

IN THE SUPREME COURT OF OHIO

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

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

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

4 IN THE MUNICIPAL COURT

5 - - -
6 CITY OF CLEVELAND,)
7 Plaintiff,)
8 vs.) 2014TRC002967
9 ISABELLE F. BUCSANYI,)
10 Defendant.)
11 - - -

12
13 Transcript of digitally recorded proceedings had
14 Before the Honorable Judge Angela R. Stokes on
15 Friday, February 7, 2014, in Courtroom 15-C.

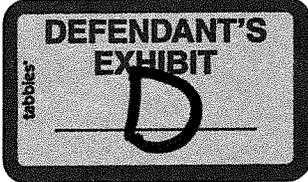
16 - - -

17 APPEARANCES:

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

21 On behalf of the defendant:
22 Dan Shields, Esq.

23
24
25 Demetrius D. Longmire



P R O C E E D I N G S

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THE COURT: Isabelle -- is it
Bucsanyi cases, docket number 5 and 6.

MR. SHIELDS: Good morning, your
Honor. Attorney Dan Shields, S-H-I-E-L-D-S,
221-2889 on behalf of Miss Buscanyi.

THE COURT: Okay. Good morning.

MR. TANUDRA: Your Honor, just for
the record --

THE COURT: Can you give this to
Attorney Shields, please? The Driver's
License History Form.

MR. TANUDRA: (Inaudible) the
charges (inaudible) OVI charge instead of
(Inaudible).

THE COURT: I see. So the Clerk's
Office needs to correct this -- the entire
file because -- oh, I see.

Count one, on the case that ends in two
-- I'm sorry -- 2967, should be the OVI
count, right? And then there should be the
Improper Turns. What's the third count?

MR. SHIELDS: Your Honor --

THE COURT: Or should it just be
two counts? I'm not sure.

1 MR. SHIELDS: If I may.

2 THE COURT: Sure.

3 MR. SHIELDS: Your Honor, I believe
4 there are two cases numbers. There's a CRB
5 and there's a TRC.

6 THE COURT: Right. I have the
7 CRB. Is that the Consumption of
8 Intoxicating --

9 MR. SHIELDS: That's what I --

10 THE COURT: Beverage in a Motor
11 Vehicle. And should there just be two
12 counts on the TRC file?

13 MR. SHIELDS: I saw two on the TRC,
14 correct.

15 THE COURT: Which should be just
16 the OVI and the turns; correct?

17 MR. SHIELDS: That's what I saw,
18 yes.

19 THE COURT: Okay. Because then
20 they put the open container in -- did you
21 reach a resolution or do you need a
22 continuance and then I'm going to have
23 Clerk's Office correct this, but if you just
24 need a continuance and I can just --

25 MR. SHIELDS: If I can be heard.

1 Yes, absolutely.

2 THE COURT: Sure

3 MR. SHIELDS: That's correct. This
4 is on our first pretrial.

5 THE COURT: Just one second. I'm
6 sorry.

7 - - -

8 (Thereupon, the following conversation
9 was had from the bench on the telephone.

10 Mr. Tabor, I'm sorry to bother you, but
11 nobody answers the phone in the Clerk's
12 Office. I have a case where it's a -- it's
13 a TRC, but they don't list the OVI. So I
14 need someone to correct it. I don't know
15 who. I don't know that Linda can correct
16 this and correct the outside cover of the
17 file. I can't reach Stefany because no one
18 will answer the phone in the Clerk's Office.
19 So, who should I have correct this, so I
20 have the proper counts on the journal entry
21 and on the file? Yes, but -- but I can't
22 really finish it until I get a journal entry
23 that has the correct charges. It's -- then
24 you'll get me a journal entry? But I'll put
25 everything -- right. I'll excuse the

1 attorney and his client, but they just need
2 a continued date. But I'm not going to
3 write that on the journal entry until I have
4 the corrected journal. Okay. Okay. Thank
5 you. Bye, bye.

6 Okay. So --

7 MR. SHIELDS: Thank you, Judge. Yes
8 that's correct. We have just that and we
9 have the (Inaudible) first pretrial and
10 respectfully request a continuance.

11 THE COURT: Sure. How much time
12 would you like for your next pretrial date?

13 MR. SHIELDS: At the Court's
14 convenience, Judge.

15 THE COURT: Well, I don't know.
16 Do you need witnesses on the next court date
17 or are you looking for Discovery? I don't
18 know.

