

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 E through F1

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*Relator*

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

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PAUL B. DAIKER (0062268)  
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*Counsel for Respondent*

1 STATE OF OHIO, )  
2 COUNTY OF CUYAHOGA, ) SS  
3 CITY OF CLEVELAND. )

STOKES, A. R., J.

4 IN THE MUNICIPAL COURT

5 - - -  
6 CITY OF CLEVELAND, )  
7 Plaintiff, )

8 vs. )

9 MATTHEW J. LEWANDOWSKI, )  
10 Defendant. )

) Case No.  
) 2013TRD002588

11 - - -  
12  
13 Transcript of digitally recorded proceedings had  
14 before the Honorable Judge Angela R. Stokes on  
15 Thursday, February 21, 2013 in Courtroom 15-C.

16 - - -  
17 APPEARANCES:

18 On behalf of the plaintiff:

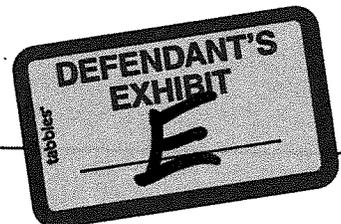
19 Victor R. Perez, Chief Police Prosecutor  
20 By: Ashley Garrett, Assistant Police  
21 Prosecutor.

22 On behalf of the defendant:

23 NO APPEARANCE

24  
25 Sylvester A. White

OFFICIAL COURT REPORTER  
CLEVELAND MUNICIPAL COURT  
Cleveland, Ohio 44113



P R O C E E D I N G S

1  
2 THE COURT: Mr. Lewandowski, on  
3 docket number -- let me get your journal  
4 entry. (Inaudible) in just a moment. This  
5 is docket number 58. The license required  
6 to operate charge, sir, is a first degree  
7 misdemeanor. It does carry a maximum fine  
8 of \$1,000 and up to six months or up to 180  
9 days in jail. Do you understand?

10 THE DEFENDANT: Yes.

11 THE COURT: So you aren't -- you  
12 have a right to be represented by an  
13 attorney. Did you go to the Public  
14 Defender's Office or anything?

15 THE DEFENDANT: No, your Honor. I've  
16 been trying to job seek for -- to pay all  
17 fines and everything.

18 THE COURT: But if you cannot  
19 afford to hire an attorney you understand  
20 you can go to the Public Defender's Office.

21 THE DEFENDANT: Yes.

22 THE COURT: And they'll give you  
23 free legal representation. But if you can  
24 hire an attorney, financial means to do so,  
25 that's fine.

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: So at this time you  
3 would like to have a continuance for  
4 legal -- to seek legal representation,  
5 correct?

6 THE DEFENDANT: Yes. And can I ask for  
7 that public defender information, too?

8 THE COURT: Yes. The bailiffs will  
9 give you that.

10 THE DEFENDANT: Okay.

11 THE COURT: You have a hold for two  
12 jurisdictions, University Heights and the  
13 Ravenna Police Department. The bailiffs are  
14 gonna take you into custody while they're  
15 checking to see if those are good warrants  
16 and if those jurisdictions plan to take you  
17 into custody. But on this case continued at  
18 the defendant's request set for a pretrial  
19 March the 5th, 2013. That will be at 9:00  
20 a.m. She has to take you into custody while  
21 they check on the warrant.

22 THE DEFENDANT: Okay.

23 THE COURT: If they are not good  
24 warrants, you'll be released. If they are  
25 good warrants and they plan to take you into

1 custody, they'll do so. You might as well  
2 place him in the holding cell until -- you  
3 don't have enough help -- and then I'll  
4 keep -- and we'll give him a copy of his  
5 driver's license history form in a moment.

6 THE BAILIFF: Okay.

7 THE COURT: You're welcome.

8 \*\*\*\*\*

9 THE COURT: All right. I don't  
10 have the file, but Mr. Lewandowski.

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: I believe the bailiff  
13 checked on the warrants. They're good  
14 warrants but you're out of their pick-up  
15 radius. So I expect to you take care of  
16 these matters before you return to court on  
17 your next court date. Did you get your slip  
18 for your next court date?

19 THE BAILIFF: Yes, he --

20 THE DEFENDANT: (Inaudible.)

21 THE COURT: Okay. Did he receive a  
22 copy of his driver's -- did we give you a  
23 copy of your driver's license history form?

24 THE DEFENDANT: No. I never had a  
25 driver's license.

1 THE COURT: I mean what -- but just  
2 one second. We need to give that to you so  
3 you can take it to the attorney who's going  
4 to be representing you. Do we have an extra  
5 copy, Kathy? Let me see.

6 THE BAILIFF: I have it, judge.

7 THE COURT: Oh, here's -- is that  
8 the bailiff's copy?

9 THE BAILIFF: It's written. I wrote  
10 notes.

11 THE COURT: Okay. Why don't you  
12 give them this one and then that one we can  
13 put in the file. I think his file's over  
14 there. I think it's over there. Oh no, I'm  
15 sorry, Kathy. It's still on the bench. It  
16 hasn't been written up yet. I'll put that  
17 copy in here unless you all need this.

18 THE BAILIFF: No, we don't need it.

19 THE COURT: So Mr. Lewandowski.

20 THE DEFENDANT: Yes.

21 THE COURT: You need to take care  
22 of this.

23 THE BAILIFF: University Heights  
24 (inaudible).

25 THE BAILIFF: Something (inaudible).

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THE COURT:                    You have to take care  
of this matter in University Heights, Mr.  
Lewandowski and Ravenna before you come  
back. You need to do that, okay.

THE DEFENDANT:                Yes, ma'am.

