

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. :  
: :

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RESPONDENT'S MOTION FOR DISSOLUTION OR MODIFICATION OF ORDER OF  
SUSPENSION UNDER GOV. BAR. R. V(5a)(C)(1) Exhibit B through Exhibit B-12

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(0091467)  
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*Relator*

HON. ANGELA ROCHELLE STOKES  
(0025650)  
Cleveland Municipal Court  
1200 Ontario Street  
Cleveland, Ohio 44113  
*Respondent*

LARRY W. ZUKERMAN (0029498)  
PAUL B. DAIKER (0062268)  
S. MICHAEL LEAR (0041544)  
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*Counsel for Respondent*

Municipal COURT Cuyahoga COUNTY, OHIO  
 STATE OF OHIO CLEVELAND TICKET # B070603  
 NAME MICHELLE NESTER  
 STREET 223 WASCANNA AVE.  
 CITY, STATE LAKEWOOD, OH ZIP 44137

OPERATOR LICENSE / STATE ID#	<input type="checkbox"/> None*	BIRTH DATE	ISSUE DATE	STATE
		10/8/78	10/13/10	OH
CLASS	EXPIRES	ENDORSEMENT(S)/RESTRICTION(S)		SS# (last 4 digits)
D	10/8/14	<input type="checkbox"/> CDL <input type="checkbox"/> CM <input type="checkbox"/> Other		6180
SEX	HEIGHT	WEIGHT	EYES	HAIR
F	508	115	HAZ	BRN
FINANCIAL RESPONSIBILITY PROOF?				
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A				

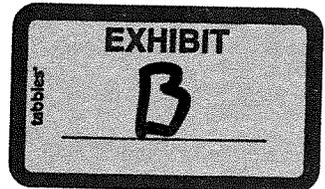
\* If no OH/State ID, REQUIRED documentation attached:  Yes  
 TO DEFENDANT: COMPLAINT ON 04/17 20 13 AT 0016 PM, YOU  
 Operated/Passenger/Parked/Walked a  Passenger  Motorcycle  Bicycle  Other  
 Commercial DOT#  ≥26,001 lbs.  <16 Pass. Bus  ≥16 Pass. Bus  Haz. Mat.  
 VEHICLE: YEAR 11 MAKE NISSA MODEL 40  
 COLOR SIL LICENSE # 12 90 STATE OH  
 UPON A PUBLIC HIGHWAY, NAMELY 12 90 (WB)  
 AT/NEAR (M.P. 166)  
 IN THE CITY OF CLEVELAND IN CUYAHOGA  
 COUNTY (NO.) (18) STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S):

<input type="checkbox"/> SPEED: MPH in MPH zone	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> Over limits <input type="checkbox"/> Unsafe for conditions <input type="checkbox"/> ACDA	
<input type="checkbox"/> Radar <input type="checkbox"/> Air <input type="checkbox"/> VASCAR <input type="checkbox"/> Pace <input type="checkbox"/> Laser	<input type="checkbox"/> Stationary <input type="checkbox"/> Moving
<input checked="" type="checkbox"/> OVI: Under the influence of alcohol/drug of abuse.	<input checked="" type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> Prohibited blood alcohol concentration. 210 BAC	7511.19A.1
<input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Refused	
Prior OVIs: # of prior OVIs 0 Years of prior OVIs	7511.19A.1
<input type="checkbox"/> DRIVER LICENSE: <input type="checkbox"/> None <input type="checkbox"/> Not on person <input type="checkbox"/> Revoked <input type="checkbox"/> Suspended	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
EXPIRED: <input type="checkbox"/> <6 months <input type="checkbox"/> >6 months <input type="checkbox"/> Failure to Reinstate	
Suspension Type:	
<input type="checkbox"/> SAFETY BELT: Failure to wear	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Child Restraint <input type="checkbox"/> Booster Seat	
<input checked="" type="checkbox"/> OTHER OFFENSE: RECKLESS OPERATION	<input checked="" type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> OTHER OFFENSE:	4511.20
<input checked="" type="checkbox"/> DRIVER LICENSE HELD <input type="checkbox"/> VEHICLE SEIZED <input type="checkbox"/> JUVENILE OFFENDER	
PAVEMENT: <input checked="" type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Snow <input type="checkbox"/> Ice # of Lanes 4 <input type="checkbox"/> Construction Zone	
VISIBILITY: <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Dusk <input checked="" type="checkbox"/> Night <input type="checkbox"/> Dawn	
WEATHER: <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Fog <input checked="" type="checkbox"/> Adverse	
TRAFFIC: <input type="checkbox"/> Heavy <input type="checkbox"/> Moderate <input checked="" type="checkbox"/> Light <input type="checkbox"/> None	
AREA: <input type="checkbox"/> Business <input checked="" type="checkbox"/> Rural <input type="checkbox"/> Residential <input type="checkbox"/> Industry <input type="checkbox"/> School	
CRASH: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Almost Caused <input type="checkbox"/> Non-Injury <input type="checkbox"/> Injury <input type="checkbox"/> Fatal	
Crash Report Number:	
REMARKS:	
ACCOMPANYING CRIMINAL CHARGE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No TOTAL # OFFENSES	

TO DEFENDANT: SUMMONS PERSONAL APPEARANCE REQUIRED  Yes  No  
 You are summoned and ordered to appear on Mon. 6 2 30 PM 20 13 at 1 30 PM  
 in Municipal Court, at CLEVELAND  
 If you fail to appear at this time and place you may be arrested or your license may be cancelled.  
 This summons served personally on the defendant on 04/17 20 13  
 The issuing/charging law enforcement officer states under the penalties of perjury and falsification that he/she has read the above complaint and that it is true.

Charging Law Enforcement Officer:	1822	706	(18)	(04)
Issuing Law Enforcement Officer	SAME AS ABOVE			
Issuing Officer: Verify address. If different from license address, write present address in space provided.	16294 Cuyahoga 49			

HP-7 OHP 0060 7/12 10-0060-00 [760-0603] LIMITED ACCESS COURT RECORD



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 V. ) Case No. 2013TRC023649  
8 MICHELLE NESTER. )  
9 Defendant.)

10 - - -  
11 Transcript of digitally recorded proceedings had  
12 before the Honorable Judge Angela R. Stokes, on  
13 Tuesday, the 14th day of May, 2013, in Courtroom 15C.

14 - - -

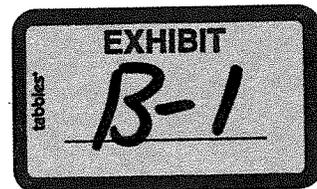
15 APPEARANCES:

16  
17 On behalf of the plaintiff:  
Victor Perez, Chief Police Prosecutor  
18 By: Joanna Lopez, Assistant Police  
Prosecutor

19 On behalf of the defendant:  
20 Leif B. Christman, Esq.

21 - - -

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



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

2 THE COURT: Michelle Nester's case.  
3 If the attorneys are ready for me to call  
4 that matter. Docket number 65.

5 I'm still waiting for the white out to  
6 dry. Thank you.

7 MR. CHRISTMAN: Good morning, your  
8 Honor. Leif Christman on behalf of Michelle  
9 Nester. 241-5019.

10 THE COURT: Good morning. Have you  
11 pretried this matter with Prosecutor Lopez?

12 MR. CHRISTMAN: Briefly, your Honor,  
13 may it please the Court, I had an  
14 opportunity to speak with the Prosecutor.  
15 It's my request for Discovery at the  
16 defendant's request, so I could complete  
17 some Discovery, get copies of the police  
18 report. There is an audio/video from the  
19 trooper. And I need to do some due  
20 diligence with the Intoxilyzer test that was  
21 done out in Linndale, to take a look at that  
22 equipment. So I would ask for a brief  
23 continuance for counsel to do some due  
24 diligence with respect to those issues.

25 Secondly, Judge, if I may address the

1 issue of driving privileges.

2 THE COURT: You may.

3 MR. CHRISTMAN: My client is a surgical  
4 tech student at Brown Mackie College in  
5 Akron. She lives in Lakewood. She's  
6 34 years old. She's had no prior traffic  
7 violations with respect to any kind of  
8 alcohol-related issues. She's single. She  
9 lives on her own, she's trying to do  
10 something to better herself. She does  
11 clinicals. Absolutely no indication that  
12 there will be any further issues. She  
13 abided by the suspension that she's  
14 currently under. She has not had the  
15 opportunity to drive, and she's abided by  
16 that since April 17th. We're now almost 30  
17 days on what would have been a 15-day  
18 mandatory suspension.

19 We ask the Court to humbly consider  
20 privileges even if there is additional  
21 requirements. I know that this Court  
22 doesn't normally grant driving privileges  
23 until the case is disposed of, but there  
24 could be even some additional measures if  
25 you wanted a breath machine in the car,

1 anything? I mean, it's just, my client's in  
2 the middle of this surgical assistant's  
3 program. She's paid her money, she's doing  
4 well, and she gets good grades from her  
5 professors. She is just stuck though with  
6 this one unfortunate incident, and she's in  
7 Lakewood, and her school is all the way in  
8 Akron. She's been able to secure rides, but  
9 that's not easy to get to Akron, and she's  
10 starting clinicals soon. It's just really  
11 kind of a desperate situation that we humbly  
12 beg the Court, your Honor, in this  
13 particular case for driving privileges.

14 THE COURT: The reading in this  
15 case was a .210; is that correct?

16 THE DEFENDANT: That's correct.

17 MR. CHRISTMAN: Judge, it's well  
18 documented problems with that Intoxilyzer  
19 8000.

20 THE COURT: Maybe so, but I'm not  
21 going to grant driving privileges.

22 Are there priors, Prosecutor Lopez?

23 THE PROSECUTOR: No priors, your Honor.

24 MR. CHRISTMAN: 34 years old, Judge, no  
25 record, whatsoever, other than a couple of

1 speeding tickets.

2 THE COURT: I don't grant the  
3 privileges unless there is something in  
4 place. I usually don't do it at the  
5 pretrial stage. The matter has to be  
6 resolved because the Court then has the  
7 benefit of a urinalysis test and everything  
8 before I could allow someone to operate a  
9 motor vehicle, putting their life at risk  
10 and the community's at risk.

11 PRIVATE ATTORNEY: Your Honor, she would  
12 provide that today. She's absolutely clean.

13 THE COURT: And I would also -- but  
14 with a reading like this -- once there is a  
15 conviction -- I might order a SCRAM device,  
16 an alcohol monitoring device, and I might  
17 order both also an Interlock device. That's  
18 why it usually does not happen at the  
19 pretrial stage.

20 MR. CHRISTMAN: Right. Well --

21 THE COURT: I'm not really privy to  
22 the urinalysis test or anything like that.  
23 I mean this is the pretrial stage.

24 Would you like to approach side bar,  
25 please?

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(Side bar off the record.)

- - -

THE COURT: All right. Miss Nester's case -- maybe you could call to find out (inaudible.) Do you need her name again?

A VOICE: A fax.

THE COURT: Miss Nester's case is continued at the defendant's request for a pretrial, June 4, 2013, at 9 a.m. The City has provided some documentation to Attorney Christman this morning, and the DVD and the rest of the documentation should be available to Attorney Christman on or before June 4, 2013. At this time, the request for driving privileges is denied.

MR. CHRISTMAN: Thank you, Judge, have a good day.

- - -

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. )  
Michelle Nester. )

I, Cindy L. LaRosa, Registered Professional Reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the digitally recorded proceedings 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 17<sup>th</sup> day of September, 2014.

*Cindy L. LaRosa*  
-----  
Cindy L. LaRosa, RPR, CRI, MSCJ

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 V. ) Case No. 2013TRC023649

8 MICHELLE NESTER. )

9 Defendant.)

10 - - -

11 Transcript of digitally recorded proceedings had  
12 before the Honorable Judge Angela R. Stokes, on  
13 Tuesday, the 4th day of June, 2013, in Courtroom 15C.

14 - - -

15 APPEARANCES:

16

17 On behalf of the plaintiff:  
Victor Perez, Chief Police Prosecutor  
18 By: Joanna Lopez, Assistant Police  
Prosecutor

19

20 On behalf of the defendant:  
Leif B. Christman, Esq.

21

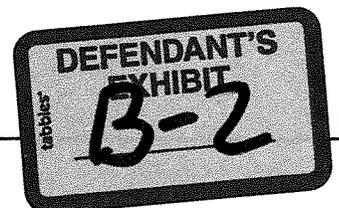
22 - - -

23

24

25 Cindy L. LaRosa, RPR, CRI, MSCJ

OFFICIAL COURT REPORTER  
CLEVELAND MUNICIPAL COURT  
Cleveland, Ohio 44113



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

1

2 THE COURT: What is your client's  
3 name? I can't reach it.

3

4

MR. CHRISTMAN: Michelle Nester, your  
5 Honor.

5

6

THE COURT: Thank you. This is  
7 docket number 53, Michelle Nester's case.

7

8

May I have that file, please.

9

N-E-S-T-E-R. Thank you.

10

Your name for the record, Counsel?

11

MR. CHRISTMAN: Your Honor, Leif  
12 Christman, 241-5019, on behalf of Miss  
13 Nester.

12

13

14

THE COURT: All right. So, I think  
15 that there is a Motion to Suppress that was  
16 filed May 29th, and the City, have you been  
17 served with the Motion?

15

16

17

18

MS. LOPEZ: Yes, your Honor. I  
19 believe the Motion is being withdrawn. We  
20 have a resolution.

19

20

21

THE COURT: Okay. Just one  
22 second.

22

23

Is the Journal Entry ready for  
24 Mr. Casper? The one that says attention of  
25 Michael Negray. A prisoner. \$15,000 cash.

24

25

1           Would you like a copy for Mr. Negray?

2           A VOICE:                   Okay.

3           THE COURT:                Mr. Negray, these  
4           are --

5           A VOICE:                   Oh, just make a copy of  
6           this Journal Entry.

7           THE COURT:                (Inaudible).

8                                   - - -

9                                   (Discussion had off the record.)

10                                  - - -

11          THE COURT:                I'm sorry. You may  
12          proceed.

13          MS. LOPEZ:                It's the City's  
14          understanding that the defendant wishes to  
15          enter into a plea of guilty to Count 1, and  
16          the City moves to nolle the balance. This  
17          was a first in a lifetime. Reading was  
18          .210.

19          THE COURT:                Is that correct?

20          MR. CHRISTMAN:            That is correct. I  
21          have had an opportunity to meet with the  
22          City Prosecutor, and they provided me with  
23          Discovery. I have filed a suppression  
24          motion on the case, but we were able to  
25          reach a resolution with my client pleading

1 to the straight OVI charge. With that said,  
2 your Honor, I had explained to my client her  
3 constitutional rights. It's her desire to  
4 withdraw her previously entered not guilty  
5 plea, and enter a plea of guilty to the DUI  
6 charge.

7 THE COURT: Thank you.

8 (Inaudible).

9 - - -

10 (Discussion had off the record.)