19 MR. SHIELDS: Probably Discovery,
20 two to three weeks would be --

21 THE COURT: 2, 3 weeks?

22 MR. SHIELDS: -- more than
23 adequate, I believe.

24 THE COURT: Sure. Well, I'll note
25 on both cases continued at the defendant's

1 request, set for a pretrial. I'll leave it
2 between you and Prosecutor Tanudra if you
3 want witnesses on the next court date. I
4 can always suggest a date unless you have
5 one in mind. Do you want like February 26th
6 or --

7 MR. SHIELDS: Judge --

8 THE COURT: -- do you need more
9 time? I don't know.

10 MR. SHIELDS: No, no. February 26th
11 would be perfect.

12 THE COURT: Okay. February 26,
13 2014. What time would you like?

14 MR. SHIELDS: At the Court's
15 convenience. 9:00, 10:00, 11:00.

16 THE COURT: It would be prisoners
17 that morning and we still haven't gotten to
18 the ones at the Cleveland House of
19 Corrections. So it's probably better if
20 it's like 11:00 or 12:00, like 11:00 or
21 11:30, unless it's right at 8:30.

22 MR. SHIELDS: Well, 11:00 is fine.

23 THE COURT: That's okay?

24 MR. SHIELDS: Yeah.

25 THE COURT: 11:00, 11:30?

1 MR. SHIELDS: 11:30 is fine, Judge.
2 THE COURT: Is that okay?
3 MR. SHIELDS: If we're late, Judge,
4 we'll just --
5 THE COURT: Be patient.
6 MR. SHIELDS: Be patient.
7 THE COURT: Okay. February 26,
8 2014, at 11:30 am; continued at defendant's
9 request for a pretrial. If a few minutes
10 Mr. Tabor from the Clerk's Office is going
11 to come up and correct this so reflects the
12 OVI charge and the Improper Turns.
13 MR. SHIELDS: Thank you, Judge. One
14 other thing.
15 THE COURT: Yes.
16 MR. SHIELDS: Our understanding -- I
17 did have another case where I was -- driving
18 privileges and they indicated that the Court
19 prefers to handle that on its own.
20 Could we make a motion for driving
21 privileges at this time?
22 THE COURT: Is this a first ever
23 in her lifetime?
24 MR. TANUDRA: Yes, your Honor. No
25 priors.

1 THE COURT: No priors. Do you
2 have the insurance information and her
3 employment information, Attorney Shields?

4 MR. SHIELDS: Yes, Judge. We
5 have -- if I may approach.

6 THE COURT: You may approach.
7 This is information from the employer?

8 MR. SHIELDS: Yes. She works at
9 Minute Man and the insurance information is
10 there telling you she's covered from
11 5-16-2013 to 5-16-2014.

12 THE COURT: Now, do you have
13 anything from the employer indicating the
14 hours and days of employment, Attorney
15 Shields?

16 MR. SHIELDS: Your Honor, the nature
17 of that business, the Minute Man, is that
18 she will go there and they will send her out
19 if needed. So it's -- it's kind of as a
20 as-needed bases, but there's no guarantee
21 that she'll have work on any given day.

22 Unfortunately, in fact, she was stopped
23 that evening, your Honor, coming back from--
24 they had a fundraiser for her partner of
25 seven years and the father of her three

1 children who had passed away (Inaudible) his
2 the car (inaudible) in the lake. He was
3 killed in December. So, she really is
4 trying to hold it together for the children,
5 but the Minute Man right now, is all she
6 has. She doesn't have any other employment
7 at this time.

8 If the Court can possibly consider, you
9 know, work for Minute Man. I mean, she
10 might be able to get a full-time job out of
11 that. Sometimes that happens. I can
12 explain to her that it would only be back
13 and forth from any new job from there.

14 THE COURT: Okay. Just one
15 moment. So, Miss -- Miss Bucsanyi works for
16 Minute Man, but you don't have any set days
17 that you go to work?

18 THE DEFENDANT: No.

19 THE COURT: No.

20 THE DEFENDANT: Just (Inaudible).

21 MR. SHIELDS: So she's been with
22 them for two and a half years.

23 THE COURT: Prosecutor Tanudra,
24 you said she has a clean LEADS as far as
25 OVI?

1 MR. TANUDRA: Only one prior traffic
2 issue, your Honor.
3 THE COURT: It's not on OVI?
4 MR. TANUDRA: No.
5 THE COURT: Okay. So, when you go
6 to work at Minute Man, what hours? Do you
7 have any particular hours that you go?
8 THE DEFENDANT: 7:30 to, like 4:00.
9 (Inaudible).
10 THE COURT: Okay. So, what time
11 do you leave your residence?
12 THE DEFENDANT: I normally have to
13 leave at like, 6:30.
14 THE COURT: So, this is located at
15 3740 Carnegie and your residence is on the--
16 kind of near west side; and you're telling
17 the Court it takes an hour to get there?
18 THE DEFENDANT: No. I have to go
19 there, but we have to sit and we have to
20 wait to see if it's any work there. When
21 they call, they give us a ticket and we have
22 to (inaudible).
23 THE COURT: Okay. So counsel, I
24 thought you meant she works for Minute Man,
25 but she just goes there and then if they

1 have --

2 MR. SHIELDS: Right.

3 THE COURT: -- employment, then

4 she goes out to work.