THE COURT:                    All right. All right.  
They're not going to take you into custody  
so you're free to go.

THE DEFENDANT:                Thank you, ma'am. You  
have a great day.

THE COURT:                    You too.

- - -

C E R T I F I C A T E

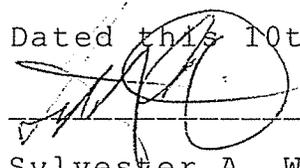
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State of Ohio, )  
County of Cuyahoga, ) SS:  
City of Cleveland. )

City of Cleveland, )  
vs. )  
Matthew J. Lewandowski )

I, Sylvester A. White, court reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the digitally recorded proceedings in the above-captioned case on the date set forth; that I have transcribed my said stenotype notes into typewritten form as appears in the foregoing transcript of the proceedings; that said transcript is a complete record of the digitally recorded proceedings had in the hearing of said case and constitutes a true and correct transcript of the taped proceedings had therein.

Dated this 10th day of November, 2014.



Sylvester A. White

1 STATE OF OHIO, )  
COUNTY OF CUYAHOGA, ) SS  
2 CITY OF CLEVELAND. )

STOKES, A. R., J.

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6 CITY OF CLEVELAND, )  
7 Plaintiff, )

8 vs. )

Case No.  
2013TRD002588

9 MATTHEW J. LEWANDOWSKI, )  
10 Defendant. )

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15 Wednesday, March 5, 2013 in Courtroom 15-C.

16 - - -  
17 APPEARANCES:

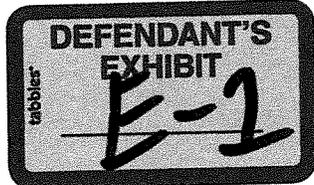
18 On behalf of the plaintiff:

19 Victor R. Perez, Chief Police Prosecutor  
20 By: Ashley Garrett, Assistant Police  
21 Prosecutor.

22 On behalf of the defendant:

23 Tina Tricarichi, Esq.

24  
25 Sylvester A. White



P R O C E E D I N G S

1  
2 THE COURT: Attorney Tricarichi.  
3 MS. TRICARICHI: Yes.  
4 THE COURT: This is for sentencing  
5 for Mr. Lewandowski. He's here for  
6 sentencing.  
7 MS. TRICARICHI: I'm sorry. It says  
8 pretrial.  
9 THE COURT: Oh, I'm sorry. I  
10 apologize.  
11 MS. TRICARICHI: No, it says --  
12 THE COURT: It's a pretrial.  
13 MS. TRICARICHI: It is a pretrial.  
14 THE COURT: Have you pre-tried --  
15 MS. TRICARICHI: Yes.  
16 THE COURT: -- his cases?  
17 MS. TRICARICHI: Yes.  
18 MS. GARRETT: We have, your Honor.  
19 And it's my understanding he'll plead no  
20 contest, consent to a finding of guilt to  
21 count one and count two, the license  
22 required to operate as well as the failure  
23 to stop. And if that plea is forthcoming  
24 the city moves to nolle count three.  
25 MS. TRICARICHI: That's correct, judge.

1 THE COURT: Thank you. Mr.  
2 Lewandowski, on docket 52, count one, the  
3 license required to operate charge is a  
4 first degree misdemeanor carrying a maximum  
5 fine of \$1,000 and up to six months or up to  
6 180 days in jail. Do you understand?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: This citation is dated  
9 January 9th, 2013 operating a 2005 Ford at  
10 2151 West 47th Street in the city of  
11 Cleveland, Ohio. Do you recall and  
12 understand this charge?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: To the license required  
15 to operate charge is it your desire to  
16 withdraw your not guilty plea, enter a plea  
17 of no contest and to consent to a finding of  
18 guilty to this charge?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: And count two is  
21 failure to stop after an accident on the  
22 street. It is a first degree misdemeanor.  
23 It does carry maximum fine of \$1,000 and up  
24 to six months in jail. Do you understand  
25 that?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: And the Bureau of Motor  
3 Vehicles will assess six points against your  
4 driver's license. Do you understand?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: This is from the same  
7 citation January 9th, 2013 operating a 2005  
8 Ford at 2151 West 47th Street, city of  
9 Cleveland, Ohio. It says you failed to stop  
10 after an accident on the street. And -- can  
11 you tell what it says on the front of this  
12 citation? He admitted to driving and losing  
13 control of the motor vehicle, talks about  
14 the expired temporary driver's license. And  
15 there was a crash report. All right. It  
16 says the offender refused EMS. I guess EMS  
17 was called to the scene?

18 THE DEFENDANT: No. No EMS was called.  
19 They just -- the person that I was driving  
20 with didn't want no medical attention. He  
21 wasn't hurt.

22 THE COURT: So -- did this involve  
23 another vehicle or just his vehicle?

24 MS. TRICARICHI: It involved another  
25 vehicle, parked. No -- no person in the

1 other vehicle.

2 THE COURT: And that person in the  
3 vehicle with him refused EMS; is that  
4 correct?

5 MS. TRICARICHI: Right.

6 THE COURT: There was another car  
7 involved. So do you understand the basis  
8 for the failure to stop after an accident on  
9 the street charge?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: And to that charge  
12 would you like to withdraw your not guilty  
13 plea, enter a plea of no contest and consent  
14 to a finding of guilty?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: By changing your pleas  
17 to both of these first degree misdemeanor  
18 charges you are waiving or giving up your  
19 right to have either a bench trial tried to  
20 the judge or a jury trial tried to eight  
21 jurors. Do you understand?