11 - - -

12 A VOICE: I'm going to text you  
13 the date.

14 THE COURT: (Inaudible.)

15 A VOICE: I'll get you a date.

16 THE COURT: Okay. Thank you. You  
17 could text it to me.

18 A VOICE: I'm going to text it to  
19 you.

20 THE COURT: (Inaudible). Thank  
21 you.

22 This is a first OVI ever in a lifetime?

23 MS. LOPEZ: Yes, your Honor.

24 THE COURT: Thank you.

25 Miss Nester, on docket number 53, Count

1           1, the charge is Driving Under the Influence  
2           of Alcohol and/or Drugs, or a Combination of  
3           Them. It is a first degree misdemeanor. In  
4           as much as this is a first OVI conviction  
5           ever in your lifetime. The maximum fine  
6           that can be imposed by the Court is \$1,075;  
7           do you understand that?

8           MR. CHRISTMAN:           Yes, your Honor.

9           THE COURT:            The mandatory minimum  
10          fine is \$375 and court costs; do you  
11          understand?

12          THE DEFENDANT:        Yes, your Honor.

13          THE COURT:            With respect to the  
14          jail time, you are required to serve a  
15          minimum of three consecutive days in jail  
16          unless you have an opportunity to attend an  
17          alternative to jail, alcohol/education  
18          program that would be in lieu of or instead  
19          of serving three consecutive days in jail;  
20          do you understand?

21          THE DEFENDANT:        Yes, your Honor.

22          THE COURT:            However, you could be  
23          sentenced to serve up to six months, or up  
24          to 180 days in jail; do you understand?

25          THE DEFENDANT:        Yes, your Honor.

1 THE COURT: Your driver's license  
2 has to be suspended for a minimum of six  
3 months; do you understand?  
4 THE DEFENDANT: Yes, your Honor.  
5 THE COURT: You can be suspended  
6 for a period of up to three years; do you  
7 understand?  
8 THE DEFENDANT: Yes, your Honor.  
9 THE COURT: If there was an  
10 administrative license suspension involved  
11 in this case, the Court would have to give  
12 you credit for that suspension against any  
13 suspension of your driver's license imposed  
14 by the Court; do you understand?  
15 THE DEFENDANT: Yes, your Honor.  
16 A VOICE: The 19th at 9:30. 6-19  
17 at 9:30.  
18 THE COURT: (Inaudible.) Thank  
19 you.  
20 A VOICE: All right, Judge.  
21 THE COURT: Let's see. The Bureau  
22 of Motor Vehicles will assess six points  
23 against your driver's license; do you  
24 understand?  
25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: This citation is dated  
2 April -- did you get the same date?  
3 A VOICE: It's at 10:30.  
4 THE COURT: 6-19?  
5 A VOICE: At 10:30.  
6 THE COURT: He told me 9:30, but I  
7 could put 10:30.  
8 A VOICE: Yes.  
9 THE COURT: He just came up to take  
10 care of your other client's medication  
11 issue.  
12 A VOICE: Oh, that's great.  
13 THE COURT: If you want to talk to  
14 him.  
15 A VOICE: Sure.  
16 THE COURT: I gave him a little  
17 post-it note and a copy of the JE.  
18 I am sorry for the interruption.  
19 The citation is dated April 17, 2013 --  
20 is that someone on my docket? Why don't I  
21 know about it if it's on my docket? Is that  
22 person on my docket?  
23 A VOICE: No.  
24 THE COURT: Then they cannot  
25 disturb this courtroom. Go outside and

1 handle it. They have to leave this floor if  
2 it's not on my docket. They cannot stay on  
3 the floor disturbing all of the courtrooms.  
4 If it's on my docket, I'll take care of it.

5 THE BAILIFF: Okay, Judge.

6 THE COURT: I'm so sorry.

7 The citation is dated April 17, 2013,  
8 operating a 2011 Nissan at I90, westbound,  
9 in the city of Cleveland, Ohio. And it says  
10 that the breath test .210, in Cleveland,  
11 Ohio. Do you recall and understand the  
12 charge?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Is it your desire to  
15 withdraw your not guilty plea, enter a plea  
16 of guilty, with a finding of guilty to this  
17 charge.

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: By doing so, you are  
20 waiving or giving up your right to have a  
21 bench trial to the Judge; do you understand?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Or a jury trial that  
24 would be tried to eight jurors; do you  
25 understand?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: You are presumed,  
3 considered to be innocent, until the city of  
4 Cleveland proves your guilt beyond a  
5 reasonable doubt if your guilt is to be  
6 proven at a trial; do you understand?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: If you were to have a  
9 trial, you have a right to remain silent at  
10 trial. No one can force you to testify or  
11 say anything at trial; do you understand?

12 You are also giving up your right to  
13 subpoena witnesses who could testify at a  
14 trial if you were to have one; do you  
15 understand?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: And you are giving up  
18 your right to confront your accusers at a  
19 trial; do you understand?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Have there been any  
22 threats or promises made to force you to  
23 change your plea to this charge?

24 THE DEFENDANT: No.

25 THE COURT: Are you satisfied with

1 your attorney's representation?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you have any  
4 questions regarding the rights that you are  
5 giving up?

6 THE DEFENDANT: No.

7 THE COURT: Do you have any  
8 questions regarding the penalties --  
9 potential penalties that can be imposed by  
10 the Court?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: Are you a citizen of  
13 the United States?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you have any  
16 questions?

17 THE DEFENDANT: I don't think so.

18 THE COURT: I will accept your plea  
19 of guilty with a finding of guilty to Count  
20 1, Driving Under the Influence of Alcohol or  
21 Drugs, or a Combination of Them.

22 Count 2 is Driving Under the Influence  
23 of Alcohol or Drugs, breath test .1700th.  
24 That charge will be nollied or dismissed.

25 And the minor misdemeanor, Reckless

1           Operation charge will also be nollied or  
2           dismissed; do you understand?

3           THE DEFENDANT:           Yes, your Honor.

4           THE COURT:            Attorney Christman, did  
5           Miss Nester serve any time in custody?

6           MR. CHRISTMAN:           One day, Judge.

7           THE COURT:            So is she interested in  
8           the Probation Department providing her with  
9           a list of Alternative to Jail programs, and  
10          to attend one prior to sentencing?

11          MR. CHRISTMAN:           Potentially, Judge,  
12          yes. Yes, Judge.

13          THE COURT:            Okay. So, Miss Nester,  
14          I will refer your case to the Probation  
15          Department, continued at the defendant's  
16          request, and pass for sentencing to receive  
17          a presentencing investigation report. I  
18          will request that the Probation Department  
19          give you a list of about 14 or 15 of the  
20          Alternative to Jail programs. Please select  
21          whichever one you choose to attend. For the  
22          Court to take it into consideration, you  
23          have to attend prior to the date of  
24          sentencing; do you understand? With  
25          verification.

1                   And you also have to submit to a  
2                   urinalysis test, and there will be a \$9 fee  
3                   for that; do you understand?

4                   THE DEFENDANT:           No problem.

5                   THE COURT:                The Probation  
6                   Department will need at least two weeks to  
7                   prepare the presentencing investigation  
8                   report.  Some people request 30 days to  
9                   attend that Alternative to Jail program, but  
10                  I don't know if you have a date in mind,  
11                  Counsel, or how soon --

12                  MR. CHRISTMAN:           I don't have a date  
13                  specific in mind, Judge, but, yeah, I would  
14                  request at least 30 days for her to complete  
15                  that program.

16                  THE COURT:                Sure.

17                  MR. CHRISTMAN:           And what I want to  
18                  bring to the Court's attention is that my  
19                  client is a full time student at Brown  
20                  Mackie College.  She's in the last year of  
21                  her program to earn an Associate's degree in  
22                  surgical tech.  That she has -- just  
23                  starting the clinical phase of that program  
24                  that's -- it's like 40 hours of clinical  
25                  where she's actually working in the ER of a

1 hospital, in the surgery. That it is a very  
2 high time, time-consuming program. It's  
3 mentally draining, a lot of work, and  
4 there's also the classroom aspect of it.

5 My client's 34 years old, as the Court  
6 knows, and she has no prior criminal history  
7 or traffic offenses of this nature,  
8 whatsoever.

9 The circumstances were very unique in  
10 which she found herself at this lapse in  
11 judgment. They finished one part of the --  
12 not the clinical -- but some of the  
13 classroom training and that they were  
14 graduating, to go on to their clinical  
15 experience, and obviously had some drinks.  
16 And she had a lapse in judgment.

17 My client lives by herself in Lakewood  
18 in an apartment. Her college is down in  
19 Akron. She's been under a hard time, no  
20 driving privileges for the last 60 days.  
21 She really -- Judge, she spent \$35,000 to  
22 date on this program and is on the verge of  
23 being let go. She has to rely on other  
24 people for rides. We did resolve the case  
25 today, but I'm imploring the Court, even

1           under any circumstances with the  
2           Breathalyzer or anything, she really needs  
3           to get her driving privileges. I mean she's  
4           come so far. She's done nothing previous in  
5           her history to give the Judge or to give the  
6           Court pause that she would ever do anything  
7           like this again.

8                   Obviously, she's abided by the Court's  
9           order or having the suspension, doesn't  
10          drink. She'll give you a clean urinalysis  
11          today, but I really would like the Court to  
12          consider the pending driving privileges  
13          motion that's before it.

14                   Really, and as I said, if the Court  
15          wishes to have a Breathalyzer installed in  
16          her car, that's perfectly fine. Anything.  
17          This is such a desperation for her to be  
18          able to drive, you know, it would be a  
19          15-day hard time suspension. She's  
20          eight weeks into it, Judge, and accepted  
21          responsibility for her actions on today's  
22          date.

23                   THE COURT:                   Well, I understand  
24          Miss Nester's situation. If she's willing  
25          to submit to a urinalysis test today --

1 MR. CHRISTMAN: She will.

2 THE COURT: They could put a rush  
3 on it. This may take an hour, an hour and a  
4 half, before those results are going to come  
5 back to the courtroom.

6 THE DEFENDANT: That's fine.

7 THE COURT: In addition --  
8 because --

9 MR. CHRISTMAN: She gets tested as part  
10 of her nursing program, and part of the  
11 surgical tech --

12 THE COURT: This is such a high  
13 reading .250, but --

14 MR. CHRISTMAN: Judge --

15 THE COURT: I understand, I  
16 understand.

17 MR. CHRISTMAN: That was the reason for  
18 the suppression, but at the same time, I  
19 don't have the time to fight this case.

20 THE COURT: I understand.

21 MR. CHRISTMAN: She needs to drive, and  
22 that's what I mean.

23 THE COURT: I understand. So, if  
24 she's interested, because I'm doing all this  
25 before I have the benefit of a probation

1 report and everything else. If she wants an  
2 interlock device, and make sure that you're  
3 testing negative on the urinalysis test, I  
4 will write the Order. Do you have the  
5 information about the days and hours, and  
6 all of that.

7 MR. CHRISTMAN: Yes, I do.

8 THE COURT: But I'll have to send  
9 you down stairs for the urinalysis test.  
10 That will happen in just a few moments, but  
11 for the results to come back to this  
12 courtroom, they may not come back until 1:30  
13 or 2. It's a long process, sometimes it's  
14 fast. And then I could have Mr. Oriti come  
15 up to ask you about the Interlock device.

16 At the time of sentencing, I may not  
17 even think it's necessary. But I'm doing  
18 all of this presentencing, so if you are  
19 willing. Do you have your insurance  
20 information?

21 THE DEFENDANT: Yes.

22 THE COURT: For the date of this  
23 offense and currently?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. So I'll have to

1 ask Deputy Chief if they could pull out --  
2 I'll just write it all out on the Journal  
3 Entry, I guess. And I could then -- do you  
4 want me to give you the date of sentencing  
5 right now, Counsel, so you don't have --  
6 MR. CHRISTMAN: Yes, your Honor.  
7 MS. LOPEZ: Your Honor, if I could  
8 address --  
9 THE COURT: Yes.  
10 MS. LOPEZ: -- you stated .250, and  
11 I know it looks like that on the citation,  
12 but it is .210. It's still a high reading.  
13 But it is .210.  
14 THE COURT: Oh, I'm sorry.  
15 MS. LOPEZ: It looks like a 5.  
16 THE COURT: Oh, I see the 0 has  
17 a --  
18 MS. LOPEZ: Uh-huh.  
19 THE COURT: So it should be .210?  
20 MS. LOPEZ: Yes.  
21 THE COURT: All right. Thank you  
22 for the correction.  
23 What is the date of sentencing that you  
24 would like, Counsel?  
25 MR. CHRISTMAN: I didn't have one in

1 mind, Judge, but what's --

2 THE COURT: Today is --

3 MR. CHRISTMAN: -- for her to finish

4 this --

5 THE COURT: Today is June 4th. Do

6 you want it --

7 THE DEFENDANT: 27th.

8 MR. CHRISTMAN: We could get into July.

9 June.

10 THE COURT: I know you're standing

11 there, Tiffany. I'm trying, I'm trying.

12 THE DEFENDANT: Thursdays are probably

13 best for me because of my classes.

14 THE COURT: Maybe Attorney Malbasa

15 can explain to you about what the problem

16 is. Can you talk to Attorney Malbasa, and

17 then we'll figure out what to do.

18 MR. CHRISTMAN: Is July 11th okay with

19 the Court? That's not much more than

20 one month out.

21 THE COURT: The 10th would be

22 better. Is the 10th okay? No?

23 MR. CHRISTMAN: My client has class.

24 It's easier for her to work around class.

25 THE DEFENDANT: I have class the second

1           and fourth Thursday of the month instead of  
2           being in the hospital. And if I miss the  
3           hospital hours, after a certain amount of  
4           days, today is first one that I'm missing,  
5           then they tell me I'm --

6           THE COURT:                    So what day are you  
7           saying? She could only come back to Court  
8           on what day?

9           MR. CHRISTMAN:                The 11th would be  
10          better because that's the day she could work  
11          with her professors in getting out of class.

12          THE COURT:                    It will have to be 8:30  
13          because I may have a jury trial. I reserve  
14          Thursdays and Fridays for jury trials, so it  
15          would have to be 8:30.

16          MR. CHRISTMAN:                We're happy to get up  
17          early, Judge --

18          THE COURT:                    It has to be 8:30  
19          because if a jury trial starts at 9 o'clock.

20          MR. CHRISTMAN:                That's no problem at  
21          all.

22          THE COURT:                    July 11, 2013, at 8:30  
23          a.m.

24                   And I'll asking Mr. Richard Oriti to  
25          come up. I guess -- we're going to need --

1            maybe Mr. Richard -- I don't think -- I  
2            think if you just ask Mr. Richard Oriti to  
3            come in, he could take everything.

4            A VOICE:                            Okay.

5            THE COURT:                        Thank you.    Regarding  
6            an interlock device, information, those  
7            different companies.