5 MR. SHIELDS: Correct.

6 THE COURT: I see. So, this only

7 shows dates -- let me look at this

8 correctly. This doesn't show me dates past

9 August of 2013. Is this right?

10 THE DEFENDANT: Yes.

11 THE COURT: So you haven't been

12 there like September, October, November,

13 December, January, February?

14 THE DEFENDANT: (Inaudible) our kids

15 start going back to school because he was

16 the one that was working.

17 THE COURT: Okay.

18 THE DEFENDANT: And I had to make sure

19 the kids got back and forth to school. He

20 was the one that took care of all the bills

21 and I was home. I stayed at home with the

22 two younger kids, one special needs. But,

23 with him gone, it's just me and my kids now.

24 THE COURT: Okay. Will you

25 explain to me, once you're sent out on a job

1 through Minute Man then do you have to
2 return to Minute Man to check in at the end
3 that day, then from there, you will go to
4 your residence. Is that how that works?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. So you said you
7 leave your residence at 6:30 a.m. and then
8 what time do you, like, return back to
9 Minute Man?

10 THE DEFENDANT: Um, it would be close
11 to 5:00 o'clock, depending which job they
12 send me to. If I get done at 3:30, I
13 normally get back at 4:00.

14 THE COURT: Then what time do you
15 get back to your residence?

16 THE DEFENDANT: Between 4:30, 5:00
17 o'clock.

18 THE COURT: Before 5:00 o'clock.
19 Okay. Does the City have any objection if I
20 grant these?

21 MR. TANUDRA: No, your Honor.

22 THE COURT: Okay. Now because I
23 don't know the name of any employer and you
24 don't either, I'm just going to put down the
25 agency that you go through, okay? I'll make

1 these through and including when you come
2 back to court, and that will be -- did we
3 establish a date? Did I write that on the
4 journal entry?

5 MR. SHIELDS: February 26th.

6 THE COURT: I'm sorry.

7 February 26th. Do you want these to begin
8 effective today?

9 MR. SHIELDS: Please.

10 THE COURT: Sure. Will this be
11 Mondays through Fridays?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. And then if
14 they don't have anything for you on that
15 date, then you just return home. Is that
16 how that process works?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. Now if they do
19 have a special assignment for you to do, do
20 they give you something in writing telling
21 you where to go that you could have on your
22 person in the event you were stopped by law
23 enforcement?

24 THE DEFENDANT: Yes. It's a ticket we
25 have to give the job to fill out how many

1 hours I worked.

2 THE COURT: So you would have
3 something on your person, right?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Okay. I'm granting
6 your request for Occupational Driving
7 Privileges. I'll note that your license has
8 been suspended from the Administrative
9 License Suspension. The employer's name and
10 address I have is Minute Man Staffing
11 Services at 3740 Carnegie Avenue in
12 Cleveland, Ohio, 44115.

13 Your insurance is from Alpha Vision
14 Insurance Company. The policy number is
15 1134001986359. The coverage is from
16 May 16th of 2013 -- actually this coverage
17 goes to May 16th of 2014. Let me correct
18 that. These privileges will be from
19 February 7, 2014, through February 26, 2014,
20 Mondays through Fridays, 6:30 a.m. until
21 5:00 p.m.

22 You must have on your person
23 documentation of any and all job assignments
24 from Minute Man on your person, otherwise --
25 you have permission to drive to and from,

1 but if there's a drop in assignments in
2 between, you have to have some documentation
3 on your person.

4 Do you understand?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. You can review
7 this with your attorney. If it's
8 acceptable, you just have to sign and date
9 it. We'll give you back your insurance
10 information also.

11 Let me just change the date of your
12 coverage, which is May 16th. If you can
13 make two copies so I can give them the
14 original back. Two copies of that. Thank
15 you.

16 Attorney Shields, you may approach if
17 you like. He's getting her insurance
18 information, but you can see if that's
19 correct. Be careful. I had to white-out
20 some things there.

21 MR. SHIELDS: Thank you.

22 THE COURT: You're welcome. Now,
23 since these are not the current ones,
24 Attorney Shields, we'll make a copy of this
25 card and give these other documents back,

1 okay?

2 MR. SHIELDS: Thank you.

3 THE COURT: As soon as the bailiff
4 comes back. That's the Minute Man address.

5 MR. SHIELDS: Judge, may I approach?

6 THE COURT: Sure. Did I make a
7 mistake?

8 MR. SHIELDS: No. This is good.
9 Thank you.

10 THE COURT: Okay. You just have
11 to put the date on this. You have to sign
12 the date underneath your name. Can you just
13 have her put the date underneath her name?

14 The journalizer will journalize this and
15 then she's going to give you a copy of
16 everything. Okay. It should be ready in
17 maybe, like, five minutes, okay?