22 THE COMPLAINANT: Yes, your Honor.

23 THE COURT: You are presumed or  
24 considered to be innocent until the city of  
25 Cleveland proves your guilt beyond a

1 reasonable doubt if your guilt is to be  
2 proven at a -- at a trial. Do you  
3 understand?

4 THE DEFENDANT: Yes your Honor.

5 THE COURT: And if you were to have  
6 a trial you have a right to remain silent.  
7 No one can force you to testify or to say  
8 anything at a trial. Do you understand?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: You're also giving up  
11 your right to subpoena witnesses who could  
12 testify at a trial if you were to have one.  
13 Do you understand?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: And you're giving up  
16 your right to confront your accusers at a  
17 trial. Do you understand?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Have there been any  
20 threats or promises made to force to you  
21 change your pleas to these two charges?

22 THE DEFENDANT: No, your Honor.

23 THE COURT: Are you satisfied with  
24 your attorney's representation?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: Do you have any  
2 questions regarding the rights you are  
3 giving up?

4 THE DEFENDANT: No, your Honor.

5 THE COURT: Any questions regarding  
6 the penalties that can be imposed by the  
7 Court?

8 THE DEFENDANT: No, your Honor.

9 THE COURT: Are you a citizen of  
10 the United States?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Do you have any  
13 questions?

14 THE DEFENDANT: No, your Honor.

15 THE COURT: I will accept your  
16 change of plea to the license required to  
17 operate charge and to the failure to stop  
18 after an accident on the street charge. The  
19 minor misdemeanor failure to control charge  
20 will be nolleed or dismissed. Shall I refer  
21 this matter to probation and pass for  
22 sentencing to get the presentencing  
23 investigation report?

24 MS. TRICARICHI: Is that what you want,  
25 your Honor?

1 THE COURT: Yes.

2 MS. TRICARICHI: Okay.

3 THE COURT: What is reflected on  
4 the Leads?

5 MS. GARRETT: Your Honor, there are  
6 no prior convictions.

7 THE COURT: Okay. But there --  
8 there may be restitution issues regarding  
9 the parked vehicle that was --

10 MS. GARRETT: There may be.

11 MS. TRICARICHI: He is paying on that,  
12 but he doesn't have a printed document. He  
13 has the information, but --

14 THE COURT: But he could bring that  
15 back --

16 MS. TRICARICHI: Right.

17 THE COURT: -- maybe at the time of  
18 sentencing.

19 MS. TRICARICHI: That's what I said to  
20 him.

21 THE COURT: Okay. I'll refer Mr.  
22 Lewandowski's case to probation. Pass for  
23 sentencing at the defendant's request and at  
24 the city's request. Does the city have the  
25 accident report that the probation

1 department can --

2 MS. GARRETT: We (inaudible), your  
3 Honor.

4 THE COURT: Okay. We'll place a  
5 copy on in the file for the --

6 MS. GARRETT: Sure.

7 THE COURT: -- probation  
8 department. What about the 26th of March?  
9 Would that date be acceptable, attorney  
10 Tricarichi?

11 MS. TRICARICHI: Pardon.

12 THE COURT: March 26th?

13 MS. TRICARICHI: That's fine.

14 THE COURT: Date of sentencing,  
15 March 26th, 2013. And that will be at 9:00  
16 a.m. He will have to submit to a urinalysis  
17 test and he'll pay his \$9. Does he have his  
18 \$9 for the urinalysis test in the probation  
19 department, attorney Tricarichi?

20 MS. TRICARICHI: Judge, he has to submit  
21 to a urinalysis test?

22 THE COURT: Yes, he does. He left  
23 the scene of the accident. I don't know why  
24 he left -- for alcohol or drug reasons -- I  
25 have no idea, but he will submit to a

1           urinalysis test today. That's fine.

2           Probation has the money. He will have a  
3           urinalysis test. Have a seat. It will be  
4           done.

5           MS. TRICARICHI:           That's despite there's  
6           nothing to do with alcohol in the charge?

7           THE COURT:                I don't know. He left  
8           the scene of the accident, so he will have a  
9           urinalysis test and the funds are in the  
10          probation department. It's \$9. Have a  
11          seat. You'll be escorted to the probation  
12          department in just a few moments.

13          MS. TRICARICHI:           He did want to tell you  
14          he was walking to the owner's home, which  
15          was clear by. I said --

16          THE COURT:                I'm sorry.

17          MS. TRICARICHI:           -- "You can't leave the  
18          scene."

19          THE COURT:                All right.

20          MS. TRICARICHI:           But that -- that's what  
21          he told the police.

22          THE COURT:                Thank you, attorney  
23          Tricarichi.

24          MS. TRICARICHI:           Thank you.

25          THE COURT:                Did we get a copy of

1           the accident report that we can make a copy?  
2           MS. GARRETT:           I did.  
3           THE COURT:            Thank you. All right.  
4           MS. TRICARICHI:        Can I get --  
5           THE COURT:            Oh sure.  
6           A VOICE:               Two copies.  
7           THE COURT:            One for attorney  
8           Tricarichi, one for the probation  
9           department.  
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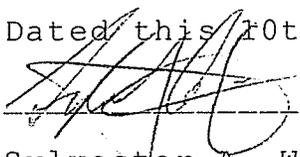
C E R T I F I C A T E

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Dated this 10th day of November, 2014.



Sylvester A. White

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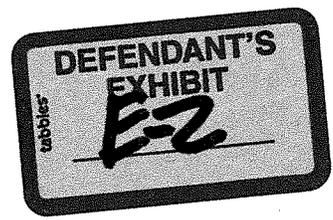
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19 By: Ashley Garrett, Assistant Police  
Prosecutor

20  
21 On behalf of the defendant:  
Scott Hurley, P.D.