8                            Oh, great.    Thank you.    Thank you.

9            A VOICE:                            He's on his way up,  
10           Judge.

11           THE COURT:                        Thank you.

12                            Now, is this specifically for school  
13           and/or occupation?

14           MR. CHRISTMAN:                    Yes, and it would be  
15           nice for her to get groceries.    She was  
16           telling me --

17           THE COURT:                        Oh, okay.

18           MR. CHRISTMAN:                    -- about the monumental  
19           effort it is -- I don't know if she's  
20           getting on the bus and trying to get  
21           groceries.    She lives by herself, Judge, she  
22           doesn't really have anybody, you know, when  
23           an unfortunate situation like this occurs to  
24           rely on, and she relies on herself, and  
25           she's going to school, and living in

1 Lakewood.

2 THE COURT: Why would you have  
3 taken such a chance? But, do you have like  
4 her school schedule and her work schedule --

5 MR. CHRISTMAN: Yes.

6 THE COURT: Do you have all of that  
7 and insurance?

8 MR. CHRISTMAN: Yes, yes, Judge.

9 THE COURT: We have to do this  
10 orderly. You have to get the urinalysis  
11 test first. You need to talk to Mr. Richard  
12 Oriti, who I understand is enroute to the  
13 courtroom, to give you the information about  
14 the costs of one of the interlock companies.  
15 And how much you'll pay for, and the  
16 urinalysis test, and they'll give you a list  
17 of the Alternative to Jail Programs.

18 When you come back to Court on July the  
19 11th, but I can't write the occupational  
20 driving privileges until I have the  
21 information regarding your urinalysis test  
22 results, and your willingness to pay for the  
23 interlock device.

24 Mr. Oriti is going to be coming up in  
25 just a moment. So shall I recall the case

1 at that point?

2 MR. CHRISTMAN: However the Court  
3 wishes to proceed, Judge, that would be  
4 fine.

5 THE COURT: Okay. All right.  
6 Okay.

7 - - -

8 (A discussion was had off the record.)

9 - - -

10 \*\*\*\*\*

11 THE COURT: This is recalling  
12 docket number 53, Michelle Nester's case.

13 MR. CHRISTMAN: Good afternoon, your  
14 Honor.

15 THE COURT: Good afternoon. Do you  
16 have a letter from the employer and the  
17 insurance information?

18 MR. CHRISTMAN: We do have the  
19 insurance information. I have school  
20 scheduled. We have to obtain additional  
21 paperwork for baby sitting employment. But  
22 we do have --

23 THE COURT: For baby sitting? What  
24 is he talking about?

25 MR. CHRISTMAN: That's the least of her

1 concerns, Judge. We're not overly concerned  
2 about that, it's the school.

3 THE COURT: Let me see that  
4 information because typically this is for  
5 Occupational Driving Privileges.

6 MR. CHRISTMAN: Right. Here's the  
7 proof of insurance. It's -- tell her the  
8 name of your school?

9 THE DEFENDANT: The Brown Mackie  
10 College in Akron.

11 THE COURT: Does she have that  
12 documentation for the Court? How am I --  
13 that's what --

14 MR. CHRISTMAN: Brown. Judge, it's --

15 THE COURT: Counsel, I --

16 THE DEFENDANT: I start my internship  
17 at Kaiser in Parma tomorrow morning.

18 THE COURT: Excuse me. Mr. Oriti,  
19 did you not explain this? I thought I made  
20 myself -- how do I write an Order if I  
21 don't have the information? I cannot write  
22 an Order with that.

23 MR. ORITI: I had no idea of the  
24 amount of number of -- I thought it was  
25 strictly occupational driving privileges,

1 your Honor. That's what I was informed.

2 THE COURT: But I mean I don't have  
3 anything. Even if it is a school schedule.  
4 There's some people who have occupational  
5 and school schedules, as the gentleman that  
6 we were working on the other day. I can't  
7 remember his name. But I had both. I have  
8 his school schedule and I had his work  
9 schedule. But if I don't have a schedule, I  
10 can't write an Order.

11 But I thought I made it clear that I --  
12 I thought you had that information. This is  
13 the insurance information which is great.

14 MR. CHRISTMAN: And we have the -- it's  
15 Brown Mackie College and --

16 THE DEFENDANT: It's my internship  
17 through Kaiser.

18 THE COURT: I have to have  
19 something in writing from them.

20 THE DEFENDANT: I can get something  
21 tomorrow, if she has to meet me there in the  
22 morning, from my teacher.

23 THE COURT: Yeah. For everybody  
24 who has Occupational Driving Privileges, I  
25 have to have a letter from the employer, if

1           it's an employer, indicating the days and  
2           hours of employment.  If it's school, I do  
3           write the Order, too.  But I have something  
4           from the school which has the official  
5           schedule for the individual involved.

6           THE DEFENDANT:           Okay.

7           THE COURT:                I'm so sorry.  I  
8           thought that you both understood that.  
9           Remember I said I'll have to have something  
10          from the employer indicating the days and  
11          hours.  I cannot.  Because when -- if the  
12          police were to stop you, all that's attached  
13          to the Order.

14          THE DEFENDANT:           Okay.

15          THE COURT:                Just like this other  
16          gentleman.  I have a letter from the  
17          employer.  I thought that --

18          MR. CHRISTMAN:           Judge, we can provide  
19          the information.  She knows her schedule,  
20          and get something faxed to the Court with --  
21          from the school.

22          THE DEFENDANT:           Uh-hmn.

23          MR. CHRISTMAN:           Just -- we have her  
24          hours, we know that she has this 40 hours of  
25          clinical internship.

1 THE COURT: She's got to submit it  
2 to the Court in writing. I'm just so sorry.

3 MR. CHRISTMAN: Yeah. We can fax it to  
4 the Court. We can get that directly to the  
5 Court.

6 THE COURT: I think I -- I thought  
7 I gave you the fax -- did I give you the fax  
8 number earlier?

9 MR. CHRISTMAN: It must have been a  
10 different case, Judge. We've been here on  
11 and off since 9 this morning so --

12 THE COURT: I know, but --

13 MR. CHRISTMAN: It must have been a  
14 different file.

15 THE COURT: But -- but I said, it's  
16 stated on the record the Court has to have  
17 the proper documentation to write a  
18 Occupational Driving Privileges Order. I  
19 mean I have to have --

20 MR. CHRISTMAN: I have her proof of  
21 insurance, and she --

22 THE COURT: Well, I can't write the  
23 Order until you provide --

24 MR. CHRISTMAN: She had a clean urine  
25 test today which is good.

1 THE COURT: Which is great. But I  
2 don't have the information to write an  
3 Occupational Driving Privileges Order.

4 Mr. Oriti, here.

5 But I don't have the Order, I can't --  
6 if I don't have the information, counsel, I  
7 can't write the Order. All of that has to  
8 be attached to the Court's Order; the  
9 insurance information, the documentation  
10 from the school or college, and also from --  
11 all of that has to be attached.

12 MR. CHRISTMAN: Okay, Judge.

13 THE COURT: I'm so sorry that you  
14 didn't understand that. That's what -- I  
15 thought I made it clear.

16 MR. CHRISTMAN: Judge --

17 THE COURT: I beg your pardon?

18 MR. CHRISTMAN: Nothing.

19 THE COURT: Yeah, because most  
20 attorneys know that they --

21 MR. CHRISTMAN: We'll get that -- no,  
22 he'll get that information, Judge. I don't  
23 think it's a good idea for me to talk right  
24 now, Judge.

25 THE COURT: Because I thought that

1           you perfectly understood that no Judge can  
2           write the Occupational Driving Privileges  
3           Order without the proper documentation.

4           MR. CHRISTMAN:           Judge, we will provide  
5           that information, and I'll get back on your  
6           docket immediately.

7           THE COURT:                Do you want a  
8           particular date, Attorney Christman?

9           MR. CHRISTMAN:           Tomorrow, if it pleases  
10          the Court.

11          THE COURT:                If you would like to,  
12          that's fine. When you submit the  
13          information, you're going to have to be able  
14          to tell me like what time she leaves her  
15          residence. They'll have specific hours in  
16          there. And I'm so sorry that you and your  
17          attorney didn't understand that the Court  
18          has to have that. You know, I said I have  
19          to have that documentation. I know I  
20          specifically said it. Because I thought at  
21          first it was an employer, with the days and  
22          hours of employment.

23                 Sadly enough, you just can't walk into a  
24          courtroom, and tell the Judge these are my  
25          days and hours. We have to have something

1           because we have to attach it to the Order.

2           THE DEFENDANT:            Would I need to be  
3           present tomorrow for that?

4           THE COURT:                Because you have to  
5           sign the Order. You have to sign. It  
6           requires your signature. So, I don't know  
7           what your schedule is like, and what's the  
8           best way to do that.

9           THE DEFENDANT:            Probably tomorrow would  
10          be best. I need to speak to my teacher.  
11          I've been here all day, just waiting to tell  
12          her everything. I'm supposed to be at the  
13          hospital at 6:30 in the morning.

14          THE COURT:                So is there is a better  
15          day, Counsel, for her to come? I have --  
16          tomorrow's docket is way larger than this.  
17          And I was just trying to squeeze you in. I  
18          mean typically we just don't do that. You  
19          know, it goes to Probation and when a person  
20          comes back for sentencing. We're trying to  
21          squeeze you in to help you. And I know it's  
22          been a long day, but I did state the Court  
23          needs something in writing. I can't write  
24          it. I wish I could but I cannot do that.

25                                    But I don't know what date is best

1           because of your --

2           THE DEFENDANT:           I need it done as soon  
3           as possible because I'm going to get thrown  
4           out.

5           THE COURT:                You know, didn't --  
6           Tiffany, didn't we do one where they faxed  
7           it back?

8           THE JOURNALIZER:         Uh-hmn.

9           THE COURT:                We could do that,  
10          maybe. We did that with a gentleman  
11          recently, who didn't have --

12          MR. ORITI:                 Mr. Nate (phoen.), your  
13          Honor.

14          THE COURT:                Who did we do that  
15          with?

16          THE JOURNALIZER:         Cody Nate (phoen.)

17          MR. ORITI:                 Cody Nate. Mr. Nate.  
18          We did that.

19          THE COURT:                Oh, yeah.

20                 Counsel, maybe we could do that. But we  
21          really should have the original signature.  
22          But let's see, maybe we could, if something  
23          can be faxed to the Court. I don't know if  
24          I gave him this. Mr. Oriti --

25          MR. ORITI:                 Yes, your Honor.

1 THE COURT: Here. You want to give  
2 him the fax information?

3 MR. ORITI: Certainly.

4 THE COURT: You can fax it to the  
5 Court? But I'm going to need really  
6 specific information because I'm not going  
7 to have you in front of me, like what time  
8 do you leave your residence.

9 THE DEFENDANT: Okay.

10 THE COURT: What time do you get to  
11 where you're going, you know. I need that.  
12 What time do you -- I need all that  
13 information.

14 If there are questions, then I can write  
15 the Order. Maybe we can fax it. You can  
16 see it. Maybe we need to get a copy of the  
17 insurance information now, so at least I'll  
18 have that, Mr. Oriti.

19 MR. ORITI: Yes, attached to the  
20 Motion.

21 THE COURT: But Mr. Oriti, what  
22 will you do with -- do you need this  
23 document?

24 MR. ORITI: No, that's --

25 THE COURT: Because we will attach

1           this to the Judgment Entry when I write it  
2           tomorrow.

3           MR. CHRISTMAN:           That should also be in  
4           the Court's file, Judge, the original  
5           Driving Privileges Motion that had the proof  
6           of insurance attached.

7           THE COURT:            This? This is the only  
8           vehicle that you're going to be able to  
9           operate, if there is an interlock device on  
10          the 2011 Nissan. Is that the vehicle you'll  
11          be operating?

12          THE DEFENDANT:        Yes.

13          THE COURT:            Okay. And she already  
14          has everything figured out with you, Mr.  
15          Oriti?

16          MR. ORITI:            Yes, your Honor, we've  
17          already engaged --

18          THE COURT:            Who will she be working  
19          with tomorrow via phone because you won't be  
20          here? That will be Kevin --

21          MR. ORITI:            I will be here  
22          tomorrow, your Honor.

23          THE COURT:            Oh, you're here  
24          tomorrow?

25          MR. ORITI:            I'm here tomorrow.

1 THE COURT: I thought you said --  
2 MR. ORITI: Thursday and Friday.  
3 THE COURT: Okay. So then that's  
4 good. Okay. And then maybe she can fax  
5 things, and then I can write the Order, and  
6 fax it back.  
7 THE DEFENDANT: Could I -- could I have  
8 my teacher fax it to you?  
9 THE COURT: Uh-hmn.  
10 THE DEFENDANT: Because I'll be in  
11 surgery. Okay.  
12 THE COURT: But then it requires  
13 your signature.  
14 MR. CHRISTMAN: There might be a fax  
15 back at the hospital or something that you  
16 can use. I don't know.  
17 THE COURT: When is your next day  
18 off?  
19 THE DEFENDANT: Saturday.  
20 THE COURT: Mr. Oriti, and what  
21 about the documents that she has to sign  
22 with you?  
23 MR. ORITI: Right here, your Honor,  
24 but this particular form doesn't require her  
25 signature.

1 THE COURT: But it's going to  
2 require the Court's.

3 MR. ORITI: You could sign off on  
4 it.

5 THE COURT: Well, I can't do  
6 anything until we get the information  
7 tomorrow regarding -- okay. Maybe the best  
8 thing is that -- what time do you get  
9 finished tomorrow?

10 THE DEFENDANT: I should be done by  
11 3:30 tomorrow.

12 THE COURT: So why can't she bring  
13 them or have someone help her bring in the  
14 original document? Because we really need  
15 to have an original document. So even  
16 though -- or I can write it up and then when  
17 she comes in, it will be ready for  
18 signature.

19 If you fax the information to me during  
20 the day, I can write it up and get  
21 everything ready. And when you get out  
22 tomorrow, then you can come, and then sign  
23 the original document. All it's going to  
24 require is a signature.

25 THE DEFENDANT: (Inaudible) I leave

1 about 5 o'clock.

2 THE COURT: I'm sorry?

3 THE DEFENDANT: I said it probably will  
4 be about 5 o'clock by the time that I get  
5 here.

6 THE COURT: I'll be here. But I  
7 don't know, Tiffany, if you will be here to  
8 journalize it for her.

9 THE DEFENDANT: I mean I still have to  
10 change and get back to my house.

11 THE COURT: I don't know. It  
12 depends on this journalizer, if she's going  
13 to do it. They're supposed to stop at 5.  
14 If she doesn't get here till 5 --

15 THE JOURNALIZER: (Inaudible).

16 THE COURT: You have to get  
17 permission to stay?

18 MR. ORITI: I'm here, your Honor.  
19 I will assist (inaudible.)

20 THE COURT: I don't have anyone to  
21 journalize it. It doesn't go in the  
22 computer. That's a problem. And they're  
23 supposed to stop at 5 o'clock. Tiffany came  
24 up as a favor today, you know, to do this.  
25 And then here I am here trying to squeeze

1 this on my docket when I have a huge docket.  
2 I probably shouldn't even have tried to do  
3 this, but --

4 We'll need an original signature. And I  
5 don't know, she says she can't get here till  
6 5, and Tiffany may not be able to get  
7 permission from Mr. Ron Tabor to come up at  
8 5 o'clock. She's breaking the rules today  
9 for this and this other gentleman, and I  
10 think there's a third lady. So, if they're  
11 in contact with you tomorrow, you'll have to  
12 let me know.