18 MR. SHIELDS: Thank you, your Honor.

19 THE COURT: You're welcome.

20 MR. SHIELDS: Have a good afternoon.

21 THE COURT: Thank you. Same to
22 you both.

23 THE DEFENDANT: Thank you.

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C E R T I F I C A T E

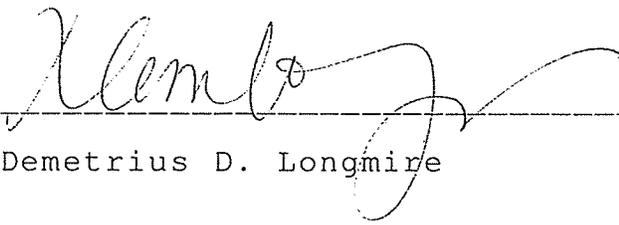
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State of Ohio,)
County of Cuyahoga,) SS:
City of Cleveland.)

City of Cleveland,)
vs.)
Isabelle F. Bucsanyi.)

I, Demetrius D. Longmire, court reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the digitally recorded proceedings 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 digitally recorded proceedings had therein.

Dated this 10th day of November, 2014.



Demetrius D. Longmire

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

3
4 IN THE MUNICIPAL COURT

5 - - -
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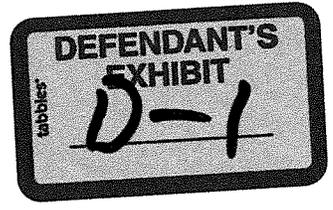
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THE COURT: Isabelle -- is it
Bucsanyi's case?

MR. SHIELDS: Yes.

THE COURT: Have you pretried Miss
Bucsanyi's cases?

MR. SHIELDS: Good morning, your
Honor.

THE COURT: Good morning. Oh, you
may approach, sure.

- - -

(Thereupon, the following discussion was had
between Court and counsel at sidebar.)

MR. TANUDRA: Your Honor, this is
first lifetime, .095. The City was going to
-- offered physical control.

MR. SHIELDS: Your Honor, I did
indicate to him I thought there was some
questions on the stop that we were going to
pursue, but I think this is a good
resolution kind of to meet halfway. She's
indicated that she's not, you know, on any
drugs or alcohol. This was a -- she was
coming from the funeral service of her
partner where he died.

1 MR. TANUDRA: .095.

2 MR. SHIELDS: So, I believe it's a
3 good resolution and I believe that however
4 the Court imposes on her, she will do. And
5 that I can't see this Court having any
6 trouble with this young lady whatsoever.

7 THE COURT: Well, she didn't
8 (inaudible) alcohol. I think -- if I
9 remember, this is her first.

10 MR. TANUDRA: She only has one
11 prior traffic.

12 THE COURT: Okay. So, it will be
13 amended to Physical Control. For me to know
14 what to do about her license, I need to know
15 that she's not going to be (inaudible).

16 MR. SHIELDS: Right.

17 THE COURT: Do you want me to pass
18 for sentencing or -- I hate for people to
19 have to come back. Since it's a physical
20 control and I'll have to suspend her
21 license, but if she's negative, then I'm not
22 going to suspend it. If she's positive,
23 then I would suspend it.

24 MR. SHIELDS: Right.

25 THE COURT: The defendant should

1 know if she is (inaudible).
2 MR. SHIELDS: I'll --
3 THE COURT: I hate on --
4 MR. SHIELDS: That's why --
5 (Inaudible). It's according to your
6 schedule (Inaudible). She'll be glad to
7 come back.
8 THE COURT: (Inaudible) then come
9 back for sentencing in two weeks?
10 MR. SHIELDS: Sure.
11 THE COURT: Your sure?
12 MR. SHIELDS: Yes.
13 THE COURT: That's okay? Because
14 the other day we tried to do this for
15 someone and they were -- I mean we waited
16 six hours for a report. It's just too much.
17 MR. SHIELDS: Oh, on that same day?
18 No, we'll come back.
19 THE COURT: That's okay?
20 MR. SHIELDS: I think it would be
21 easier for the Court, sure. We appreciate
22 it.
23 THE COURT: You're welcome.
24 MR. TANUDRA: Your Honor, for the
25 case ending 2967, at this time the City move

1 to amend the A charge to Driving under the
2 Influence to City Ordinance 437.01, physical
3 control. Enter a plea of not guilty to the
4 amended charge. With the plea forthcoming,
5 the City moves to nolle the balance.

6 The City amended the charge because of
7 the low test and the defendant does have a
8 really good driving record. She only has
9 one prior minor misdemeanor traffic
10 conviction. Thank you, your Honor.