22 - - -

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



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

1  
2 THE COURT: Docket number 25,  
3 docket number 43, Matthew Lewandowski's  
4 case.

5 Does Attorney Hurley have a probation  
6 report?

7 MR. HURLEY: Judge, I have it.  
8 Thank you, your Honor.

9 THE COURT: Is a victim present on  
10 this matter?

11 MS. GARRETT: There is, your Honor.

12 THE COURT: Thank you.

13 MR. HURLEY: Mr. Lewandowski --  
14 (inaudible).

15 THE COURT: Okay. The record will  
16 reflect that Sharona Ponomrenko -- is that  
17 how you pronounce it --

18 THE COMPLAINANT: Sharon Ponomrenko.

19 THE COURT: -- thank you. Is  
20 present.

21 Prosecutor Garrett, the presentencing  
22 investigation report indicates that the  
23 Probation Department tried to contact the  
24 victim, a Mr. Timothy K. Ridings, in this  
25 matter? Who is that? They don't have any

1                    mention of Miss Ponomrenko.

2            THE COMPLAINANT:            Ponomrenko.

3            THE COURT:                    Miss Ponomrenko.

4            MR. HURLEY:                    May I illuminate the  
5            Court?

6            THE COURT:                    Yes, please.

7            MR. HURLEY:                    There are really two  
8            different cars here at stake.

9            THE COURT:                    Two cars?

10           MR. HURLEY:                    The car that I believe  
11           this lady owns is the one that he was  
12           driving and caused damage to.

13           THE COURT:                    Okay. So she's the  
14           owner of the vehicle that the defendant was  
15           operating?

16           MR. HURLEY:                    Correct.

17           THE COURT:                    Okay.

18           MR. HURLEY:                    There is also another  
19           vehicle that was damaged.

20           THE COURT:                    I see. And that's  
21           Mr. Timothy Ridings' case?

22           MR. HURLEY:                    Correct.

23           THE COURT:                    Was he subpoenaed to be  
24           present here today?

25           MS. GARRETT:                    He was, your Honor.

1 THE COURT: And let's see what that  
2 subpoena says. Is this the address that is  
3 incorrect? The bailiffs were not able to  
4 serve the subpoena due to an incorrect  
5 address. I don't think that -- I think the  
6 Probation Department tried the phone number  
7 with no success.

8 Has the City tried to reach this  
9 gentleman by the phone number? So I know  
10 what to do? I don't know if I should  
11 proceed with sentencing, or proceed with  
12 sentencing and hold a restitution hearing  
13 later, or --

14 MS. GARRETT: Judge, would you like  
15 me to try?

16 THE COURT: And what is Miss  
17 Ponomrenko's issues regarding restitution?  
18 Does she have restitution since it was her  
19 vehicle?

20 MS. GARRETT: Yes, your Honor, her  
21 vehicle was damaged. She did pay out of  
22 pocket of \$500 deductible that she would be  
23 looking for.

24 THE COURT: Is she looking for  
25 reimbursement of the \$500 deductible?

1 MS. GARRETT: That's correct. Yes.

2 THE COURT: How did Mr. Lewandowski  
3 have your vehicle?

4 THE COMPLAINANT: Okay.

5 THE COURT: You gave him  
6 permission?

7 THE COMPLAINANT: No. No, no, no. What  
8 happened, your Honor, is that I have a car  
9 that my late husband, who just passed away a  
10 couple of years ago, gave me, and I paid it  
11 off with the credit union. And my  
12 granddaughter, who lives with me, has a  
13 baby, and I was going to give her the car,  
14 and switch it over into her name so she  
15 could have a decent vehicle because of the  
16 baby. I guess she was at her boyfriend's  
17 house out in Cleveland, and I live in Parma.

18 Anyway, I got a phone call from my  
19 granddaughter saying that my car was stolen,  
20 and that Matt smashed it. My car was  
21 totally demolished. And I never --

22 THE COURT: Does your granddaughter  
23 know Mr. Lewandowski?

24 THE COMPLAINANT: I guess. I don't even  
25 know her friends.

1 THE COURT: I see.

2 THE COMPLAINANT: But I never gave him  
3 permission, nor did I know him. All I know  
4 is my granddaughter is the only one that is  
5 on my insurance and that was allowed to  
6 drive the car.

7 THE COURT: Okay.

8 MR. HURLEY: Defense agrees with  
9 that statement of fact.

10 THE COURT: Okay.

11 MR. HURLEY: If I could make a  
12 suggestion?

13 THE COURT: Sure.

14 MR. HURLEY: Well, obviously,  
15 there's going to be a \$500 deductible that  
16 he will owe as restitution relative to this  
17 lady's vehicle; do you understand that?

18 THE DEFENDANT: Yes.

19 MR. HURLEY: There is kind of a  
20 mystery out there as to whether or not there  
21 is another person who is seeking damages,  
22 and there is also one other part of this  
23 puzzle, Judge. And that is when he was here  
24 last and entered a plea, you had him  
25 referred to -- he submitted a sample that

1 was positive for marijuana.

2 There were -- there was, at the time, by  
3 the way, two other warrants from other  
4 jurisdictions. One in University Heights,  
5 which he was picked up on while he was here  
6 on that day, and went to University Heights  
7 and spend five days in jail. Because of  
8 that, he missed some interactions with his  
9 probation officer.

