stop Time	Total Time	Diagnostic Code



CLEVELAND MUNICIPAL COURT
PROBATION NO. 2013658

SENTENCING REPORT

NAME: FREDERICK J PHILHOWER
ALIAS:
COURT NAME: FREDERICK J
PHILHOWER
ADDRESS: 1519 E SPRAGUE RD
SEVEN HILLS, OH 44131

JUDGE: ANGELA R. STOKES
FILE#: 2012 TRC 030161
OFFENSE(S): DR UNDER INFLUENCE ALC/DRUGS

PHONE #: [REDACTED]
BIRTH PLACE: BRISTOL, PA
DOB: 04/18/1970
SOCIAL SECURITY#: [REDACTED]

RACE: CAUCASIAN
CONTINUED TO: 6/26/12
SEX: Male

AGE: 42 HT: 5'10' WT: 200

HAIR: BROWN EYES: BROWN

ATTORNEY: JAIME P SERRAT ESQ

TELEPHONE#: (216)-696-2150

COMPLAINANT'S NAME: YOURGA TRUCKING
ADDRESS:

PHONE: [REDACTED]

INSURANCE CO.:

ALCOHOL TEST: .132

DRIVER'S LICENSE#: [REDACTED]

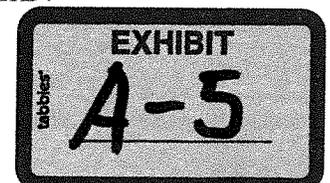
STATE: OH EXPIRATION: 4/18/16
IMMOBILIZATION SITE:

DRIVER'S LICENSE STATUS:
SUSPENDED

DATE OF REFERRAL: 6/12/12 DISP:

SOCIAL SUMMARY: MARITAL STATUS: DIVORCED
PAYS CHILD SUPPORT?: NO

MINOR CHILDREN: 0
AMOUNT PAID:



SHELTER: (RENT/OWN/OTHER): RENT MONTHLY PAYMENT:
LENGTH OF TIME AT CURRENT ADDRESS: 7 MONTHS
RESIDES WITH: HILLARY QUELLAS RELATION: GIRLFRIEND

HEALTH: MAJOR HEALTH CONCERNS (EXPLAIN):
DIAGNOSIS/TREATMENT/DATES:
MEDICATIONS: NONE
HISTORY OF CHEMICAL ABUSE?: ADMITS TO ALCOHOL PROBLEM.
DESCRIBE PROBLEM/TREATMENT/DATES:
HISTORY OF MENTAL HEALTH PROBLEMS?: NO

EDUCATION: LITERATE (GOOD/AVERAGE/POOR): AVERAGE
POSSIBLE LEARNING DISABILITIES?:
DESCRIBE: YEARS COMPLETED: 12
YEAR GRADUATED: 1988
DEGREE(S) / CERTIFICATION(S) OBTAINED:
SCHOOLS ATTENDED: BISHOP HIGH

MILITARY: BRANCH: YRS SERVED:
DISCHARGE TYPE:
VETERAN STATUS: DATE:
RANK:

EMPLOYMENT: CURRENT EMPLOYER: CENTER-TYLER AUTO BODY
JOB TITLE: MECHANIC
TERM OF EMPLOYMENT: 3 YEARS
HOURLY WAGE OR SALARY AMOUNT: \$50,000
NUMBER OF HOURS WORKED PER WEEK:

INCOME SOURCES: EMPLOYMENT

ASSETS AND DEBTS: NONE

OFFENSE SUMMARY:

On 5/15/12, at 8:00 p.m., the subject operated his 2005 Chevy Venture on I-176 and Spring. Please note the attached accident report; Mr. Philhower was speeding and swerving, then hit a car. Debris from the accident struck another car. When police arrived, the subject submitted a BAC of .132.

COMPLAINANT'S STATEMENT:

This officer spoke with Ronni Brawlich [REDACTED] of Yourga Trucking. Robert Ruble was driving a company truck at the time of the accident. Ms. Brawlich stated that \$8,636.77 worth of damage was done to the truck, and their insurance company covered the damages, minus the \$5,000 deductible. Their insurance is going after the subject's insurance company, to be reimbursed.

Kenneth Miller's ([REDACTED]) vehicle was damaged by debris from the accident. He stated that he has contacted the defendant's insurance, but has had no resolution yet. His car has not been repaired.