11 THE COURT: Okay. That's
12 correctly stated?

13 MR. SHIELDS: Yes, Judge.
14 Everything that's been stated on the record,
15 is correct. I've reviewed it with my
16 client. She understands the nature of the
17 charges against her and the possible
18 penalties involved and the fact that we've
19 had some pretrial discussions here and that
20 we reached a resolution.

21 Your Honor, she will withdraw her
22 previously entered plea of not guilty, plea
23 no contest or guilty, whatever the Court
24 requires, on the amended charge. And she
25 does so knowingly, intelligently, and

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voluntarily.

Thank you, your Honor.

THE COURT: All right. Thank you.

Is it Miss Bucsanyi? Is that how you pronounce it?

THE DEFENDANT: Bucsanyi.

THE COURT: Bucsanyi.

Miss Bucsanyi, on docket four, count one, a charge with driving under the influence of alcohol and/or drugs will now be amended under Cleveland Codified Ordinance 433.2011(B). The amended charge is physical control, under the influence of alcohol. It's a first degree misdemeanor and the maximum penalties can be a fine of up to one \$1,000 and up to six months or up to 180 days in jail. Do you understand?

THE DEFENDANT: Yes.

THE COURT: Your driver's license can be suspended for up to one year. Do you understand?

THE DEFENDANT: Yes.

THE COURT: This citation is dated January 12, 2014, operating a 2004 Buick at West 3rd Street and St. Clair in the City of

1 Cleveland, Ohio. The prohibitive blood
2 alcohol concentration, breathe test was .095
3 in the City of Cleveland, Ohio.

4 Do you recall and understand this
5 charge?

6 THE DEFENDANT: Yes.

7 THE COURT: Would you like to
8 withdraw your not guilty plea, enter a plea
9 of guilty with a finding of guilty to the
10 amended charge?

11 THE DEFENDANT: Yes.

12 THE COURT: By doing so, you are
13 waiving or giving up your right to have a
14 bench trial tried to the Judge or jury trial
15 tried to eight jurors. Do you understand?

16 THE DEFENDANT: Yes.

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

22 THE DEFENDANT: Yes.

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

1 to say anything at a trial. Do you
2 understand?

3 THE DEFENDANT: Yes.

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

8 THE DEFENDANT: Yes.

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

12 THE DEFENDANT: Yes.

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

16 THE DEFENDANT: No.

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

19 THE DEFENDANT: Yes.

20 THE COURT: Do you have any
21 questions regarding your right you are
22 giving up?

23 THE DEFENDANT: No.

24 THE COURT: Do you have any
25 questions regarding the penalties that can

1 be imposed by the Court?

2 THE DEFENDANT: No.

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

5 THE DEFENDANT: Yes.

6 THE COURT: Do you have any
7 questions?

8 THE DEFENDANT: No.

9 THE COURT: Do you have any
10 questions about changing your plea to the
11 amended charge?

12 THE DEFENDANT: No.

13 THE COURT: No? I will accept
14 your change of plea to the amended charge,
15 physical control/under the influence of
16 alcohol. Count two, the minor misdemeanor,
17 prohibitive turns charge will be nolleed or
18 dismissed. Do you understand?

19 THE DEFENDANT: Yes.

20 THE COURT: What is reflected on
21 the LEADS?

22 MR. TANUDRA: One prior minor
23 misdemeanor traffic conviction, your Honor.

24 THE COURT: That's all that's on
25 your record? So, was this related to a

1 particular incident going on in your life at
2 the time?

3 THE DEFENDANT: Yeah. I just recently
4 lost my fiance, the day after Christmas. He
5 was the one that was found in the lake.

6 THE COURT: Oh.

7 MR. SHIELDS: Your Honor, if I may
8 assist her.

9 As we indicated because the Court
10 graciously granted her driving privileges
11 during the pendency of this action, she was
12 returning from a gathering on behalf of her
13 -- the funeral, as it were and was coming
14 from downtown to head home at that time. So
15 she was very upset. I know. And she's
16 indicated to me and I can indicate to the
17 Court.

18 Nonetheless she was cooperative. She's
19 indicated to me that she's alcohol and drug
20 free. She's -- she has three young children
21 with her fiance and she's just on a
22 day-to-day basis just keeping them in
23 school. And as the Court will recall, she
24 was going to work at a temporary service.
25 So that really -- she's got her hands full,

1 but she's going to be okay.

2 THE COURT: Okay. Just one
3 moment.

4 MR. SHIELDS: Yes.

5 THE COURT: We usually have a box
6 of tissues in the courtroom and I was going
7 to give her some tissues. That's okay. She
8 can have those. It's okay.

9 MR. SHIELDS: She can.

10 THE COURT: Yeah. That's fine.
11 They're usually in the courtroom, but I --
12 may I see the attorneys at sidebar for a
13 moment, please?