13 And then does she have to go back to  
14 Probation, or did they get everything in  
15 order for -- you know what (inaudible) I  
16 didn't put about the, she still has to go to  
17 Probation for the presentencing interview.  
18 I don't think that's been done. So what day  
19 are you planning to do that?

20 Tiffany, this has to be -- we need to  
21 put the information about the continuous  
22 alcohol monitoring, the ATJ.

23 THE JOURNALIZER: Okay.

24 THE COURT: All that has -- that's  
25 why -- that's why this wasn't ready. You

1           should have checked with me before you took  
2           her downstairs, I'm telling you that.

3           But you have to have a date to report to  
4           Probation. I know that you submitted the  
5           urinalysis test, but they'll get other  
6           information.

7           Unless you gave her the CAM, the  
8           continuous alcohol monitoring and the  
9           interlock.

10          MR. ORITI:                   I can give her that.

11          THE COURT:                 But she doesn't -- I  
12          think she's planning to attend an  
13          Alternative to Jail Program and not come  
14          back to Court until July the 11th. So she  
15          has to get all of that information. I don't  
16          think that was done. I mean I don't know if  
17          that was done.

18          MR. ORITI:                   I don't believe so,  
19          your Honor.

20          THE COURT:                 That's why -- really,  
21          to try to do things out of order like this  
22          is not good.

23                 So, you got to report to Probation, just  
24                 for them to do -- I don't know what day she  
25                 wants to go?

1 THE DEFENDANT: I don't understand.

2 What am I going for?

3 THE COURT: For the presentencing  
4 investigation report. They're going to  
5 prepare a probation report like this,  
6 regarding all the information. All they  
7 have is the urinalysis test. They don't  
8 have all the -- all the information that  
9 they need. So I don't know what date. And  
10 I have two other people that I have to do,  
11 so --

12 So, what date? She's got to go through  
13 that process.

14 MR. ORITI: Your Honor?

15 THE COURT: I know. It would have  
16 been different if you checked with me  
17 because I would have had her taken down, so  
18 they could do all of this, and -- I don't  
19 know.

20 Tiffany, here. I'm going to give this  
21 to you.

22 So, I don't know, but she has to go, but  
23 I don't know what her schedule is like, and  
24 the date that she's got to do that.

25 Here. I don't know, I lost my -- I have

1 to circle this.

2 THE JOURNALIZER: Okay.

3 THE COURT: This is about the  
4 continuous alcohol, but Mr. Oriti gave her  
5 information about the interlock. This is  
6 about the ATJ.

7 Unless -- I don't know if they would  
8 allow a telephone interview, I just don't  
9 know. You'd have to ask Mr. Jenkins, or the  
10 Deputy Chief. They're allowed to have a  
11 urinalysis test. That's been done. But  
12 maybe they could do it by -- I mean they're  
13 open till 6 or 6:30?

14 MR. ORITI: Uh-hmn. Correct, your  
15 Honor. (Inaudible).

16 MR. CHRISTMAN: If she was able to come  
17 down tomorrow at 5 to sign those privileges,  
18 and then run down to Probation right  
19 afterwards, if they're there till 6.

20 MR. ORITI: I'm there, your Honor,  
21 and I could facilitate that.

22 THE COURT: If I receive the fax  
23 early enough in the day --

24 MR. ORITI: Yes, correct.

25 THE COURT: --I could write it up

1 and get it journalized, and all you have to  
2 do is sign --

3 MR. ORITI: Right.

4 THE COURT: -- way before 5; do you  
5 understand? But then when you receive your  
6 copy, you have to have one with your  
7 original signature. So if it could be faxed  
8 to me earlier in the day --

9 THE DEFENDANT: I can ask (inaudible.)

10 THE COURT: Right. And then when  
11 you arrive at 5, she should just be able to  
12 go to Probation.

13 MR. CHRISTMAN: That will work.

14 THE COURT: And I'll have it  
15 journalized before 5 o'clock, knowing that  
16 the signature is coming. We could do it  
17 that way.

18 MR. CHRISTMAN: That will work, Judge.

19 THE COURT: How about that? And  
20 you can report to Probation any time between  
21 5 and 6:30.

22 MR. ORITI: If there is a  
23 presentence ordered, your Honor, at that  
24 time --

25 THE COURT: I did order it. It's

1 due in court July 11th. (Inaudible.)

2 Here Tiffany, (inaudible) just keep that  
3 in the file.

4 HE JOURNALIZER: You want me to give the  
5 probation (inaudible.)

6 THE COURT: Because she'll have to  
7 come here, first to sign the Driving  
8 Privileges Order, and then she can just go  
9 to Probation.

10 And if I don't receive it in a timely  
11 fashion, I'm not going to be able to write  
12 it and get it journalized before you come.  
13 But if you submit it timely, I'll have it  
14 ready.

15 MR. CHRISTMAN: She has a cell phone  
16 for the teacher. Hopefully, we could get  
17 that faxed to Court first thing tomorrow  
18 morning.

19 THE COURT: Right, on the  
20 letterhead. It's got to be on their  
21 letterhead. So that you understand, you  
22 know. Because that's what will be attached  
23 to the Order that I write. So it can't come  
24 to me with a signature, and it's not on that  
25 letterhead. Just so that you understand.

1 MR. CHRISTMAN: Thank you, Judge.

2 THE COURT: Sometimes they give  
3 like a computerized print-out of the  
4 classes, what they're taking, like Mr. Maple  
5 has. All that. It's very detailed.

6 THE DEFENDANT: I can show you on my  
7 cell phone. I can show you, pull it up and  
8 show you the monitor that has --  
9 (inaudible). I can do that -- (inaudible.)

10 THE COURT: Mr. Oriti, it has to  
11 come from the school, from the employer, on  
12 their letterhead. If not, I'm not going to  
13 write the Order. I'm just telling you. And  
14 I'm so sorry that you and your attorney  
15 didn't understand that earlier, you know.  
16 But I have to have that documentation.

17 Now, Mr. Oriti, whatever you have  
18 tomorrow, you can give to me. If they have  
19 questions, they call you. But they won't be  
20 able to reach me but --

21 MR. ORITI: Absolutely, your Honor,  
22 I'll also --

23 THE COURT: Thank you for your  
24 help.

25 MR. ORITI: You're welcome, your

1 Honor.

2 THE COURT: Okay. Does she need  
3 something else? Oh, the phone?

4 THE DEFENDANT: I was trying to let my  
5 driver know. He seemed kind of concerned.  
6 I've been here for 9 hours.

7 THE COURT: Well, you could step  
8 outside the courtroom. Next time it won't  
9 be returned.

10 MR. CHRISTMAN: Thank you, Judge.

11 THE COURT: You're welcome.  
12 Unbelievable.

13 MR. ORITI: Your Honor --

14 THE COURT: Okay. I'm supposed to  
15 be doing something --

16 - - -

17 (Thereupon, the following discussion was had  
18 at Sidebar.)

19 - - -

20 MR. ORITI: I just want to  
21 apologize to the Court. This morning when  
22 you came in here, you asked for the  
23 urinalysis test. You stepped off the bench  
24 momentarily, around my lunch break, and they  
25 followed me out, and said that they --

1 Mr. Christman said that she was supposed to  
2 get the urinalysis right then and there. I  
3 thought that was highly unorthodox, but they  
4 both left the courtroom.

5 THE COURT: That's why you need to  
6 check with the Court. But it's okay. And  
7 how in the world, an attorney practicing law  
8 all this time, he doesn't understand. I  
9 said on the record I have to have the  
10 employer information from the employer.  
11 They know it.

12 MR. ORITI: And when I walked out  
13 with them, I had told her that it's true  
14 they were not prepared with that information  
15 today.

16 THE COURT: No, And they're here  
17 all day long because they were unprepared,  
18 and I wrote that on the Journal Entry. It's  
19 ridiculous.

20 MR. ORITI: Plus even I told her  
21 about the travel times too. I told her that  
22 she has to have reasonable travel times.

23 THE COURT: If it's not here in a  
24 reasonable hour, I have more cases tomorrow  
25 than I have today, I'm not writing that

1           Order. I'm done. But I'll be in touch with  
2           you tomorrow. If they submit it to me  
3           timely, I'll be happy to handle it.

4           MR. ORITI:                    I'm here, your Honor.

5           THE COURT:                Tiffany has to go in  
6           just a few moments. Thank you, Mr. Oriti --

7                                   - - -

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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. )  
Michelle Nester. )

I, Cindy L. LaRosa, Registered Professional Reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the digitally recorded proceedings 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 17<sup>th</sup> day of September, 2014.

*Cindy L. LaRosa*  
-----  
Cindy L. LaRosa, RPR, CRI, MSCJ

CLEVELAND MUNICIPAL COURT  
CUYAHOGA COUNTY, OHIO

Court date \_\_\_\_\_

Time: ~~1:30 p.m.~~ 9:00 AM

Courtroom ~~3D~~ 12-B

\_\_\_\_\_  
APPELLANT )  
vs. )  
REGISTRAR )  
OHIO BUREAU OF MOTOR )  
VEHICLES )

ADMINISTRATIVE LICENSE  
SUSPENSION APPEAL  
(ALS)

I do not wish to appeal. I am petitioning for occupational privileges only. (Check if applicable).

Appellant did/did not (circle one) assert an oral notice of appeal at initial appearance.

Now comes Appellant \_\_\_\_\_ and states that he/she currently resides at \_\_\_\_\_ and that on \_\_\_\_\_ 20\_\_\_\_ he/she was arrested in the City of Cleveland for operating a motor vehicle while under the influence of alcohol and/or drug abuse (OMVI). Appellant further states that he/she is currently under suspension for refusing a test or for submitting to and failing a test. The registrar committed an error in suspending Appellant's license as one or more of the following conditions were not met:

- 1) **The arresting officer did not have reasonable grounds to arrest;**
- 2) **The officer did not request appellant to submit to a test;**
- 3) **Appellant was not advised of the consequences of refusing a test and of taking and failing a test: and/or**
- 4) **Appellant did not refuse a test nor did he/she submit to a test which exceeded the legal limit**

**(Circle Applicable Grounds)**

Use the space provided to briefly explain the grounds for this appeal.

\_\_\_\_\_  
\_\_\_\_\_

Based upon the foregoing, Appellant moves that this appeal be granted, having agreed to pay court costs, and having attached a copy of the officer's sworn report form, and requests his/her license be reinstated.

\_\_\_\_\_  
Appellant

Alternatively, Appellant petitions the court for occupational driving privileges stating that this arrest occurred in the City of Cleveland, and that the following documentation is available for the court's inspection:

- 1) **Proof of employment, such as letter from your employer with a normal work schedule, and**
- 2) **Proof that insurance premiums have been paid in full for the entire period of your suspension: Your insurance policy is not proof of payment.**

D.O.B.#

Social Security #

Attorney's name and address

Phone #

White-Clerk's copy

Pink-Defendant's copy

Yellow-BMV

C of C 16B-688  
Revised 8/18/03

Time stamp



**CLEVELAND MUNICIPAL COURT**  
**\*TWELVE POINT \* ADMINISTRATIVE LICENSE\***  
**\*NON-COMPLIANCE**  
**\*PAYMENT PLAN**  
**SUSPENSION NOTICE**

Your hearing/appeal is scheduled at 9:00 a.m. in Courtroom 12B on 1/9/15

If you are requesting occupational driving privileges you must present the following at your hearing:

1. Proof of employment, such as a letter from your employer with verification of your work schedule and;
2. Proof of insurance by having your insurance agent complete this form.

You must present this completed form to the court at the above scheduled hearing. If you do not present this completed form your request for occupational driving privileges will be denied.

*STATEMENT OF INSURANCE AGENT*

\_\_\_\_\_  
Name of Insured    First                      Middle                      Last                      S.S.N.

\_\_\_\_\_  
Name of Underwriting Company

Bond # or Policy # \_\_\_\_\_

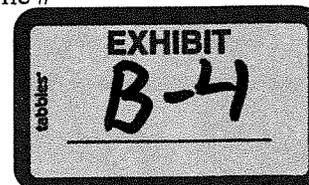
Is this an SR22 bond or SR22 policy?    Yes     No

Premiums are paid in full from: \_\_\_\_\_ to: \_\_\_\_\_

\_\_\_\_\_  
Name of Authorized Ins. Co. Representative                      Signature of Agent                      Date

\_\_\_\_\_  
Name of Agent or Company

\_\_\_\_\_  
Address (Street)                      City                      State                      Zip                      Telephone #





*Personal Attention. Professional Growth.*

June 5, 2013

Judge Angela R. Stokes,

Michelle Nester attends clinical for the next four months, as a requirement of the Surgical Technology program at Brown Mackie College. In fulfillment of the program, she must attend clinical site Monday through Friday from 7:00am 3:00 pm. Michelle will need to report to site by 6:30 am, and on every other Friday in the months of June and July; she will need to come to the Brown Mackie Campus in Akron. In the months of August and September she will need to report on Fridays to campus, plus attend her site Monday through Thursday. If you have any further questions, please feel free to contact me.

Thank you,

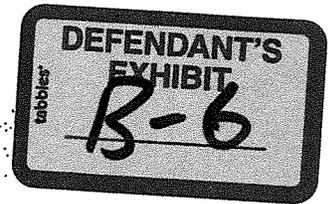
A handwritten signature in black ink that reads "Shelia Bratcher".

Shelia Bratcher, MBA, CST  
Department Chair, Surgical Technology  
330-869-3664  
sbratcher@brownmackie.edu



# Cleveland Municipal Court

Cuyahoga County, Ohio



STATE OF OHIO )  
CITY OF CLEVELAND )  
- VS - )

CASE NO. 2013 TR C 023649

DATE: A. STOKES JUN 05 2013

Michelle Nester )  
Defendant )

OCCUPATIONAL DRIVING  
PRIVILEGE ORDER

\* The ALS suspension is pending  
Defendant's license is suspended from \_\_\_\_\_ to \_\_\_\_\_  
JUDGEMENT ENTRY RECEIVED FOR JOURNALIZATION

JUN 06 2013

Defendant's Motion for Occupational Driving Privileges is denied

Defendant's Motion for Occupational Driving Privileges is granted, subject to the following terms:

EARLE B. TURNER, Clerk

EMPLOYER'S NAME & ADDRESS Brown Mackie College  
12301 Snow Road  
Parma, Ohio 44130

INSURANCE CO. Medison Family Insurance POLICY NO. ~~XXXXXXXXXX~~

COVERAGE March 10, 2013 to September 10, 2013

DRIVING PRIVILEGES GRANTED FROM June 6, 2013 TO July 11, 2013

DAYS Mondays through Fridays TIMES 5:45 A.M to 5:45 p.m.

SPECIAL CONDITIONS: An interlock device shall be installed and maintained on the 2011 Nissan, VIN ~~XXXXXXXXXX~~ at all times from 6-6-13 to 7-11-2013. See 6-5-13 letter from Brown Mackie College, 6-5-13 letter & insurance information

Michelle Nester 6/5/13  
Defendant's Signature

Angela R. Stokes  
Judge

Michelle Nester shall only operate the above listed 2011 Nissan

These driving privileges are subject to the limitations described above and to any court orders or BMV requirements imposed either prior to or subsequent to the issuance of this grant of privileges. To the extent that the terms of this grant are either in conflict with or inconsistent with any other order or requirement, this grant of privileges is null and void. Failure to maintain insurance and failure to pay fine and court costs in a timely manner renders this grant of privileges null and void.