DEFENDANT'S STATEMENT:

Mr. Philhower does not remember details of the offense. He stated that he remembers drinking at his house, but does not remember leaving, and does not know where he was going. He could add nothing further.

ADDITIONAL INFORMATION:

The subject paid for, and submitted to, a urine test on 6/12/12. The results were negative.

Mr. Philhower successfully completed the Safety Through Education DIP 6/14-6/17 (see attachment). An assessment was recommended, as the subject admitted to being an alcoholic. His screening results indicated he is at risk for a future DUI.

EVALUATION:

On 6/12/12, Frederick Philhower appeared before the Honorable Judge Stokes, and was found guilty of DUI. He is to return to court for sentencing on 6/26/12. Mr. Philhower admits to drinking prior to being involved in an accident, but does not recall any details of the offense. His BAC was .132 at the time.

The subject is a divorced 42-year-old, residing with his girlfriend in Seven Hills. Mr. Philhower graduated from Bishop High School, and has been employed at Center-Tyler Auto Body for 3 years. He is in good health, and takes no medication. Mr. Philhower admits to being an alcoholic, and has been drinking since the age of 15. He has never been through treatment.

The subject was cooperative during the office interview. He admitted to the charge against him, and accepts responsibility for his actions. His legal history consists of several traffic offenses, as well as a conviction for Assault. He has a DUI in Pennsylvania in 1996.

RECOMMENDATION:

Jennifer Adkins
Probation Officer 664-6694

Debbie McDonald
Supervisor 664-4788



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.) 2012 TRC 030161
9 FREDERICK J. PHILHOWER,)
10 Defendant.)
11 - - -

12
13 Transcript of digitally recorded proceedings had
14 Before the Honorable Judge Angela R. Stokes on
15 Monday, January 9, 2013 in Courtroom 15C.

16 - - -
17 APPEARANCES:

18 On behalf of the plaintiff:
19 Victor R. Perez, Chief Police Prosecutor
20 By: Ashley Garrett, Asst. Police Pros.

21 On behalf of the defendant:
22 Timothy Kucharski, Esq.

23
24
25 MARVA M. WILSON



P R O C E E D I N G S

1
2 THE COURT: Hello sir. How are
3 you? Just one moment.

4 Did they bring up Attorney Kucharski's
5 file for tomorrow and a journal entry? Did
6 they bring up?

7 UNKNOWN SPEAKER: (Inaudible).

8 THE COURT: I hope so.

9 UNKNOWN SPEAKER: (Inaudible).

10 THE COURT: You are so funny. You
11 hope so? I hope so too.

12 This is an add-on to the docket,
13 Frederick Philhower's case, 2012TRC030161.
14 He has been added to the docket, pursuant to
15 the request of Attorney Timothy Kucharski.

16 Attor -- you think it's on my docket for
17 tomorrow? I'm trying --

18 MR. KUCHARSKI: I believe it's on your
19 docket --

20 THE COURT: It is. For 8:30
21 tomorrow, for a motion hearing, regarding a
22 motion hearing. Let me see.

23 MR. KUCHARSKI: And an alleged
24 probation violation.

25 THE COURT: Oh it's set for a

1 Probation violation hearing?

2 MR. KUCHARSKI: Correct.

3 THE COURT: Oh I'm not changing

4 that.

5 MR. KUCHARSKI: I'm not here to change

6 it. I'm not Mr. Philhower's lawyer.

7 THE COURT: I know. I see it's

8 Jamie Serrat.

9 MR. KUCHARSKI: Right, it's Mr. Serrat.

10 THE COURT: It's set for a

11 Probation violation hearing. Is that what it

12 is set --

13 MR. KUCHARSKI: It is.

14 THE COURT: Oh.

15 MR. KUCHARSKI: And I've talked to

16 Mr. Serrat, I've talked to Mr. Philhower.

17 And I've tried to explain -- I've actually

18 spoke to Mr. Oriti about this, and I told

19 them that I would come up and try to explain

20 to you what the results on the interlocking

21 reading --

22 THE COURT: Well, I don't have a

23 probation report. I don't have anything for

24 something that's on my docket tomorrow.