14 - - -

15 (Thereupon, a discussion was had between
16 Court and counsel at sidebar as follows:)

17 THE COURT: I'm okay with
18 sentencing today, okay?

19 MR. SHIELDS: Sure.

20 THE COURT: I think it's too much
21 for her to come back in the courtroom. She
22 really does need to get some help with her
23 grieving process. So I'm thinking of what
24 I'll do. I'll sentence her. I don't think
25 she necessarily needs an alcohol assessment.

1 I don't think so. Did she (Inaudible). Do
2 you think if I put her on a short-term
3 Probation and I won't spend her license. Do
4 you think I should order like grief
5 counseling or do you think she should have
6 an assessment. She needs something to help
7 her deal with her grief, so she doesn't used
8 alcohol to console herself. But, I don't
9 know (inaudible).

10 MR. SHIELDS: I don't believe she
11 has. I think the grief counseling would be
12 appropriate.

13 THE COURT: Okay.

14 MR. SHIELDS: Counseling. That's
15 what she needs because she's out there on
16 her own.

17 THE COURT: Yeah, she has a lot.

18 MR. SHIELDS: Yes, she has a lot.

19 In fact, the Lord works in mysterious
20 ways, but my wife and I have found somebody
21 to give -- we have daughters, so we gave her
22 clothes and toys and things. So we're going
23 to be working on her.

24 THE COURT: Oh, that's good.

25 MR. SHIELDS: Oh, yeah absolutely

1 working with her, working with this family.

2 THE COURT: So what do you think?

3 Do you think six months or longer, grief

4 counseling --

5 MR. SHIELDS: Yes.

6 THE COURT: -- and then during the

7 time period, if she finds (inaudible) or

8 not, then she can maybe get an assessment if

9 she needs it, and there's some good places.

10 Maybe I'll ask (Inaudible).

11 MR. SHIELDS: Right.

12 THE COURT: It's called Oak

13 (inaudible). Have you heard of it?

14 MR. SHIELDS: My sister lost her

15 son. My sister goes there.

16 THE COURT: So you know about it.

17 I think it's in Brunswick.

18 MR. SHIELDS: I know there's one in

19 Independence.

20 THE COURT: Independence. That's

21 right.

22 MR. SHIELDS: On 21.

23 THE COURT: And they work -- they

24 won't charge her a fee.

25 MR. SHIELDS: That's an excellent

1 idea.

2 THE COURT: We'll do that.

3 MR. SHIELDS: I will guide her
4 there.

5 THE COURT: Okay.

6 MR. SHIELDS: Yes.

7 THE COURT: Okay.

8 MR. SHIELDS: Thank you.

9 THE COURT: You okay this,
10 Mr. Tanudra?

11 MR. TANUDRA: Yes, your Honor.

12 THE COURT: Okay.

13 We're going to go forward with
14 sentencing today so that you don't have to
15 come back, okay?

16 Is there anything else, Attorney Shields
17 you'd like to say on her behalf or if you
18 like to address the Court, you may. But if
19 you don't want to, that's okay, too.

20 MR. SHIELDS: Just that I know as an
21 officer of the Court that she's really just
22 devoted to her children right now. And she
23 is -- she's working at a temporary service.
24 Her fiance had been providing a lot of
25 financial support, but she does have a

1 community that is helping her through this.
2 I know that I would be happy to assist her
3 in guiding her in the right direction in
4 terms of anything the Court may consider,
5 but that I don't believe that she has a
6 alcohol or drug program -- problem at this
7 time. She just needs to get through this.
8 I know she has good record.

9 She just wants to put this behind her so
10 she can keep the kids in school and --
11 (Inaudible).

12 Thank you, Judge.

13 THE COURT: All right. Thank you.

14 Anything else? No? The maximum fine is
15 \$1,000 -- while I'm sentencing, there's
16 should not be any talking in the courtroom,
17 please. If they want to go into that
18 courtroom to talk, they can, but they cannot
19 disturb this Court, especially during a
20 sentencing. The maximum fine is \$1,000, and
21 up to 180 days in jail.

22 I don't think you serve any time in
23 jail. Did you?

24 THE DEFENDANT: No.

25 THE COURT: No? 180 days will be

1 suspended. I'll come back to the fine in
2 just a moment. Okay. I'm not going to
3 suspend your driver's license based upon all
4 the circumstances here, okay. I'll just
5 indicate to the Administrative License
6 Suspension is hereby terminated; that you
7 had insurance on the date of this offense;
8 compliance with the Financial Responsibility
9 Law. We've had some discussions here at
10 sidebar. I think that six months of active
11 Probation should be appropriate here.
12 Mostly to receive counseling -- grief
13 counseling.

14 The Probation Department can tell you
15 about different agencies your attorney and I
16 talked about one at sidebar. I know it's a
17 good one, but whichever one you select.
18 It's called Cornerstone of Hope. It's a
19 wonderful program and even family members
20 can go with you and they won't charge you,
21 you know, because of your financial status.
22 It's a really good program. I think in
23 Independence, Ohio.