10 THE COURT: Okay.

11 MR. HURLEY: On top of everything,  
12 he still had a Portage matter that has never  
13 been addressed.

14 I guess what I would suggest if we could  
15 at least get beyond the issue of the  
16 restitution or the amount that is owed to  
17 this lady, if the Court is inclined to take  
18 any additional steps to try to seek that  
19 other individual's knowledge about this  
20 matter, I will be back here on the date in  
21 April, and perhaps in the interim you may  
22 refer him for an assessment or something.  
23 But that's a suggestion.

24 THE COURT: Okay. Prosecutor --  
25 thank you. Prosecutor Garrett, do you think

1           you should try to reach Mr. Timothy Ridings  
2           to determine if there are any restitution  
3           issues, and if he wants to come to court on  
4           a date, and we could figure out what date if  
5           I need to continue this matter?

6           MS. GARRETT:                Yes, I could try to  
7           contact him.

8           THE COURT:                 And then maybe try to  
9           get a correct address because the bailiffs  
10          are saying it's an incorrect address --

11          MS. GARRETT:                Right.

12          THE COURT:                 There is a phone number  
13          that you probably have in the accident  
14          report. There is also a phone number that  
15          the Probation Department lists --

16          MS. GARRETT:                Correct.

17          THE COURT:                 -- on Mr. Ridings, and  
18          maybe you can check and see if you have the  
19          correct number.

20          MS. GARRETT:                Yes, that I could do  
21          that.

22          THE COURT:                 And if you could get  
23          him on the phone, maybe you and I, and  
24          Attorney Hurley can join in, and try to  
25          figure out what we should do?

1 MS. GARRETT: Okay. I'll do that.

2 THE COURT: Do you want to make the  
3 phone call, and I'll recall the case in just  
4 a few moments?

5 MR. HURLEY: Thank you, Judge.

6 THE COURT: You're welcome.

7 MR. HURLEY: Stand over there.

8 \*\*\*\*\*

9 THE COURT: Prosecutor Garrett,  
10 I'm recalling Mr. Lewandowski case, docket  
11 number 43.

12 The bailiff was able to call the  
13 Witness-Victim Advocate's office, and they  
14 will have someone here in 15 minutes.

15 MS. GARRETT: Right.

16 THE COURT: So if Miss Ponomrenko  
17 can just be patient, there will be an  
18 advocate for her in 15 minutes, okay?

19 MS. GARRETT: Okay. Thank you,  
20 Judge.

21 THE COURT: You're welcome.

22 \*\*\*\*\*

23 THE COURT: I would like to recall  
24 Mr. Lewandowski's case, please.

25 MR. HURLEY: I think so.

1 THE COURT: Where is that file?

2 MR. HURLEY: Shall we approach?

3 THE COURT: Oh, sure. I think  
4 there is an advocate here on behalf of Miss  
5 Ponomrenko.

6 - - -

7 (Thereupon, the following proceedings were  
8 conducted at Side Bar:)

9 - - -

10 THE COURT: Attorney Hurley, I just  
11 think that she just wants to see --  
12 (inaudible) -- with respect to her.

13 MR. HURLEY: Yes.

14 THE COURT: Can we just sentence  
15 him, and then come back on the docket for  
16 restitution regarding any issues that Mr. --  
17 regarding any issues Mr. Ridings may have.

18 MR. HURLEY: I'm okay with however  
19 you choose to proceed. Obviously --

20 THE COURT: He won't have anything  
21 different.

22 MR. HURLEY: I got you. Okay.  
23 That's fine. Without objection, we're set  
24 for sentencing today.

25 THE COURT: Because he's got a

1           terrible record, Attorney Hurley. He's  
2           going to spend a couple of days in jail, and  
3           one year of active probation. He'll have  
4           the alcohol drug abuse assessment. \$500  
5           restitution. He can put on the record how  
6           he can make those payments, when he can  
7           begin, and then when he comes back to Court  
8           regarding restitution. That's the only  
9           issue, I think, if there should be  
10          restitution paid to Mr. Ridings.

11         MR. HURLEY:                 From my understanding,  
12           you will supervise -- (inaudible) --  
13           establish -- I understand.

14         THE COURT:                 That will be just for  
15           restitution regarding Mr. Ridings.

16         MR. HURLEY:                 Correct.

17         THE COURT:                 That is it.

18         MR. HURLEY:                 Got it.

19         MS. GARRETT:                Judge -- she brought a  
20           bunch of paperwork with her -- (inaudible).  
21           \$500

22         MR. HURLEY:                 Well, we could waive  
23           it. That's a non-issue, as far as I'm  
24           concerned.

25         THE COURT:                 She can if that's what

1 she chooses to do.

2 MS. GARRETT: (Inaudible) would she  
3 be able to bring it to the Clerk's Office  
4 tomorrow?

5 THE COURT: She can, but I don't  
6 have the file, so...yes, she can. If she  
7 chooses to do it.

8 MS. GARRETT: Shall I bring it?

9 THE COURT: Does she want to do it  
10 on the 16th?

11 MS. GARRETT: I could ask her if she  
12 would prefer the 16th -- (inaudible).

13 THE COURT: She probably prefers  
14 tomorrow because she doesn't have to come  
15 here. She could just go to the Clerk's  
16 Office.

17 MS. GARRETT: I think so.

18 THE COURT: That's fine with me if  
19 that's okay with Attorney Hurley.

20 MR. HURLEY: Sure.

21 THE COURT: Okay. Attorney  
22 Hurley -- (inaudible.)

23 MR. HURLEY: Thank you, Judge.

24 THE COURT: I guess two to  
25 three days.

1 MR. HURLEY: Thank, you Judge.

2 - - -

3 (Thereupon, the following proceedings were  
4 had in open court.)