25 MR. KUCHARSKI: I recognize that. I'm

1 just trying to tell you -- I know what it
2 says. It indicates --

3 THE COURT: But I don't have
4 anything, Attorney Kucharski, even for me to
5 talk intelligently about this. I just see
6 that on December 13th it was continued until
7 tomorrow for a motion hearing. And I'm not
8 sure what type of motion hearing it is. Let
9 me see. I think it's about maybe removing
10 the interlock device. I granted the motion
11 to remove the scram device on December 13th
12 but then his attorney wanted to come back
13 for another motion hearing on January 10th
14 and I have: "The interlock device shall
15 remain in affect. See the Court's specific
16 orders." He does not have privileges to
17 drive to and from AA meetings. And then I
18 have: "The interlock device on the 2012
19 Camaro shall be removed and placed on the
20 2002 Chevrolet.

21 Now, if there is anything other than
22 that, I don't know -- I just --

23 MR. KUCHARSKI: And I'm not trying to
24 --

25 THE COURT: I don't have it --

1 MR. KUCHARSKI: Right now --

2 THE COURT: -- in front me. Why
3 aren't they going to be here tomorrow? Do I
4 --

5 MR. KUCHARSKI: Oh they are going to be
6 here.

7 THE COURT: Okay.

8 MR. KUCHARSKI: I'm not -- everyone in
9 my company is either in the hospital or sick
10 and I'm in trial tomorrow. I talked to
11 Mr. Oriti. I talked to Mr. Serrat. I said
12 I'll come over today and try to explain what
13 the report says because --

14 THE COURT: Well I don't even have
15 the report to do to anything.

16 MR. KUCHARSKI: I, I understand that.

17 THE COURT: So does Attorney Serrat
18 need a continuance?

19 MR. KUCHARSKI: He potentially may
20 because I'm not going to be here and -- but
21 I wanted to explain, and maybe it would be
22 better if we continue it so I could explain
23 this --

24 THE COURT: Well I won't do that
25 until --

1 MR. KUCHARSKI: Okay.

2 THE COURT: -- Attorney Serrat
3 comes into this courtroom tomorrow.

4 MR. KUCHARSKI: Okay. If you could --

5 THE COURT: And I see the
6 Probation, so I'll know what's going on. I
7 know that you made a good faith effort to
8 certainly try to educate the Court about
9 this.

10 MR. KUCHARSKI: Right. Because it -- I
11 don't believe Mr. Philhower is in violation
12 at all.

13 THE COURT: But -- I had no idea
14 that --

15 MR. KUCHARSKI: I know you don't.

16 THE COURT: He was -- right. My --
17 I just thought he was coming for the motion
18 hearing to remove the interlock. I don't
19 know anything about a potential violation.
20 This a shock to the Court.

21 MR. KUCHARSKI: Right. And that's why
22 I'm telling you -- I'm not looking in -- I'm
23 trying to avoid an injustice to
24 Mr. Philhower, being locked up or anything
25 like that because I can tell you that

1 it's -- while it may appear as though he has
2 a positive alcohol testing --

3 THE COURT: Oh I don't even know
4 about this.

5 MR. KUCHARSKI: I know you don't.
6 That's --

7 THE COURT: Oh my gosh.

8 MR. KUCHARSKI: -- why I am trying to
9 educate you and tell you --

10 THE COURT: I can't wait to see
11 this Probation report. My gosh.

12 MR. KUCHARSKI: But, but the results of
13 the interlock --

14 THE COURT: And I can't understand
15 why the Probation officer didn't send me a
16 blue form to let me know that there was
17 positive reading for -- oh I am upset. But
18 I'll --

19 MR. KUCHARSKI: And --

20 THE COURT: I'm talking about the
21 Probation Department for not notifying the
22 Court. I think he's -- just from looking at
23 the file -- I imagine when I read the
24 Probation report later tonight, I will
25 figure it out, but --

1 MR. KUCHARSKI: But what I am saying
2 is this --

3 THE COURT: These people are
4 waiting for their cases to be called.

5 MR. KUCHARSKI: Wait. What?

6 THE COURT: Waiting for their cases
7 to be called.

8 MR. KUCHARSKI: But what I'm trying --
9 I mean I'll wait until you finish calling
10 --

11 THE COURT: Okay how about that.

12 MR. KUCHARSKI: That's fine.

13 THE COURT: -- because they have to
14 walk out of here.

15 MR. KUCHARSKI: I'll wait.

16 THE COURT: They should have been
17 gone ten minutes ago.

18 MR. KUCHARSKI: Right. I don't --

19 THE COURT: Then they write me up
20 --

21 MR. KUCHARSKI: That's fine, your
22 Honor, I'll wait.

23 THE COURT: -- like it's my fault.

24 *****

25 THE COURT: Attorney Kucharski, now

1 on Mr. Philhower's case, I think it's just
2 better for all parties to be here for me to
3 do this and I cannot do it now. I really
4 cannot. And I have to work to get to this
5 journalizer before she leaves in a few
6 moments but --