24 So that's what I'm going to say that's
25 something you have to go to is the grief

1 counseling, but whatever agency you and your
2 attorney select is okay with me. I just
3 know that one is good, but I don't know
4 about the others. They allow children and
5 they--

6 THE DEFENDANT: (Inaudible).

7 THE COURT: See, it's a really
8 good program. They'll let your family come.
9 They won't charge. It's a wonderful
10 program. I've made it for a short period of
11 time because once you complete your grief
12 counseling session and you're doing well,
13 Attorney Shields knows how to petition the
14 Court. I will terminate Probation because I
15 won't think that you need to be on Probation
16 any longer. You know?

17 Let's see, you're still working through
18 the temporary agency?

19 THE DEFENDANT: Yes.

20 THE COURT: Are you getting
21 assignments now or not?

22 THE DEFENDANT: I haven't been able to
23 go.

24 THE COURT: You haven't been able
25 to go? Okay. Because of the grieving?

1 THE DEFENDANT: Taking care of my
2 kids.

3 THE COURT: Taking care of your
4 children. I see. Well, let's see. What
5 are we going to do here? I'll suspend --

6 Well, is there a motion regarding the
7 court costs here, counsel?

8 MR. SHIELDS: Your Honor, because of
9 her financial situation, can the Court waive
10 court costs at this time?

11 THE COURT: Does the City have any
12 objection since she's not working?

13 MR. TANUDRA: No, your Honor.

14 THE COURT: The court costs will
15 be suspended based upon a finding of
16 indigency.

17 Would you prefer paying a fine or
18 Community Work Service? I know your hands
19 are full with your children. I'm not sure
20 what would be better. I can give you a long
21 time to pay date or I can give you Community
22 Work Service in lieu of a fine. I don't
23 know what's better with your
24 responsibilities of taking care of your
25 children. If you would even be able to do

1 Community Work Service or --

2 THE DEFENDANT: (Inaudible) pretty

3 hard to pay. My two oldest are in school.

4 THE COURT: Would you prefer that

5 as opposed to paying a fine?

6 THE DEFENDANT: Can we do half

7 Community Work Service and half I pay

8 something?

9 THE COURT: Let's see. We can

10 do --

11 MR. SHIELDS: Your Honor, she

12 understands -- I indicated at times -- a

13 time to pay and might be better for her

14 schedule-wise to pay it off overtime rather

15 than trying to bifurcate.

16 THE COURT: That would be kind of

17 difficult even for the --

18 MR. SHIELDS: So.

19 THE COURT: -- Clerk's Office to

20 do.

21 MR. SHIELDS: (Inaudible) payments

22 but get through it if the Court would allow.

23 THE COURT: What I'll do -- I'll

24 suspend \$900 of the fine. That means

25 there's a fine of \$100, but you don't have

1 any court costs. If I give you a time to
2 pay date, do you think -- let's see, do you
3 think maybe -- do you want me to give you a
4 time to pay date until, like June? You
5 think you can make a payment by June --

6 THE DEFENDANT: Yes.

7 THE COURT: -- or is that going to
8 put too much pressure on you? Do you need
9 more time?

10 THE DEFENDANT: (Inaudible).

11 THE COURT: Okay. I'll say time
12 to pay until June 30, 2014. Is that when
13 you will make your first payment, in June?

14 THE DEFENDANT: I can make some type
15 of payment -- (Inaudible).

16 THE COURT: When do you want to
17 start making payments? Would you rather
18 save the money and pay it in June?

19 THE DEFENDANT: My son gets --

20 THE COURT: What would you like to
21 pay today?

22 THE DEFENDANT: \$20.

23 THE COURT: Okay. I'll note that
24 you'll make a payment of \$20 today to the
25 Clerk. Thereafter, do you want to make

1 monthly payments until you pay it off in
2 June? Is that reasonable or not?

3 THE DEFENDANT: Yes.

4 THE COURT: You think you could
5 make a payment every month?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. That's
8 what I'll note. I'll note that you'll pay
9 \$20 today and that you will make monthly
10 payments every month. You can pay it in
11 full by June 30th. But if you're running
12 into a problem, you need to let your
13 attorney know so we can give you more time
14 and you don't end up with a warrant, not
15 from me, but from the Clerk's Office. They
16 issue time to pay capiases. Okay. You have
17 to let your attorney know I'm not able to
18 make payments and then we can mitigate this
19 or something.

20 Okay. So you don't want to get stressed
21 about it. Just call your attorney so he'll
22 know what to do. I should just say this,
23 while you're on Probation, you can't drink
24 any alcohol. Certainly no illegal drugs. I
25 think that you would test negative if you

1 had urinalysis test today. Right?