5 - - -

6 THE COURT: Do you all want to tell  
7 me real fast, or do I have to have you here  
8 when I recall this case. If so, let me just  
9 finish this sentencing.

10 A VOICE: (Inaudible).

11 THE COURT: That's why I called you  
12 both up here.

13 A VOICE: It doesn't make a whole  
14 lot of sense.

15 THE COURT: There is something  
16 wrong, there is something wrong there.

17 Okay. Well, why is that? What's his  
18 name? I'm just trying to make sure they  
19 don't have warrants. There is so many of  
20 them that have warrants.

21 A VOICE: (Inaudible).

22 THE COURT: Is that the man that  
23 just left the courtroom?

24 A VOICE: (Inaudible).

25 THE COURT: Maybe I need to call

1           that case.  What's his name?

2           A VOICE:                   (Inaudible) -- first  
3           name --(inaudible).

4           THE COURT:                May I have the file,  
5           please?

6                    Just one second, Attorney Hurley, I'm  
7           sorry.

8           MR. HURLEY:                Sure, Judge.

9           THE COURT:                Have a seat.

10                   Attorney Hurley --

11           MR. HURLEY:                Yes.

12           THE COURT:                -- may I call -- just  
13           give me one second -- let me call the case  
14           where you represent the person, okay?

15           MR. HURLEY:                Okay.

16           THE COURT:                They're telling me the  
17           person's ill, you know, I don't know.

18           MR. HURLEY:                Okay.

19           THE COURT:                Just give me two  
20           seconds.

21   \*\*\*\*\*

22           THE COURT:                Mr. Lewandowski has a  
23           warrant, too, but I'm getting ready to call  
24           his case.  I'm going to call his case.

25           THE BAILIFF:                Yes, your Honor.

1 THE COURT: The gentleman who needs  
2 to go downstairs to Probation, where is that  
3 file? Has it been written on?

4 THE BAILIFF: I'm sorry?

5 THE COURT: The gentleman who needs  
6 to go to the Probation Department --

7 THE BAILIFF: Here is the file. I've  
8 wrote on it, your Honor.

9 THE COURT: Okay. So --

10 THE BAILIFF: Gallagher is here.

11 THE COURT: Do you want -- oh,  
12 Gallagher is here?

13 THE BAILIFF: Right here, your Honor.

14 THE COURT: So what's that man's  
15 name again?

16 THE BAILIFF: This is Mr. Albert  
17 Benjamin.

18 THE COURT: Mr. Benjamin, you could  
19 go to the 6th floor Probation Department at  
20 this time.

21 (Inaudible) -- yes, this goes with that.  
22 Thank you. I'm going to put that with this  
23 so I don't mix it up.

24 Let me do Lewandowski, and then I'm  
25 going to call Mr. Mraz.

1 THE BAILIFF: Okay.

2 THE COURT: Oh, my gosh.

3 I would like to recall Mr. Lewandowski's  
4 case, and then I'll call Mr. Mraz's case.  
5 All right.

6 This is recalling docket number 43, for  
7 Mr. Matthew Lewandowski. I would like to  
8 thank the advocate for coming on behalf of  
9 Miss Ponomrenko.

10 THE ADVOCATE: Yes, your Honor.

11 THE COURT: Prosecutor Garrett, I  
12 should probably just summarize when we went  
13 into the back with Attorney Hurley and Miss  
14 Ponomrenko and the defendant, the Prosecutor  
15 had called Mr. -- what was his name?  
16 Ridings?

17 MS. GARRETT: Timothy Ridings.

18 THE COURT: Ridings. Okay. And  
19 he just had not received any notification  
20 from the Probation Department, or from the  
21 Prosecutor's office. I think because of a  
22 wrong address or something.

23 But, we're going to proceed with  
24 sentencing today, and then we'll have a  
25 restitution hearing regarding Mr. Ridings on

1 April 16th at 2 p.m. when Attorney Hurley is  
2 back in the courtroom.

3 Miss Ponomrenko, is there anything that  
4 you would like to say?

5 THE COMPLAINANT: Yes, your Honor. Okay.  
6 I just want the courts to note that what  
7 Mr. Lewandowski has done, okay, made me a  
8 victim because the car that I had, I took  
9 care of it, my late husband gave it to me,  
10 and he stole it, and he demolished it. And  
11 it's been two years since --

12 THE COURT: This just can't -- is  
13 that this floor? I guess we're okay.

14 What does he think is so funny? Why are  
15 you disturbing the courtroom, sir? Have him  
16 have a seat over here.

17 THE BAILIFF: I apologize, Judge.

18 THE COURT: The gentleman over in  
19 the corner. He knows who he is.

20 I'm sorry for the disruption, but go  
21 right ahead. She needs some tissues. They  
22 are in my office, Durch. Do you want to go  
23 in my office and get Kleenex, please? I'm  
24 okay. I'm all right.

25 THE BAILIFF: (Inaudible) -- all

1           gone, your Honor.

2           THE COURT:                   Just go in and look on  
3           the table, as soon as you walk, in the side  
4           door, there is tissues. Can you just go and  
5           get them?

6           THE BAILIFF:                 Yes, your Honor.

7           THE COURT:                   Thank you. Go ahead.

8           THE COMPLAINANT:           Yesterday's been  
9           two years since my husband's death. And  
10          Mr. Lewandowski was bragging on the  
11          Internet, he's laughing about it, he thinks  
12          it's a joke.