No one else shall operate the 2011 Nissan and Ms. Nester shall not operate any other vehicle. Every other Thursday in

THIS ORDER SHALL NOT TAKE EFFECT UNTIL IT IS CERTIFIED BY THE CLERK OF CLEVELAND MUNICIPAL COURT.

June and July 2013 (June 13, 2013 + June 27, 2013 and July 11, 2013)  
Ms. Nester had permission to drive to: Brown Mackie College, 1755 White Pond Dr., Akron, Ohio 44320 with the same HOEFORM 19 listed above.

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

4 IN THE MUNICIPAL COURT

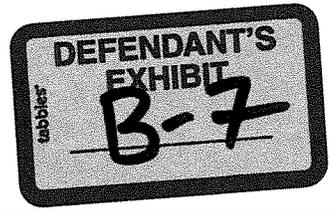
5 CITY OF CLEVELAND, )  
6 Plaintiff, )  
7 V. ) Case No. 2013TRC023649  
8 MICHELLE NESTER. )  
9 Defendant.)

10  
11 Transcript of digitally recorded proceedings had  
12 before the Honorable Judge Angela R. Stokes, on  
13 Thursday, the 11th day of July, 2013, in Courtroom  
14 15C.

15  
16 APPEARANCES:

17  
18 On behalf of the plaintiff:  
19 Victor Perez, Chief Police Prosecutor  
20 By: Stephanie Jerlstrom, Assistant Police  
21 Prosecutor  
22 On behalf of the defendant:  
23 Leif B. Christman, Esq.

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



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

2 THE COURT: Michelle Nester's case.  
3 This is docket number 39.

4 Your name for the record, please  
5 Counsel?

6 MR. CHRISTMAN: Good afternoon, your  
7 Honor, Leif Christman, 241-5019, on behalf  
8 of Miss Nester.

9 THE COURT: Good afternoon. Would  
10 you like to say anything?

11 MR. CHRISTMAN: I would, your Honor.  
12 May it please the Court, Miss Nester  
13 certainly has accepted responsibility for  
14 her actions in this case. She currently  
15 made a lapse in judgment by driving after  
16 having consumed alcohol that night.

17 Your Honor, this certainly is not  
18 indicative of the type of person Miss Nester  
19 is. She is a 34 year old woman, lives by  
20 herself. Has no children. She's a student,  
21 as the Court is aware, she's attending Brown  
22 Mackie College. She's a surgical assistant,  
23 but she's been actively participating in her  
24 clinicals this past semester.

25 I believe that the night that she was

1 out, the class had finished some landmark  
2 portion of the education, and now they  
3 graduated to the clinical program. She's  
4 been a stellar student. She's invested a  
5 lot of time and money and effort into her  
6 education and bettering herself. And you  
7 know, being 34 years old without any prior  
8 criminal history, I think, speaks volumes as  
9 to the type of person that she is. She's  
10 made thousands of good decisions in her  
11 life, and on this particular evening, she's  
12 obviously made a bad decision.

13 She's gone to the three-day program.  
14 I've read the report. They don't believe  
15 there is any further treatment  
16 recommendations at this time. That she's  
17 complied with every condition placed upon  
18 her by the Court. That she is grateful to  
19 the Court for granting the Occupational  
20 Driving Privileges. That she has installed  
21 the Breathalyzer in her vehicle. That  
22 looking through the Court's report, there's  
23 been 100 or so car starts, and certainly no  
24 failures of the Breathalyzer. That she took  
25 a urinalysis at the Court's direction and

1           passed that for every drug that was tested  
2           so she's clean. This was an anomaly. She's  
3           remorseful. She's appeared in Court. She's  
4           done everything, Judge, since the moment  
5           that she's made that poor decision to  
6           rectify it, and she's asking for the mercy  
7           of the Court to let her prove this was an  
8           anomaly, and that she has bigger, better  
9           things in her future than putting herself or  
10          others at risk by consuming alcohol. That's  
11          not her. That not something that she does  
12          on a regular basis, and she's here to accept  
13          full responsibility for it. Thank you,  
14          Judge.

15          THE COURT:                    Thank you. Miss  
16          Nester, my concerns are that you had a  
17          Disorderly Conduct Intoxication conviction  
18          in Rocky River Municipal Court in 2003. I  
19          don't think this is an isolated incident  
20          whatsoever. You have a Failure to Control,  
21          minor misdemeanor, in 1996. And then the  
22          reading on this OVI conviction was .250.  
23          How much alcohol had you consumed on the  
24          date of that offense? That information is  
25          usually in the probation report but --

1 MR. CHRISTMAN: Judge, if I could  
2 briefly address that --

3 THE COURT: No, she could address  
4 the Court.

5 MR. CHRISTMAN: Judge, we don't believe  
6 the numbers in that report --

7 THE COURT: I would like for her to  
8 address how much alcohol she consumed. You  
9 weren't there and neither was the Court.

10 THE DEFENDANT: It was -- (inaudible).

11 THE COURT: How many -- what's the  
12 question? Do you understand the Court's  
13 question?

14 THE DEFENDANT: What did you ask?

15 THE COURT: How much alcohol did  
16 you consume?

17 THE DEFENDANT: I had a few drinks.

18 THE COURT: I know this is  
19 outrageous.

20 The maximum fine is \$1,075 and up to  
21 180 days in jail. I don't know if you  
22 served any time in custody on this case? I  
23 don't think so; is that correct?

24 THE DEFENDANT: I did the three day --

25 THE COURT: I asked if you served

1           any time in custody. Do you not understand  
2           what the Court is asking? I am aware that  
3           you attended an Alternative to Jail Program.  
4           My question is did you serve any time in  
5           jail?

6           MR. CHRISTMAN:           The night --

7           THE COURT:                So is that no?

8           MR. CHRISTMAN:           The night she was  
9           arrested she was in jail that night, Judge.

10          THE COURT:                It doesn't show she was  
11          booked that's why I was looking at the  
12          citation because I always give credit if I  
13          could find on the file or anywhere that a  
14          person served time in jail.

15                 I'll suspend \$700 of the fine and impose  
16          the mandatory minimum fine of \$375 and court  
17          costs. I'll write that an Alternative to  
18          Jail Program was attended from June 20th  
19          until June 23rd of 2013. That gives you  
20          credit for three days. And I'll order  
21          three days of the sentence into execution.  
22          I will suspend 176 days. I think that  
23          one year of Active Probation, hopefully,  
24          will be sufficient. You'll have to attend  
25          five Mothers Against Drunk Driving sessions.

1           Based upon the assessment, they're  
2           saying at this time they do not believe that  
3           you need a formal assessment, and I will  
4           accept that. There will be random  
5           urinalysis and Breathalyzer testing while  
6           you are on probation to the Court. You'll  
7           have to pay for that whenever your probation  
8           officer requests it.

9           Your driver's license will be  
10          suspended -- we could do this from the  
11          April 17th court date. And that will be  
12          until October 17th of 2013. The  
13          administrative license suspension is hereby  
14          terminated. Do you have your proof of  
15          insurance for April 17, 2013?

16          THE DEFENDANT:           Yes.

17          MR. CHRISTMAN:           Yes, your Honor, that  
18          was provided when the Court granted the  
19          driving privileges. I think it was faxed to  
20          the Court.

21          THE COURT:                I could look at that  
22          order. It should be in the case file.

23               Well, actually, I'm sorry, I gave the  
24               wrong date. This suspension -- I'll do it  
25               from the date. You're saying there was one

1           day. Do you believe -- did you serve --  
2           were you released the same day that you were  
3           stopped on this citation?

4           THE DEFENDANT:           It was the next day.

5           THE COURT:                I don't have anything  
6           about her being booked.

7           MR. CHRISTMAN:           Judge, it shows that  
8           she took that Breathalyzer over in Bratenahl  
9           so it's possible she spent the night there  
10          which seems likely, actually. That's where  
11          the state troopers took her.

12          THE COURT:                Was she released from  
13          Bratenahl? I don't believe she appeared --

14          MR. CHRISTMAN:           You know --

15          THE COURT:                Did she appear in the  
16          Cleveland Municipal Court? Well, I'm just  
17          looking. I'll look.

18                When the not guilty plea was entered,  
19                she was not in custody on April 23rd. That  
20                was like -- four days --

21          MS. JERLSTROM:           This was a State  
22          trooper --

23          MR. CHRISTMAN:           Yes.

24          THE COURT:                Uh-huh.

25          MS. JERLSTROM:           They usually don't keep

1 people; they usually call.

2 THE COURT: Right. It doesn't say  
3 anything about being booked.

4 MS. JERLSTROM: I don't think she was.  
5 Usually, the trooper -- (inaudible.)

6 THE COURT: Because if there was  
7 not an arrest, I cannot do the suspension  
8 from the date of this. I'll have to change  
9 the date. So it will be from today's date.

10 The suspension will be from today's  
11 date, which will be July 11, 2013. That  
12 will be until July 11th of 2014.

13 Would Miss Nester like to have a time to  
14 pay date regarding her mandatory fine of  
15 \$375 and court costs?

16 MR. CHRISTMAN: Yes, your Honor.

17 THE DEFENDANT: No --

18 MR. CHRISTMAN: Okay. Hold on.

19 THE DEFENDANT: I will pay it today.

20 THE COURT: Well, you're going to  
21 be taken into custody, so is there someone  
22 here to pay your fine? Otherwise, she needs  
23 a time to pay date unless somebody is going  
24 to pay it for you.

25 MR. CHRISTMAN: No, your Honor.

1           Actually, if it would be at all possible --  
2           THE COURT:                   I'm not staying this  
3           sentence. Does she need a time to pay date  
4           or not?

5           MR. CHRISTMAN:                Yes, your Honor.

6           THE COURT:                   July 31, 2013, time to  
7           pay the fine and court costs. If you make a  
8           partial payment today, the Clerk will give  
9           you additional time.

10                           And --

11           MR. CHRISTMAN:                Your Honor, if I could  
12           just interject, briefly, my client has a dog  
13           and she lives by herself --

14           THE COURT:                   She had better call and  
15           make any arrangements that she needs to  
16           make. I'm not staying the sentence. She's  
17           welcome to make any calls she would like to  
18           make.

19                           Is there a request to continue her  
20           occupational -- well, I guess -- I don't  
21           know if they're Occupational Driving  
22           Privileges since this is a school, but is  
23           there a request for privileges that I  
24           granted prior to this, through and including  
25           today's date?

1 MR. CHRISTMAN: We ask that those be  
2 continued through the course of the  
3 suspension, your Honor.

4 THE COURT: The insurance  
5 information that was provided for the  
6 privileges would indicate compliance with  
7 the financial responsibility law. On this  
8 case. And this insurance card goes through  
9 September 10, 2013, so I could certainly  
10 extend -- I can write a new order extending  
11 her privileges to September 10, 2013, which  
12 is the date of the insurance. I can't go  
13 beyond the date of insurance. But I would  
14 be happy to write that and she could sign  
15 and date it in just a few moments.

16 MR. CHRISTMAN: Your Honor, would it be  
17 possible for her to do a report date so she  
18 could coordinate with school --

19 THE COURT: I already answered that  
20 question. I said no.

21 MR. CHRISTMAN: -- clinicals.

22 THE COURT: I've already stated no.  
23 And based upon what I've seen in the report,  
24 I do not believe that she'll need to have  
25 the interlock device. I will grant the

1 driving privileges, but without the  
2 interlock.

3 MR. CHRISTMAN: Thank you, Judge.

4 THE COURT: I can do that based  
5 upon the assessment. I just hope that's  
6 accurate. You had a prior Disorderly  
7 Conduct Intoxication and a very high  
8 reading. But if you violate probation, you  
9 will see a lot more jail time than these  
10 three days. And I hope that you don't.

11 I'll write up that order, Counsel, and  
12 she'll have to sign it to be journalized.  
13 That would giving the same driving  
14 privileges that I gave before, but I have to  
15 extend them to September 13, 2013. It's  
16 going to take me a moment to write that  
17 order. I will do it in just a moment. She  
18 could sign it and date it. It will be the  
19 same privileges ordered, but without the  
20 interlock device.

21 All right. Do you have a female? Did  
22 you call for a female bailiff?

23 THE BAILIFF: (Inaudible.)

24 THE COURT: Thank you, sir.

25 I'm going to write that order in just a

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moment, and I'm going to handle another  
matter because Attorney Hurley came in on  
behalf of Linda Finett (phonetic) and I know  
that he needs to leave. I know. She could  
just have a seat until a female bailiff --  
well, the bailiff is here now.

- - -

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. )

Michelle Nester. )

I, Cindy L. LaRosa, Registered Professional Reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the digitally recorded proceedings 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 14<sup>th</sup> day of September, 2014.

*Cindy L. LaRosa*

Cindy L. LaRosa, RPR, CRI, MSCJ

Cleveland Municipal Court  
Docket Report

Run Date  
9/13/2013  
7:07:04AM

Monday, September 16, 2013

STOKES, ANGELA R.

PERSONAL DOCKET

	Defendant Name	DOB	Case Number Violation	Time Description	Event Scheduled	Officer Name
1	BACHER, CARY W	10/20/1954	2013 CRB 025125 605.03A	01:30PM DISORDERLY CONDUCT - MM	MINOR MISDEMEANOR TRIAL	ROBLES, CARLOS
2	BENISON, NAKIA S	02/27/1977	2012 CRB 038612 619.09	08:30AM SOLICITING	MOTION HEARING	MCCULLY, BENJAMIN
3	CANTERBURY, LINDA <i>quit file</i>	09/24/1988	2013 CRB 017911 619.09	09:00AM SOLICITING	MOTION HEARING	MIRANDA, WILLIAM
4	CARTER, LINDA	07/04/1961	2013 CRB 022499 621.03	09:00AM ASSAULT	CRIMINAL PRETRIAL	UNKNOWN, OFFICER
	CLAY JR, OSCAR <i>quit file</i>	12/13/1961	2013 CRB 027519 625.05	08:30AM PETTY THEFT	CRIMINAL PRETRIAL	UNKNOWN, OFFICER
6	COLEMAN, SHERROD <i>quit file</i>	06/21/1970	2013 CRB 028268 621.07	08:30AM MENACING	CRIMINAL PRETRIAL	UNKNOWN OFFICER,
7	DAYEM, AMGAD M	02/16/1978	2013 TRD 048943 4511.21D4	01:30PM SPEED LIMITS	MINOR MISDEMEANOR TRIAL	KLINE, SHAWN E
8	DRAKE, ANTHONY	06/07/1983	2013 CRB 002182 627.05	01:30PM FAILURE TO SECURE DANGER ORD	HEARING	DULLER, MICHAEL
9	DRAKE, ANTHONY	06/07/1983	2013 TRD 030326 433.03	01:30PM MAX SPEED/ASSURED CLEAR DIST	MINOR MISDEMEANOR TRIAL	MOTEN, CHARLES
10	DRAKE, ANTHONY	06/07/1983	2013 TRD 050069 435.07	01:30PM DRIVING UNDER SUSP/REVOC	CRIMINAL PRETRIAL	SCHWEBS, MICHAEL



Monday, September 16, 2013

STOKES, ANGELA R.