2 THE DEFENDANT: Yes.

3 THE COURT: Okay. Probation is
4 going to do urinalysis test. It's \$9, the
5 Court funds will pay for that. You don't
6 have to pay the \$9 fee for that, okay? The
7 time to pay fee will also be waived on this
8 case.

9 You're probation officer periodically
10 will maybe ask you for a breathalyzer test.
11 That's always free. If they ask for a
12 urinalysis test, I will note on the journal
13 entry, that that will be paid by court
14 funds. Every Judge has so many funds in the
15 Probation Department. Okay. They may not
16 ask, but they may, so just don't be
17 surprised. Today you will have one if
18 you're up to it.

19 I know this is pretty emotional today,
20 just to make sure it's negative. Will it be
21 negative? Like, if you've been around
22 someone whose smoked marijuana, it might be.
23 I don't know. Or if you've used in the last
24 30-45 days, it will test positive for
25 marijuana.

1 Would it be negative?

2 THE DEFENDANT: Negative.

3 THE COURT: That's good. Okay.

4 I'll ask for a post-sentencing report to
5 be prepared and you'll come back on the
6 docket only for review of that. You and
7 attorney do not need to be present, okay?
8 I'll ask for the Probation Department to
9 prepare that by March the 12th. That's when
10 the Probation Department comes up here, but
11 you don't have to be here on that date.
12 Okay. That will be at 9:00 a.m. on the
13 docket on March the 4th. But like stated,
14 you don't have to be present on that day or
15 your attorney. Unless he just wants to come
16 to review the Probation Report.

17 Do you have any questions?

18 THE DEFENDANT: No.

19 THE COURT: No? You're file will
20 be journalized in just a few moments then
21 you'll be able to go to the 6th floor
22 Probation Department to meet your probation
23 officer. Okay? Okay.

24 MR. SHIELDS: Thank you very much
25 for your consideration your Honor.

1 THE COURT: You're welcome.

2 MR. SHIELDS: Have a good afternoon.

3 THE COURT: Thank you. You too.

4 *****

5 THE COURT: If she has a question,
6 you know it's directed to the Court, has to
7 be on the record. You know that. You all
8 know that. I know that you know that.

9 If you have a question, it has to be on
10 the record, especially if your attorney's
11 not here. But it's okay. You can step
12 forward. It's okay. These microphones will
13 pick up. What's your question?

14 THE DEFENDANT: (Inaudible) suspended,
15 that I have to pay the four-something. Now
16 would I need something from the Court's
17 stating that you didn't suspend my license
18 (Inaudible).

19 THE COURT: I believe that the
20 journalizer will -- the Clerk's Office sends
21 this information to the Bureau of Motor
22 Vehicles. I did terminate the license
23 suspension, but if you received a letter --
24 I think I know what you're talking about.
25 You need to call Attorney Shields.

1 THE DEFENDANT: Okay.

2 THE COURT: Remember to call him
3 so that he can explain that whole process to
4 you. He seems like he's pretty accessible
5 to help you.

6 THE DEFENDANT: (Inaudible).

7 THE COURT: What did you say?

8 THE DEFENDANT: He said I was
9 (Inaudible).

10 THE COURT: You need to call him.
11 You have his number, right?

12 THE DEFENDANT: Yes.

13 THE COURT: Call him right away
14 because as I said I haven't suspended --
15 call him so he can explain that whole
16 process.

17 I can't give you legal advice but I'll
18 have somebody escort you downstairs just --
19 that's what I was getting ready to make a
20 call. Just one second.

21 - - -

22 (Thereupon, a discussion/telephone call was
23 made on the bench as follows:

24 THE COURT: Hi, Charles. Can you
25 come into the courtroom, please? Thank you.

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Remember I said you don't have to come back on your next court date. I forgot to write that on the journal. She's going to journalize that one line. This supervisor will take you downstairs in just a moment. Okay. It's just that very to pay line. If I wrote compliance, does not need to be present. You don't need to make copies. Officer Morris made the copies. I just need you to journalize that one line. I'm sorry about that.

- - -

C E R T I F I C A T E

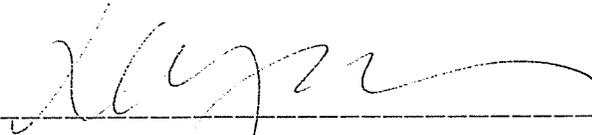
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State of Ohio,)
County of Cuyahoga,) SS:
City of Cleveland.)

City of Cleveland,)
vs.)
Isabelle F. Bucsanyi.)

I, Demetrius D. Longmire, court reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the digitally recorded proceedings 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 digitally recorded proceedings had therein.

Dated this 10th day of November, 2014.



Demetrius D. Longmire

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 D has been filed via e-filing with the Supreme Court of Ohio and a service copy emailed this 20th day of January, 2015 to the following:

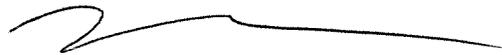
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