13          THE COURT:                 About your husband's  
14          death?

15          THE COMPLAINANT:         No, about stealing my  
16          car or demolishing it and everything. And  
17          he knows what I'm going through. And he's  
18          making a joke out of it, he thinks it's  
19          funny. He's bragging on the Internet. He  
20          tells my granddaughter. And it's like to  
21          him, it's a big joke. And this is very  
22          emotional for me. I'm not out for revenge,  
23          but it's not fair that he did this to me  
24          because it's costing me a lot. I'm sorry,  
25          your Honor, but this is very emotional for

1 me because he thinks it's a joke.

2 THE COURT: Well, we had a  
3 conversation in the back when we were  
4 talking to Mr. Ridings on the phone where  
5 Attorney Hurley made very clear there may or  
6 may not be a pending felony, but at this  
7 point, it's not before this Court, okay.  
8 The felony will never be before this Court.

9 So, I have to focus on this charge of  
10 Failure to Stop After an Accident on the  
11 Street. Mr. Lewandowski is not before this  
12 Court on Grand Theft of a Motor Vehicle or  
13 anything like that. So, I have to focus on  
14 narrow issues before the Court, which would  
15 be like damage to your vehicle, how this has  
16 affected you. But I understand why you are  
17 bringing in that information, but he hasn't  
18 been charged with a Felony II. To my  
19 knowledge yet, he may be, but I cannot judge  
20 him based upon something -- I can't judge  
21 him on a felony, okay?

22 THE COMPLAINANT: Yeah, I understand  
23 that.

24 THE COURT: But I understand. Is  
25 there anything else you would like to say?

1           You are looking for restitution with respect  
2           to the \$500 deductible; is that correct?

3           THE COMPLAINANT:           Yes, your Honor.

4           THE COURT:                 And your insurance  
5           carrier took care of the total vehicle?

6           THE COMPLAINANT:           Yeah, they took the  
7           vehicle. They gave me the value of the car,  
8           and I paid \$500 deductible.

9           THE COURT:                 Okay. Okay. Thank you  
10          very much. Thank you.

11                     Anything else, Prosecutor Garrett, or  
12          the advocate?

13          MS. GARRETT:             No, your Honor.

14          THE COURT:                 Anything that you would  
15          like to say on his behalf, Attorney Hurley?

16          MR. HURLEY:             I thank the Court for  
17          making it clear it may seem strange we have  
18          to segregate these issues out relative to  
19          what's charged in this court system and what  
20          may or may not be charged elsewhere.

21                     The fact of the matter is in my  
22          interactions with Mr. Lewandowski, there has  
23          never been any situation other than him, I  
24          know, feeling ultimately responsible for the  
25          things that he has done here, and his every

1           desire to make her whole as best as he can.  
2           He can't give her that car back, but he  
3           could at least make her financially where  
4           she was, I suppose, out of pocket. And I'm  
5           going to ask the Court to give him the  
6           opportunity to do that.

7                     Obviously, he's got other headaches on  
8           top of all this, too. He's going to be  
9           making sure that there is no drugs or  
10          alcohol in his system in the interim here.  
11          My expectation is that there's going to be  
12          an assessment conducted, and this is,  
13          hopefully, going to be a chance for him to  
14          prove her wrong about him as a young man.  
15          And hopefully, he could demonstrate to her  
16          as well as the Court that he's got his head  
17          screwed on straight about this, and he's  
18          going to do what he can to show this Court  
19          and the lady whose car he damaged that he is  
20          never going to be in this situation again.

21                     Do you understand me?

22           THE DEFENDANT:            Yes.

23           THE COURT:                Thank you.

24           Mr. Lewandowski, would you like to say  
25           anything?

1 THE DEFENDANT: Yes, your Honor. I  
2 wanted to apologize on my behalf for being  
3 behind a motor vehicle without license or  
4 insurance, and a vehicle that was not mine.  
5 And I really do -- I am here for my  
6 mistakes, and I am trying to admit up to my  
7 mistakes, and get these situations dealt  
8 with.

9 THE COURT: Thank you. The maximum  
10 fine on the charge of Failure to Stop After  
11 an Accident on the Street is \$1,000 and up  
12 to 180 days in jail.

13 On this case, Attorney Hurley, I don't  
14 think Mr. Lewandowski served any time in  
15 jail on this case on the Court's docket?

16 MR. HURLEY: That's correct. He got  
17 arrested on the warrant while he was at the  
18 probation office.

19 THE COURT: Right, but that's for  
20 another jurisdiction?

21 MR. HURLEY: Correct.

22 THE COURT: So, it might be best  
23 for this Court to have, since he has  
24 warrants in two other jurisdictions, I  
25 believe, I think he has two other warrants.

1 MR. HURLEY: University Heights is  
2 no longer a warrant --

3 THE COURT: But he has one in  
4 Portage County, right?

5 MR. HURLEY: Portage is still  
6 pending, correct.

7 THE COURT: So maybe it's best for  
8 this Court to order the assessment while  
9 he's still in custody. He's testing  
10 positive for marijuana, he has a warrant out  
11 for another jurisdiction, which he hasn't  
12 taken care of, since he's been on the  
13 Court's docket. The Court is not that far  
14 away for him to take care of that warrant.

15 THE DEFENDANT: Excuse me, your Honor?

16 THE COURT: And I am hoping this  
17 Deputy Chief here, Mr. Jenkins, could order  
18 your assessment, even if he has to give you  
19 that March 29th one that he has in his hand  
20 for another defendant on my docket.

21 This is terrible. The other gentleman  
22 that we talked to, Mr. Ryan -- what was his  
23 name?

24 MS. GARRETT: Mr. Ridings, your  
25 Honor.

1 THE COURT: Ridings. He indicates  
2 that his car was totalled, too.

3 MR. HURLEY: I don't think he said  
4 totalled. He did say --

5 THE COURT: He said damaged.

6 MR. HURLEY: Yes.

7 THE COURT: And a \$250 deductible,  
8 but we weren't really sure.

9 MR. HURLEY: Right.

10 THE COURT: But we don't know how  
11 much damage. But there are two victims here  
12 because of your conduct. Two victims.