PERSONAL DOCKET

Defendant Name	DOB	Case Number Violation	Time Description	Event Scheduled	Officer Name
11 DRAKE, ANTHONY	06/07/1983	2013 TRD 050408 435.07 435.10	01:30PM DRIVING UNDER SUSP/REVOC LIC PLATE TO BE UNOBSTR	HEARING	HORVAT, DONALD
12 EDGERSON, RONALD <i>Guil Fill in General Res; works; alcohol + drug</i>	01/26/1961	2013 CRB 020822 621.06	09:00AM AGGRAVATED MENACING	SENTENCING HEARING	UNKNOWN, OFFICER
13 EDGERSON, RONALD <i>Guil Fill</i>	01/26/1961	2013 CRB 027455 617.07	09:00AM OPEN CONTAINER PROHIBITED	HEARING	KROLL, BRYAN
14 FAULKNER, CARL	03/16/1953	2013 TRD 048476 433.03	01:30PM MAX SPEED/ASSURED CLEAR DIST	MINOR MISDEMEANOR TRIAL	MORALES, MICHAEL
15 FRAZIER, GARY D	01/09/1979	2013 CRB 026373 607.03 625.07B	01:30PM DRUG ABUSE: MARIHUANA LESS THAN 100 GRAMS MOTOR VEHICLE TRESPASS	MINOR MISDEMEANOR TRIAL	MEISSNER, DAVID
16 FULLERMAN, THOMAS J	02/10/1967	2010 TRC 064831 433.01A1 435.07 431.34C	09:00AM DR UNDER INFLUENCE ALC/DRUGS DRIVING UNDER SUSP/REVOC FULL TIME AND ATTENTION	MOTION HEARING	BRELO, MICHAEL
17 GOULD, BRIAN H	08/21/1984	2013 TRD 047397 431.09	01:30PM FOLLOWING TOO CLOSELY	MINOR MISDEMEANOR TRIAL	MERCADO, RAFAEL
18 HELMICK, CLIDA J	07/06/1970	2009 TRD 071957 435.01A 433.04	01:30PM LICENSE REQUIRED TO OPERATE SLOW SPEED;POSTED MINIMUM	CRIMINAL PRETRIAL	GONZALEZ, TONY
19 HELMICK, CLIDA JEAN	07/06/1970	2013 TRD 048675 431.34C 431.01 437.01 437.27B1	01:30PM FULL TIME AND ATTENTION DR ON RIGHT SIDE OF ROAD;EXCPT UNSAFE VEH;BUMPERS & HEIGHT DRIVER SEATBELT REQUIRED	MINOR MISDEMEANOR TRIAL	GASIEWSKI, ANDREW

Monday, September 16, 2013

STOKES, ANGELA R.

PERSONAL DOCKET

Defendant Name	DOB	Case Number Violation	Time Description	Event Scheduled	Officer Name
20 HUDSON, HALEEM	03/26/1971	2013 TRD 002786 435.01A 437.02A	08:30AM LICENSE REQUIRED TO OPERATE LIGHTS REQ;TIME/VISIBILITY	PROBATION VIOLATION HEARIN	NEWTON, ERIC
21 HUGHLEY, JOHN H	07/07/1952	2004 TRD 068050 435.07A 435.09F	08:30AM DRIVING UNDER SUSP/REVOC DISPLAY OF PLATES;FICTITIOUS	HEARING	STOKEN, DAVID
22 HUGHLEY, JOHN H	07/07/1952	2005 TRD 042155 435.01A	08:30AM LICENSE REQUIRED TO OPERATE	CRIMINAL PRETRIAL	CLAYTON, SCOTT
23 HUGHLEY, JOHN H	07/07/1952	2008 CRB 021837 683.02	08:30AM NOISE IN MOTOR VEHICLES	CRIMINAL PRETRIAL	MCLAIN, KEVIN
24 HUGHLEY, JOHN H	07/07/1952	2008 TRD 044692 435.07 435.09E	08:30AM DRIVING UNDER SUSP/REVOC DISPLAY OF PLATE/STICKER EXP	CRIMINAL PRETRIAL	KLOMFAS, ROBERT
25 HURST, GARRETT E	03/30/1988	2010 CRB 044594 617.07 605.03	08:30AM OPEN CONTAINER PROHIBITED DISORDERLY CONDUCT- MM	MINOR MISDEMEANOR TRIAL	UNKNOWN, OFFICER
26 HURST, GARRETT E	03/30/1988	2013 TRD 049637 431.19 431.14	08:30AM OPER OF VEH AT STOP SIGN SIGNAL;CHANGE COURSE/TURN/STOP	MINOR MISDEMEANOR TRIAL	WILSON, CHRISTOPHER
27 JABIR, AMER	12/05/1980	2013 CRB 028350 617.07B4	08:30AM OPEN CONTAINER	CRIMINAL PRETRIAL	DAVIS, JUSTEN
28 JABIR, AMER	12/05/1980	2013 TRC 052555 433.01 435.07 431.19	08:30AM DRIVING UNDER INFLUENCE AL/DR DRIVING UNDER SUSP/REVOC OPER OF VEH AT STOP SIGN	CRIMINAL PRETRIAL	PETITT, AARON

Monday, September 16, 2013

STOKES, ANGELA R.

PERSONAL DOCKET

Defendant Name	DOB	Case Number Violation	Time Description	Event Scheduled	Officer Name
29 JABIR, AMER	12/05/1980	2012 TRC 073879 4511.19A1A 4510.12A1 4511.19A2 4511.21C 4511.33	08:30AM DRIV UNDER INFLUENCE ALC/DRUG OR COMBINATION OF THEM OPERATING WITHOUT VALID LICENS DRIV UNDER INFLUENCE ALC/DRUG; SPEED DRIV IN MARKED LANES	CRIMINAL PRETRIAL	UNKNOWN, OFFICER
30 JABIR, AMER	12/05/1980	2012 TRD 034198 435.01A 433.03	08:30AM LICENSE REQUIRED TO OPERATE MAX SPEED/ASSURED CLEAR DIST	CRIMINAL PRETRIAL	REESE, AARON
31 JOHNSON, DEMETRIUS <i>PVH</i>	07/27/1988	2012 CRB 041647 627.10	11:00AM POSS. CERTAIN WEAPONS PUBLIC	PROBATION VIOLATION HEARING	GRAY, DANIEL K
JONES, DEREK	08/01/1967	2012 CRB 027987 683.02	08:30AM NOISE IN MOTOR VEHICLES	CRIMINAL PRETRIAL	KELLEY, DAVID
33 JONES, DEREK <i>Jail rules</i>	08/01/1967	2012 TRD 047197 435.01 431.19 437.27B1	08:30AM LICENSE REQUIRED TO OPERATE OPER OF VEH AT STOP SIGN DRIVER SEATBELT REQUIRED	CRIMINAL PRETRIAL	BARTELL, GARY
34 JONES, THORNETTA	02/10/1986	2013 TRD 048541 431.19 437.27B1	01:30PM OPER OF VEH AT STOP SIGN DRIVER SEATBELT REQUIRED	MINOR MISDEMEANOR TRIAL	CUNNINGHAM, WILLIAM
35 JOYCE, WILLIAM <i>Jail rules</i>	09/19/1968	2013 CRB 028337 607.17A	08:30AM POSSESS DRUG PARAPHERNALIA	CRIMINAL PRETRIAL	ZUBAL, DONALD
36 JOYCE, WILLIAM	09/19/1968	2013 CRB 028352 605.03A4	01:30PM DISORDERLY CONDUCT - MM	CRIMINAL PRETRIAL	ZUBAL, DONALD
37 KELLY, JACK L. <i>See if Δ is in County jail</i>	01/12/1971	2013 TRD 046848 413.01	01:30PM OBEY TRAFFIC CONTROL DEVICE	MINOR MISDEMEANOR TRIAL	HATEGAN, JOHN

Monday, September 16, 2013

STOKES, ANGELA R.

PERSONAL DOCKET

Defendant Name	DOB	Case Number Violation	Time Description	Event Scheduled	Officer Name
38 KELLY, JACK L.	01/12/1971	2013 TRD 048686 413.03 431.05	01:30PM TRAFF CONTRL SIGNAL;TERMS OVERTAKE/PASS TO LEFT OF CNTR	MINOR MISDEMEANOR TRIAL	CRUZ, ALEX
39 KIRKLAND, CHARLES	12/16/1960	2013 TRC 038809 4511.19A1D 4511.19A1A 4511.13C	03:00PM DRIV UNDER INFLUENCE ALC/DRUG .08-.17 BREATH DRIV UNDER INFLUENCE ALC/DRUG OR COMBINATION OF THEM SIGNAL LIGHT;STEADY RED	CRIMINAL PRETRIAL	BROCK, CHRISTOPHER M
40 KOSTURA, MARK A <i>Jail Files</i>	04/16/1983	2012 CRB 010291 4301.62B4	08:30AM OPEN CONTAINER/M VEH (SEC B5)	MINOR MISDEMEANOR TRIAL	UNKNOWN, OFFICER
41 KOSTURA, MARK A.	04/16/1983	2013 CRB 002571 625.21	08:30AM RECEIVING STOLEN PROPERTY	CRIMINAL PRETRIAL	HALE, DET. MICHAEL
42 LEWIS-CLAY, OSCAR	12/13/1961	2013 TRD 016870 471.03	08:30AM CROSS RDWAY OUTSIDE CROSSWALK	CRIMINAL TRIAL	TAYLOR, ANTONIO
43 LOPEZ, JORGE M <i>DIP + Motivation issues</i>	02/21/1962	2013 TRC 029758 433.01A1 435.01A 433.02A	09:00AM DR UNDER INFLUENCE ALC/DRUGS LICENSE REQUIRED TO OPERATE RECKLESS OPERATION;STREET/HGWY	MOTION HEARING	KIRBY, GEORGE
44 LOWE, ROZELL <i>Jail File</i>	11/02/1954	2013 CRB 003255 625.21 607.17	08:30AM RECEIVING STOLEN PROPERTY POSSES/USE DRUG PARAPHENALIA	PROBATION VIOLATION HEARIN	UNKNOWN, OFFICER
45 LOWE, ROZELLE <i>Jail file</i>	11/02/1954	2013 CRB 027110 623.04A5	08:30AM CRIMINAL TRESPASS	CRIMINAL PRETRIAL	HUFF, SCOTT
46 MANN, AMANDA <i>Jail File Holds</i>	02/15/1980	2009 TRD 078923 435.07 437.13	08:30AM DRIVING UNDER SUSP/REVOC DISPLAY OF LIGHTED LIGHTS	HEARING	

Monday, September 16, 2013

STOKES, ANGELA R.

PERSONAL DOCKET

Defendant Name	DOB	Case Number Violation	Time Description	Event Scheduled	Officer Name
47 MANN, AMANDA	02/15/1980	2011 CRB 040907 625.05	08:30AM PETTY THEFT	CRIMINAL PRETRIAL	UNKNOWN, OFFICER
48 MARSHALL, AMANDA M	10/10/1986	2012 TRD 028598 435.01A 435.15 431.34A	08:30AM LICENSE REQUIRED TO OPERATE FAIL TO STOP;ACC ON STREET-6 PTS FAILURE TO CONTROL	PROBATION VIOLATION HEARIMIDDAUGH, BRIAN	
49 MCCARROLL, APRIL C	07/11/1973	2013 TRD 047447 431.19	01:30PM OPER OF VEH AT STOP SIGN	MINOR MISDEMEANOR TRIAL	JANUSCZAK, MICHAEL
50 MOSER, DON	06/15/1959	2013 CRB 026283 623.02 623.04 683.01 605.13	08:30AM CRIMINAL DAMAGING/ENDANGERING CRIMINAL TRESPASS LOUD NOISE PUBLIC INTOXICATION	SENTENCING HEARING	CAMARGO, MIGDELIO
51 MOSS, LOELL A	01/22/1959	2008 CRB 019144 615.06	08:30AM OBSTRUCT OFFICIAL BUSINESS	CRIMINAL PRETRIAL	CONVERSION, OFFICER
52 MOSS, LOELL A	01/22/1959	2008 TRD 040318 473.08 473.09	08:30AM RECKLESS OP;CNTRL/COURSE/SPEED RIDING ON SIDEWALKS	CRIMINAL TRIAL	HORVAT, DONALD
53 MOSS, LOELL A	01/22/1959	2010 CRB 041628 615.06	08:30AM OBSTRUCT OFFICIAL BUSINESS	CRIMINAL PRETRIAL	UNKNOWN, OFFICER
54 NADAR, JAWHARY	12/14/1990	2013 CRB 021505 621.10	02:00PM TELEPHONE HARASSMENT	MOTION HEARING	
55 NESTER, MICHELLE N	10/08/1978	2013 TRC 023649 4511.19A1A 4511.19A1H 4511.20	01:30PM DRIV UNDER INFLUENCE ALC/DRUG OR COMBINATION OF THEM DRIV UNDER INFLUENCE OF ALC OR DRUG BREATH: 17 HUNDREDTHS OF ON RECKLESS OPERATION	MOTION HEARING	TURNER, JASON L

*Jail file  
PVH*

*Jail file  
Sentencing*

*SAA 9-19-13*

*Jail files*

*Jail file  
need to review DV/Risk  
Assessment Report*

Cleveland Municipal Court  
Docket Report

Monday, September 16, 2013

STOKES, ANGELA R.

PERSONAL DOCKET

Defendant Name	DOB	Case Number Violation	Time Description	Event Scheduled	Officer Name
56 NETHERLY, YORK X	02/09/1973	2013 TRC 021187 433.01A1 433.02A 431.34	02:00PM DR UNDER INFLUENCE ALC/DRUGS RECKLESS OPERATION;STREET/HGWY FAIL TO CNTRL/WEAVE/TIME & ATT	MOTION HEARING	GALARZA, LIZ
57 NETHERLY, YORK X	02/09/1973	2012 TRD 059327 435.07 431.14 437.27B1	02:00PM DRIVING UNDER SUSP/REVOC SIGNAL;CHANGE COURSE/TURN/STOP DRIVER SEATBELT REQUIRED	PROBATION VIOLATION HEAR	KOPCHAK, DONALD
58 PARR JR, CHRISTOPHER W <i>Jail file</i>	08/02/1988	2013 CRB 012450 623.04A5	08:30AM CRIMINAL TRESPASS	CRIMINAL PRETRIAL	TAYLOR, ANTONIO
PEART, SCOTT	12/14/1969	2010 CRB 026085 601.09A	08:30AM COMPLICITY	MOTION HEARING	GRAVES, JOHN
60 PEART, SCOTT	12/14/1969	2013 CRB 022392 2919.25	08:30AM DOMESTIC VIOLENCE	SENTENCING HEARING	MORAN, DALE
61 ROBINSON, LATRISHA R <i>MH Jail file</i>	05/24/1991	2013 CRB 005190 617.07	08:30AM OPEN CONTAINER PROHIBITED	HEARING	WEAVER, JEFFREY
62 RODRIGUEZ, EDGARDO <i>Jail file</i>	03/04/1974	2012 CRB 010486 605.11	08:30AM MISCONDUCT - PUBLIC TRANSPORTATION	HEARING	GNAGY, ROBERT
63 RODRIGUEZ, EDGARDO	03/04/1974	2013 CRB 022322 625.05	08:30AM PETTY THEFT	HEARING	UNKNOWN, OFFICER
64 RUCKER, EDMOND C <i>Jail file</i>	04/18/1981	2012 TRD 067220 435.07 437.27B1	09:00AM DRIVING UNDER SUSP/REVOC DRIVER SEATBELT REQUIRED	CRIMINAL TRIAL	MAZUR, WILLIAM

Cleveland Municipal Court  
Docket Report

Run Date  
9/13/2013  
7:07:04AM

Monday, September 16, 2013

STOKES, ANGELA R.