7 MR. KUCHARSKI: But what I think is
8 imperative is that at least I'm here to be
9 able to explain to the Court exactly --

10 THE COURT: Right. Well whoever is
11 the proper representative on this matter --
12 -

13 MR. KUCHARSKI: Right.

14 THE COURT: -- and I will do
15 whatever I deem is appropriate for tomorrow.
16 That's the best I can do. I don't even have
17 time to read through all of this on a case
18 that's not on my docket tomorrow. But
19 obviously if Mr. Philhower demands a
20 hearing, he is going to have that hearing of
21 course and whatever appropriate
22 representatives are needed, you know. I can
23 certainly grant that continuance. Whether I
24 think they should take him into custody or
25 not, I will wait until I have a chance to

1 read this.

2 MR. KUCHARSKI: And your Honor that's
3 why I'm trying to -- because I think when
4 you read it, I think it's going to shock
5 you.

6 THE COURT: But I'll wait. I'll
7 wait but I cannot do it right now --

8 MR. KUCHARSKI: I understand.

9 THE COURT: -- Attorney Kucharski.
10 And I'm not making any promises. I cannot
11 do that.

12 MR. KUCHARSKI: But your Honor if you
13 give me two seconds.

14 THE COURT: You can but I am not
15 going to say anything whatsoever. I am
16 going make up my mind tomorrow. This matter
17 is on my docket for tomorrow. But if he
18 demands a hearing, that's fine. Then he can
19 have the proper representatives. And I'll
20 do what I think I should do at that time.

21 MR. KUCHARSKI: The readings on the
22 interlock are extraordinarily high. It's
23 going to be like a point five, point 36.
24 And I think the Court knows that if a person
25 has a point five, they would be dead. What

1 Mr. Philhower does is he paints in an
2 enclosed booth and he smokes while he
3 drives. So I've instructed Mr. Philhower
4 how he needs to handle this. Again and
5 there aren't any issues because I guess he
6 went -- he called his lawyer and he told him
7 he went to go get an alcohol test, after he
8 tested positive and he was clear. So he
9 instructed him again about what he needs to
10 do and how he needs to blow in the interlock
11 so there aren't any future problems.

12 So I just wanted to at least advise the
13 Court the numbers are going to be
14 extraordinarily high but they are not
15 representative -- they are not accurate as
16 to an alcohol consumption.

17 THE COURT: Okay.

18 MR. KUCHARSKI: They just physically
19 couldn't happen. Quite frankly he would be
20 dead. So, so if the Court would want, I
21 could certainly come back another day. I
22 just happen to be in trial.

23 THE COURT: I'll wait until his
24 attorney is in, to see what his attorney
25 want to be done tomorrow. And if they

C E R T I F I C A T E

1

2

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

5

6 City of Cleveland,)

7 V.)

8 Frederick J. Philhower.)

9

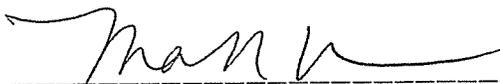
10 I, Marva M. Wilson, court reporter, do hereby
 11 certify that as a reporter employed by the Cleveland
 12 Municipal Court, I took down in stenotype all of the
 13 digitally recorded proceedings in the above-captioned
 14 case on the date set forth; that I have transcribed
 15 my said stenotype notes into typewritten form as
 16 appears in the foregoing transcript of the
 17 proceedings; that said transcript is a complete
 18 record of the digitally recorded proceedings had in
 19 the hearing of said case and constitutes a true and
 20 correct transcript of the digitally recorded
 21 proceedings had therein.

22

Dated this 10th day of November, 2014.

23

24



25

Marva M. Wilson

CERTIFICATE OF SERVICE

A copy of the foregoing RESPONDENT'S MOTION FOR DISSOLUTION OR MODIFICATION OF ORDER OF SUSPENSION UNDER GOV. BAR R. V(5a)(C)(1), Exhibit A through Exhibit A-6 has been filed via e-filing with the Supreme Court of Ohio and a service copy emailed this 20th day of January, 2015 to the following:

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