PERSONAL DOCKET

Defendant Name	DOB	Case Number Violation	Time Description	Event Scheduled	Officer Name
65 RUPRIGHT, ERIC J	08/26/1967	2013 TRD 049007 433.04A 413.03 431.13 437.01 437.04	01:30PM SLOW SPEED;IMPEDE FLOW OF TRAF TRAFF CONTRL SIGNAL;TERMS START/BACK VEHICLES UNSAFE VEH;BUMPERS & HEIGHT TAIL LIGHTS;ILLUMINATION/REAR	MINOR MISDEMEANOR TRIAL	RICHARDSON, MICHAEL
66 SHAAKIR, YAAWAR T	12/10/1947	2009 TRD 020594 435.07D 437.01 435.09A	08:30AM DR UND SUSP/REV;IMPL'D CONSENT UNSAFE VEH;BUMPERS & HEIGHT FAILURE TO DISPLAY PLATES	CRIMINAL PRETRIAL	WALTER, DAVID
67 SHAAKIR, YAAWAR T	12/10/1947	2009 TRD 073004 435.07 437.01 435.09A	08:30AM DRIVING UNDER SUSP/REVOC UNSAFE VEH;BUMPERS & HEIGHT FAILURE TO DISPLAY PLATES	CRIMINAL PRETRIAL	COTNER, JOHN
68 SHAAKIR, YAAWAR T	12/10/1947	2010 TRD 026001 435.07D 437.21 437.01 435.09A	08:30AM DR UND SUSP/REV;IMPL'D CONSENT REAR VIEW MIRROR;CLEAR VIEW UNSAFE VEH;BUMPERS & HEIGHT FAILURE TO DISPLAY PLATES	CRIMINAL PRETRIAL	WALTER, DAVID
69 SHAAKIR, YAAWAR T	12/10/1947	2010 TRD 030693 435.07A 435.09A 437.01 437.27B1 437.27B2	08:30AM DRIVING UNDER SUSP/REVOC FAILURE TO DISPLAY PLATES UNSAFE VEH;BUMPERS & HEIGHT DRIVER SEATBELT REQUIRED PASSENGER SEATBELT REQUIRED-OPER PASSENGER	CRIMINAL PRETRIAL	WALTER, DAVID
70 SHAKIR, YAAWAR	12/10/1947	2011 CRB 009197 605.14 605.14	08:30AM MINOR'S CURFEW MINOR'S CURFEW	CRIMINAL PRETRIAL	TORRES, JOSE
71 SHEAKIR, YAAWAR T	12/10/1947	2009 TRD 049865 435.07 433.03 437.27B1	08:30AM DRIVING UNDER SUSP/REVOC MAX SPEED/ASSURED CLEAR DIST DRIVER SEATBELT REQUIRED	CRIMINAL PRETRIAL	MOCTEZUMA, MICHAEL

*gail files*

Cleveland Municipal Court  
 Docket Report

Run Date  
 9/13/2013  
 7:07:04AM

Monday, September 16, 2013

STOKES, ANGELA R.

PERSONAL DOCKET

Defendant Name	DOB	Case Number Violation	Time Description	Event Scheduled	Officer Name
72 SHEAR, RICHARD A	02/16/1978	2013 TRD 048879 431.19 437.27B1	01:30PM OPER OF VEH AT STOP SIGN DRIVER SEATBELT REQUIRED	MINOR MISDEMEANOR TRIAL	FORE, JOHN
73 SIMPSON, DESHON	10/14/1992	2013 CRB 027970 619.09	08:30AM SOLICITING	CRIMINAL PRETRIAL	MIRANDA, WILLIAM
74 SMITH, CESARE J	12/02/1968	2013 TRC 004247 433.01 433.01 435.07 431.34A	08:30AM DRIVING UNDER INFLUENCE AL/DR DRIVING UNDER INFLUENCE AL/DR DRIVING UNDER SUSP/REVOC FAILURE TO CONTROL	SET FOR REVIEW	POOLE, ERIC
75 STEAGALL, SCOTT W	06/17/1958	2013 TRD 044903 4511.25	01:30PM LANES OF TRAVEL	MINOR MISDEMEANOR TRIAL	MALONE, CRAIG A
76 TAYLOR, EBONY STARR	08/09/1976	2012 TRD 045354 431.12 437.27B1 437.27B2	01:30PM "U" TURNS RESTRICTED DRIVER SEATBELT REQUIRED PASSENGER SEATBELT REQUIRED-OPER PASSENGER	MINOR MISDEMEANOR TRIAL	SUDBERRY, SALADIN
77 TAYLOR, KAREN S <i>noil file</i>	12/27/1954	2013 TRC 024038 433.01A1 431.37A	09:00AM DR UNDER INFLUENCE ALC/DRUGS DRIVING ON SIDEWALK	CRIMINAL PRETRIAL	UNKNOWN, OFFICER
78 WADE, CLYDE	12/03/1969	2013 CRB 026341 607.03	01:30PM DRUG ABUSE: MARIJUANA LESS THAN 100 GRAMS	MINOR MISDEMEANOR TRIAL	VALES, ROBERT
79 WALLACE, ZANDRIEA <i>need Probation Report - Risk Assessment</i>	05/30/1991	2013 CRB 014840 621.06 623.02	09:00AM AGGRAVATED MENACING CRIMINAL DAMAGING/ENDANGERING	MOTION HEARING	UNKNOWN, OFFICER
80 WALSH, PATRICK J	07/11/1971	2013 TRD 046725 435.10	01:30PM LIC PLATE TO BE UNOBSTR	MINOR MISDEMEANOR TRIAL	GRAY, MARTIN

Monday, September 16, 2013

STOKES, ANGELA R.

PERSONAL DOCKET

Defendant Name	DOB	Case Number Violation	Time Description	Event Scheduled	Officer Name
81 WATSON, FRANK	05/30/1973	2012 CRB 006873	08:30AM	MOTION HEARING	UNKNOWN, OFFICER
		615.06	OBSTRUCT OFFICIAL BUSINESS		
		615.08	RESISTING ARREST		
		617.07	OPEN CONTAINER PROHIBITED		
<i>Pril files</i>					
82 WATSON, FRANK D	05/30/1973	2009 CRB 034433	08:30AM	MOTION HEARING	CONVERSION, OFFICER
		621.06	AGGRAVATED MENACING		
		603.09	CRUELTY TO ANIMALS		
		621.08	UNLAWFUL RESTRAINT		
		609.04	ENDANGERING CHILDREN		
<i>SMA 9-19-13</i>					
83 WILD, TERRI G	09/08/1976	2013 TRD 014745	02:00PM	PROBATION VIOLATION HEARING	GALLAGHER, MICHAEL
		435.15	FAIL TO STOP;ACC ON STREET-6 PTS		
		431.34A	FAILURE TO CONTROL		
<i>Set for AM need psych report</i>					

Cases on Docket: 83

2013-09-12 15:28:17

MASTER JAIL LIST  
FORM 12.32  
MONDAY  
9-16-13

15A JUDGE ADRINE 9AM

VIDEO HEARINGS:

REX COLEMAN  
IVORY IVORY

15C JUDGE STOKES 8:30AM

VIDEO HEARINGS:

- ✓ LINDA CANTERBURY MTM
- ✓ OSCAR CLAY PT
- ✓ SHERROD COLEMAN PT
- ✓ RONALD EDGERSON PFS; PT
- ✓ JOHN HUGHLEY VH; PTS
- ✓ DEREK JONES PTS
- ✓ WILLIAM JONES (Joyce) PTS
- ✓ MARK KOSTURA PT
- ✓ ROZELLE LOWE VH PT
- ✓ AMANDA MANNS VH, PT
- ✓ AMANDA MARSHALL VH need unanalysis test results
- ✓ DON MOSER PFS
- ✓ LOELL MOSS PTS
- ✓ LATRISHA ROBINSON VH
- ✓ EDGARDO RODRIGUEZ PTS
- ✓ YAAWAR SHAAKIR PTS
- ✓ DESHON SIMPSON PT
- ✓ ZANDRIEA WALLACE need Probation Report + Risk Assessment
- ✓ FRANK WATSON MTM

COMING IN:

- ✓ 120 JORGE LOPEZ (SPANISH INTER) MTM
- ✓ 120 JAWHARY NADAR (2PM W/EVERYTHING) PT; Risk Assessment
- ✓ #264986 CHRISTOPHER PARR PT
- ✓ #212646 EDMOND RUCKER BT
- ✓ #242930 KAREN TAYLOR PT; Motion Filed

See if Jack Kelly  
is in county jail  
DOB 1-12-1971

Robert Walker -  
add-on

14C JUDGE LASTER MAYS 9AM

#237724 FABIAN DEJESUS



**13C JUDGE TARVER 9AM**

120 KAREN BONDS  
120 TERRI BROWN  
120 DEJIAR DARLING  
120 AMANDA GATES  
120 TYRONE MAYFIELD  
120 WILLIE REYNOLDS  
120 AARON SHELTON  
120 CHRISTOPHER SMITH  
120 GENE STEPAC  
120 FELICIA TANNER  
120 CHARLES WALKER  
120 ALONDA WILLIAMS  
120 SHALIMA YARBOROUGH

**13D JUDGE PATTON 9AM**

120 TERRILL BOWIE  
120 CHARLES BUFORD  
120 JAMES KOZLOWSKI  
120 CORRETA MICKENS  
120 MARLON SIMMONS  
120 JACOB VEAZEY  
#263871 RAYDON HOWARD  
#300572 MALCOM SCOTT

**12B JUDGE CARR 1PM**

**VIDEO HEARINGS:**  
RAHAD DEJESUS  
VICTOR GRAYS  
LLYOD PENN  
SHERWOOD STARR

**12C JUDGE EARLEY 9AM**

***VIDEO HEARINGS:***

WILLIAM BALDWIN

ARNOLD BLACK

ANGEL DELGADO

ROY JOHNSON

LAMONT MILES

NIOABI NELSON

GLORIA ROSARIO

CEABE WATKINS

JOHN WOODALL

**CLEVELAND MUNICIPAL COURT  
COURTROOM SECURITY REPORT**

REPORT COMPLETED BY \_\_\_\_\_

JUDGE: Stokes

COURTROOM: 15C

DATE: 9.16.13

NUMBER OF DEFENDANTS TRANSFERRED FROM COURTROOM TO:	
PROBATION DEPARTMENT 6TH FLOOR	<u>Addon:</u>
CLERK'S OFFICE 3RD FLOOR	<u>Vic Terone Vaughn</u>
CLERK'S OFFICE TO PROBATION	<u>Vic Michael Asch</u>
JAIL REFERRED TO PROBATION	<u># 282-775 Robert Walker</u>
JAIL 3RD FLOOR	
PSYCHIATRIC CLINIC	
ASSIGNMENT ROOM 3RD FLOOR	
BOOKING 6TH FLOOR	
DOMESTIC VIOLENCE	
ALCOHOLIC CLINIC 6TH FLOOR	

**15C JUDGE STOKES 8:30AM**

**VIDEO HEARINGS:**

NUMBER OF PRISONERS TRANSFERRED LINDA CANTERBURY

3RD FLOOR OSCAR CLAY

5TH FLOOR SHERROD COLEMAN

NUMBER OF PRISONERS TRANSFERRED RONALD EDGERSON

3RD FLOOR JOHN HUGHLEY

5TH FLOOR DEREK JONES

WILLIAM JONES Not on docket

MARK KOSTURA

ROZELLE LOWE

AMANDA MANNS

AMANDA MARSHALL

DON MOSER

LOELL MOSS

LATRISHA ROBINSON

EDGARDO RODRIGUEZ

YAA WAR SHAAKIR

DESHON SIMPSON

ZANDRIEA WALLACE

FRANK WATSON

**COMING IN:**

120 JORGE LOPEZ (SPANISH INTER)

120 JAWHARY NADAR (2PM W/EVERYTHING)

#264986 CHRISTOPHER PARR

#212646 EDMOND RUCKER

#242930 KAREN TAYLOR

ASSIGNED SECURITY BAILIFFS
(S)

WORKHOUSE .....	464-9100
COURT SERGEANT .....	623-5324
120 HOLDING .....	114-6045
5TH FLOOR HOLDING .....	114-6172
J. CENTER SECURITY .....	114-6211
CITY PROSECUTOR .....	664-4850
COUNTY JAIL	
MALE BOOKING .....	114-6140
FEMALE BOOKING .....	114-6150
PROBATION DEPT .....	664-4930
PSYCHIATRIC CLINIC .....	443-7330
LEGAL AID .....	621-5980

**EXHIBIT**  
B-10

Pleas

~~Eric Rupright~~

~~Amgad Dayem~~

~~April McCarroll~~

~~Brian Gould~~

~~Ebony Taylor~~

~~C. Faulkner~~

Not in court

~~Gary Frazer~~

9-16-2013

Trials

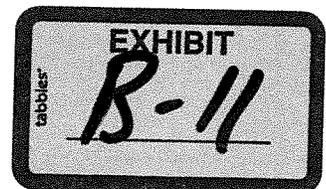
~~Cary Bacher~~

Scott Seagall

Thornetta Jones

Atty

Anthony Drake



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 V. ) Case No. 2013TRC023649

8 MICHELLE NESTER. )  
9 Defendant.)

10 - - -

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

15 - - -

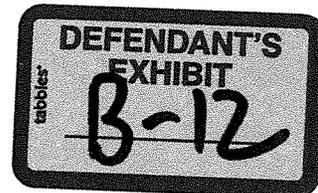
16 APPEARANCES:

17  
18 On behalf of the plaintiff:  
Victor Perez, Chief Police Prosecutor  
19 By: Karyn Lynn, Assistant Police  
Prosecutor

20  
21 On behalf of the defendant:  
Leif B. Christman, Esq.

22 - - -

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



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

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THE COURT: I would like to recall Michelle Nester's case.

Would you give this to -- Julie?

THE BAILIFF: Yes, ma'am.

THE COURT: Give that to the attorney, I'm sorry.

Your name for the record, Counsel?

Your name for the record, please.

MR. CHRISTMAN: Leif Christman, 216-241-5019, on behalf of Miss Nester.

THE COURT: This matter is before the Court on the defendant's motion. Is this to renew privileges?

MR. CHRISTMAN: Extend, your Honor.

THE COURT: To extend privileges?

MR. CHRISTMAN: If it please the Court, I have an extra copy of the motion that I filed on July 11th of this year. This Honorable Court granted occupational privileges to Miss Nester through the expiration of her insurance policy which was September 10th of this year.

I have attach with this motion the new insurance policy, and we're just asking the

1 Court to extend the previously granted  
2 privileges. If I may approach, I have the  
3 motion and insurance.

4 THE COURT: I have all of that  
5 information, I think. I have it.

6 Is the interlock device on this vehicle?

7 MR. CHRISTMAN: No, Judge.

8 THE COURT: Why not?

9 MR. CHRISTMAN: The Court terminated  
10 that condition at the previous hearing. She  
11 had it on for 30 days, and the Court  
12 terminated that.

13 THE COURT: I don't have an Order  
14 saying this was terminated, but I'm looking.  
15 I know when I wrote the first Order through  
16 July 11th -- let's see. This was such a  
17 high reading. This was a .250. Why would I  
18 terminate the interlock?

19 MR. CHRISTMAN: She had it on for over  
20 a month with all negative readings and the  
21 Court terminated it.

22 THE COURT: Well, that was an  
23 error with such a high reading.

24 In fact, I think Mr. Oriti brought it to  
25 my attention that there was an error made

1 here, but just a moment.

2 This is the paperwork for Mr. Drake.

3 THE BAILIFF: Thank you.

4 THE COURT: I would be happy to  
5 renew them, but it would be -- I'm looking  
6 to see -- I wonder if I put it on the  
7 Journal Entry, but I'm checking.

8 Again, I'll be happy to renew them, but  
9 it would be with the interlock device  
10 because of the high reading.

11 If Miss Nester is willing to do that, I  
12 would be more than happy to write these.

13 MR. CHRISTMAN: Judge, it was just two  
14 months ago the Court granted --

15 THE COURT: No, we're not going to  
16 argue. Mr. Oriti brought it to my attention  
17 there was an error. It was a .250. Now, if  
18 she doesn't want any privileges, that's  
19 fine.

20 MR. CHRISTMAN: Yeah, it just seems  
21 crazy, Judge, because you granted it without  
22 a --

23 THE COURT: Then it was a mistake.

24 MR. CHRISTMAN: -- then order it two  
25 months later.

1 THE COURT: If she wants privileges  
2 with this Court with a high reading, she may  
3 have them with the interlock device. If she  
4 chooses not to have them, then that's fine,  
5 she won't have any driving privileges  
6 whatsoever. The choice is her's.

7 MR. CHRISTMAN: I don't know why it  
8 would be getting worse today, Judge. We did  
9 everything that the Court asked.

10 THE COURT: I'm going to call  
11 another case. I've already stated my  
12 position. She could take it or leave it.  
13 That's the Court's position.

14 Can you give him this, please.

15 (Inaudible.)

16 THE COURT: Can somebody do that.

17 THE BAILIFF: I'll take care of it.

18 MR. CHRISTMAN: Your Honor, she said  
19 she'll do whatever the Court requires. She  
20 needs to drive.

21 THE COURT: I understand.

22 Where are the Occupational Driving  
23 Privileges orders? Thank you.

24 So would this just to be the Brown  
25 Mackie College at 755 White Pond Drive?

1           Before it says see the attached letter but  
2           that was for August and September? Do you  
3           have anything? Or does she need something  
4           different for the month of October?

5           THE DEFENDANT:           I need it right now  
6           just until the end of the month for  
7           schooling, and then I plan to look for a  
8           job, and then I'm not sure where I would be  
9           --

10          THE COURT:                So the Order that I  
11          should write today, should it just be to  
12          Brown Mackie College, 755 White Pond Drive,  
13          Akron, Ohio?

14          THE DEFENDANT:           And to Kaiser on Snow  
15          Road.

16          THE COURT:                Okay. Let me try to  
17          find it. Before I had -- one was on Snow  
18          Road in Parma?

19          THE DEFENDANT:           Yes.

20          THE COURT:                And Brown Mackie. And  
21          the other information that I had was White  
22          Pond --

23          THE DEFENDANT:           Yes.

24          THE COURT:                But if there is one for  
25          Kaiser, I don't know that I ever -- I'm

1 looking.

2 THE DEFENDANT: It was written on the  
3 privileges sheet together last time.

4 THE COURT: I don't have that  
5 information. I had just to Brown Mackie  
6 College, Snow Road. And I had to Brown  
7 Mackie College, White Pond Drive, in Akron,  
8 Ohio. I have see the attached letter -- I  
9 don't have anything about Kaiser. Do you  
10 have a copy of that letter regarding Kaiser?

11 THE DEFENDANT: Let me -- let me look  
12 in my purse.

13 THE COURT: I don't think that I  
14 have anything for Kaiser. But, I'll be  
15 happy to include it, but I'll recall this in  
16 just a few moments once you provide me with  
17 the information.

18 \*\*\*\*\*

19 THE COURT: On Miss Nester's case.  
20 Did you find the document regarding --

21 THE DEFENDANT: Not --

22 THE COURT: -- regarding Kaiser?

23 MR. CHRISTMAN: She has the address,  
24 Judge.

25 THE COURT: So, what is this for?

1 Is this for --

2 MR. CHRISTMAN: You know, Judge, to  
3 refresh the Court's recollection, my  
4 client's in a surgical tech school so there  
5 is an academic component and then there's  
6 the clinical component when she's actually  
7 in the hospital doing her clinicals. So  
8 that's -- that's what I think she's talking  
9 about with the Kaiser.

10 THE COURT: So does she have that  
11 information for me to write it?

12 MR. CHRISTMAN: Yeah.

13 THE COURT: I can't include it if I  
14 don't have it. And if I don't have it --

15 THE DEFENDANT: 12301 Snow Road.

16 THE COURT: Is there a letter? Is  
17 that for Brown Mackie College?

18 THE DEFENDANT: Yes, that's through  
19 Brown Mackie.

20 THE COURT: Why is she saying  
21 Kaiser?

22 MR. CHRISTMAN: That's where the  
23 clinical part is --

24 THE DEFENDANT: That's where the  
25 clinical part is -- at Kaiser.

1 MR. CHRISTMAN: When she's actually in  
2 the hospital on-the-job training.

3 THE COURT: Did she provide the  
4 Court a letter with that information?

5 MR. CHRISTMAN: Yes, Judge,  
6 originally --

7 THE COURT: So then where is that  
8 documentation? I'm not writing it if I  
9 don't have the information. But I'm looking  
10 for it. I have Brown?

11 MR. CHRISTMAN: I know that the  
12 Court --

13 THE COURT: Oh, my goodness, it is  
14 6 o'clock. I don't even have a journalizer  
15 to journalize anything of this, but if you  
16 have a letter from Kaiser, then I think that  
17 you need to present it to the Court.

18 I have before that this was Brown Mackie  
19 College. I didn't have anything about  
20 Kaiser at 12301 Snow Road. So if she has  
21 the information from Kaiser, she needs to  
22 submit it to the Court. If it's through  
23 Brown Mackie, she needs to submit it to the  
24 Court.

25 MR. CHRISTMAN: Yeah, I'm trying to

1 think what we provided previously, Judge.  
2 You know, the only thing --

3 THE COURT: I have nothing about  
4 Kaiser. If it had been Kaiser, believe me,  
5 I would have written it. It is ten minutes  
6 to 6. I am done. But if you provide that  
7 information, and fax it to me, I would be  
8 happy to write this Order.

9 MR. CHRISTMAN: Her teacher faxed that  
10 to you, Judge.

11 THE COURT: I'm looking. If it  
12 says Kaiser, I should have it.

13 THE DEFENDANT: It's on Brown Mackie  
14 letterhead.

15 THE COURT: I would have written  
16 Kaiser. It would have been submitted to the  
17 Court as Kaiser. I don't have it; I'm not  
18 writing it. Plain and simple.

19 MR. CHRISTMAN: It's on Brown Mackie  
20 letterhead, Judge, it was from her  
21 professor.

22 THE COURT: There is nothing. Even  
23 if I wrote this up today, you could sign it,  
24 but it will not be journalized until  
25 tomorrow. If I don't have it, I'm not

1 writing it. So you want to fax me the  
2 proper information, you could do that.

3 Mr. Oriti has left for the day?

4 THE BAILIFF: Yes, Judge. I got no  
5 answer, and I called twice.

6 THE COURT: To help with you the  
7 interlock. Nothing to that effect. I'm  
8 looking for it.

9 So do you have a letter that takes you  
10 beyond August and September?

11 THE DEFENDANT: No.

12 THE COURT: Well, that's what the  
13 Court needs.

14 THE DEFENDANT: No, that's all I'm  
15 trying to get is to the end of the month to  
16 finish up, and Thursday I take my CST exam.

17 THE COURT: If I don't have  
18 something from Kaiser, I cannot write it.

19 THE DEFENDANT: I thought that we were  
20 fine with what was written up from last  
21 time.

22 THE COURT: -- I'm tired of arguing  
23 with you two. This is ridiculous. I've had  
24 enough.

25 MR. CHRISTMAN: Judge, the only thing

1           that changed was her insurance policy. You  
2           gave her -- you had all of the information  
3           and you wrote the privileges through the end  
4           of her insurance policy. So now she's got a  
5           new insurance policy --

6           THE COURT:                    I understand. If there  
7           was an error, I'm not writing it again. So  
8           if she has something from Kaiser, she has to  
9           submit it to this Court. I've said that 10  
10          times.

11          MR. CHRISTMAN:                It's not from Kaiser,  
12          it's through Brown Mackie, Judge, through  
13          the school.

14          THE COURT:                    Have Brown Mackie  
15          submit it to the Court.

16          MR. CHRISTMAN:                The school -- the  
17          school --

18          THE COURT:                    Have them fax it. Will  
19          you give them the fax number so they could  
20          get that information --

21          THE BAILIFF:                  Judge --

22          THE COURT:                    They could fax it, I'll  
23          be here tomorrow.

24          MR. CHRISTMAN:                So, the letter  
25          address, the school coordinates where she

1 goes for her clinicals.

2 THE COURT: Let them submit that  
3 information to the Court. I don't have it.  
4 I don't have anything about Kaiser. If I  
5 had it, I would be happy to write it. I'm  
6 looking for it.

7 MR. CHRISTMAN: What's the fax number  
8 again, Judge?

9 THE BAILIFF: It's on the sheet that  
10 I just gave you, Counselor.

11 MR. CHRISTMAN: Oh, good. Great.

12 THE COURT: (Inaudible) now this  
13 letter --

14 THE BAILIFF: She's not finished with  
15 you all. Step back to the podium, please.

16 THE COURT: Counsel, attached to  
17 your motion all I had is the current  
18 insurance information which expires on  
19 March 10, 2014. I don't have anything for  
20 this to go beyond September.

21 THE DEFENDANT: Right. That's all it  
22 is.

23 THE COURT: Right. But when I  
24 write this Order, it goes beyond September.  
25 So, if she wants something for October,

1 November, she needs to submit it to this  
2 Court. And I'm not repeating myself again.

3 MR. CHRISTMAN: All she needs is to the  
4 end of this program, Judge, and then she  
5 wouldn't have anything --

6 THE COURT: Then she won't have any  
7 privileges whatsoever.

8 MR. CHRISTMAN: Right.

9 THE COURT: If she submits a letter  
10 to this Court from Kaiser, I will be happy  
11 to entertain it. I'm not saying anything  
12 else. I'll hold the file until I have the  
13 information, and she needs to come in and  
14 sign it. Once I have it, I'll order the  
15 Occupational Driving Privileges. That's all  
16 I could do.

17 MR. CHRISTMAN: It would come from  
18 her school, though, correct, Judge, from her  
19 professors at the school.

20 THE COURT: Well, to cover whatever  
21 she's talking about. If she says Kaiser,  
22 she needs -- whatever -- I don't know,  
23 Counsel.

24 MR. CHRISTMAN: Yes, clinicals.

25 THE COURT: I don't know wht her

1 schedule is like.

2 MR. CHRISTMAN: At Kaiser is where she  
3 presently is. But, it's all through Brown  
4 Mackie. You get a letterhead from Brown  
5 Mackie, from her professors there.

6 THE COURT: So then she doesn't  
7 want any privileges after September? She  
8 wants no privileges? If she --

9 MR. CHRISTMAN: We don't have any place  
10 to ask for them. She's not employed, and  
11 she will be done with school.

12 THE COURT: So maybe just until the  
13 16th. Maybe she needs to get a ride until  
14 she could provide that information to the  
15 Court. She wouldn't have any privileges  
16 beyond that if she doesn't have a job.

17 MR. CHRISTMAN: That's correct, Judge.  
18 If she got a job we would apply at that  
19 point --

20 THE COURT: Sure.

21 MR. CHRISTMAN: -- before the Court to  
22 rule on. But, right now she's just in  
23 school until the end of the month.

24 THE COURT: Okay. So she could  
25 provide that documentation to the Court.

1 MR. CHRISTMAN: We did already. It's  
2 just --

3 THE COURT: Nothing about Kaiser  
4 I've repeated myself. I will not say it  
5 again.

6 MR. CHRISTMAN: All right. So we have  
7 the fax number. I'll try to get something  
8 over --

9 THE COURT: I'll be happy to do it  
10 tomorrow. But if there is something that  
11 involves Kaiser, whatever she's trying to  
12 do, she has to submit that to this Court.

13 MR. CHRISTMAN: Thank you, Judge. Have  
14 a good day.

15 THE COURT: You too.

16 \*\*\*\*\*

17 THE COURT: Excuse me. Ask them  
18 to come back in this courtroom.

19 I'm so tired of this.

20 Sir, I'm not going to tolerate your  
21 disrespectful conduct. If you're friend --  
22 whoever this is -- Miss Nester -- excuse  
23 me -- if you interrupt me one more time  
24 these bailiffs are going to place you in the  
25 holding cell. If they would do their job

1 properly, they wouldn't be in this position.  
2 Escort him off the floor. If he says  
3 one more thing, Flanagan, bring him back.  
4 I'm tired of this conduct. I have been  
5 ignoring it all afternoon. I've had enough  
6 of his rude conduct, her's and her counsel.  
7 A VOICE: Yes, Judge.  
8 THE COURT: And he's not welcome to  
9 come back in this courtroom. Escort him off  
10 this floor. He's not welcome back.

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

City of Cleveland, )  
V. )  
Michelle Nester. )

I, Cindy L. LaRosa, Registered Professional Reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the digitally recorded proceedings 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 \_\_\_ day of September, 2014.

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Cindy L. LaRosa, RPR, CRI, MSCJ

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 B through Exhibit B-12 has been filed via e-filing with the Supreme Court of Ohio and a service copy emailed this 20<sup>th</sup> day of January, 2015 to the following:

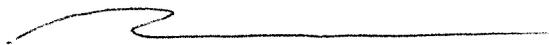
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