13 Do you think he could get it done? No?

14 Attorney Hurley, but you are here on the  
15 16th. They may make an exception and allow  
16 me to bring him back on a Tuesday. Usually,  
17 the prisoners, in person, are on a Thursday,  
18 in person, and by video conference on  
19 Wednesdays. But you won't be here on either  
20 one like on the 18th, right?

21 They may make a special exception, and  
22 I'll order him on that date. Maybe they'll  
23 allow.

24 MR. HURLEY: I guess that I had a  
25 different idea.

1 THE COURT: Well, I did, too, until  
2 I realized how horrible this is. I mean  
3 there are two victims, and you left the  
4 scene of the accident, and he's still  
5 testing positive for marijuana. He has  
6 warrants. He has a matter pending, which I  
7 can't hold that against him, criminal  
8 damaging, I think, in Shaker Heights, and a  
9 warrant out in Portage County.

10 MR. HURLEY: I want him to be out  
11 and working and paying for this --

12 THE COURT: He doesn't have a job.  
13 He doesn't even have a job to pay any  
14 restitution. According to the probation  
15 report, he has no employment.

16 THE DEFENDANT: Your Honor, may I  
17 speak?

18 MR. HURLEY: I could advise you not  
19 to. Frankly, I think that you've said too  
20 much already.

21 THE DEFENDANT: Well, I'm getting a  
22 job.

23 MR. HURLEY: Okay. Well --

24 THE COURT: Does he have  
25 employment, Attorney Hurley?

1 MR. HURLEY: Not at this time.

2 THE COURT: How is he going to pay  
3 restitution --

4 MR. HURLEY: He could get himself  
5 employed. He's got something lined up. And  
6 that will be the way that he's going to do  
7 this. That's as good as a plan he's going  
8 to come up with. Obviously, he has to  
9 take --

10 THE COURT: Who is going to hire  
11 him with an outstanding warrant in Portage  
12 County that he won't take care of?

13 MR. HURLEY: Great point, Judge.

14 THE COURT: You need to take care  
15 of it. I'm not changing my mind. There are  
16 two victims on this matter.

17 And I will try to get special  
18 permission, Attorney Hurley, if there is any  
19 way they could bring him in.

20 Can you be here the morning of -- we'll  
21 leave it at 2 o'clock. I will just order  
22 him returned with his personal clothes and  
23 belongings with the intention of releasing  
24 him on the 16th when you come.

25 I'm ordering him returned with his

1 personal clothes and belongings so he could  
2 be released. He should have had the  
3 assessment by then; is that okay?

4 MR. HURLEY: I understand your  
5 decision, Judge. I guess, I was expecting  
6 that you were going to impose some jail days  
7 and have him back here on his own on the  
8 16th. That was my expectation.

9 THE COURT: Well, I had thought  
10 about that, but he has this Portage County  
11 hold, and there are two victims. And this  
12 victim is really devastated by all of this.

13 I don't know about any laughing on  
14 Facebook, and all that. I have no idea.  
15 Let's hope that he's not doing anything like  
16 that. But I'm going to issue a No Contact  
17 Order with respect to this victim. Just  
18 wisdom would tell you not to post anything  
19 about her --

20 THE DEFENDANT: (Inaudible.)

21 THE COURT: I don't know if it's  
22 true. I'm just saying --

23 MR. HURLEY: Don't say anything.

24 THE COURT: -- please don't do  
25 that. I don't know if it's true.

1                   Do you think that you could get him  
2                   assessed by the 16th?  
3           PROBATION OFFICER:       Of April?  
4           THE COURT:                Yes.  
5           PROBATION OFFICER:       Oh, yeah.  
6           THE COURT:                So you think today is  
7           like the 26th. So you're saying that I  
8           should bring him back before? Do you think  
9           that you would be done by the 10th?  
10          THE DEFENDANT:            I've got an interview  
11          coming up for work.  
12          MR. HURLEY:               (Inaudible) -- right  
13          now I'm doing my best for you. I'm sorry  
14          that you are disappointed in my efforts.  
15          PROBATION OFFICER:       We could probably have  
16          something on that day.  
17          THE DEFENDANT:            I'm going to jail  
18          because a woman is crying.  
19          THE COURT:                What is he saying?  
20          MR. HURLEY:               The less you say, the  
21          better.  
22          THE COURT:                What is he saying,  
23          Attorney Hurley?  
24          MR. HURLEY:               He's going to jail  
25          because she's crying. And in a way, now

1 . you're crying, okay?

2 THE COURT: He's going to jail  
3 because this Court could impose -- excuse  
4 me --

5 THE DEFENDANT: -- my eyes.

6 THE COURT: The Court could impose  
7 180 days.

8 MR. HURLEY: Don't get cutesy, don't  
9 get cutesy. There is a camera on both of us  
10 right now, and I'm doing my best to be the  
11 effective lawyer that I can for you 50 years  
12 after Gideon versus Wainwright puts a lawyer  
13 standing next to you. I'm doing the best I  
14 can; do you understand me?

15 And don't kid yourself. You are the guy  
16 that crashes this car into some other car --

17 THE DEFENDANT: Yes, I understand that.

18 MR. HURLEY: You are going to make  
19 her whole, right? Then stop feeling sorry  
20 for yourself --

21 THE DEFENDANT: Now, how do I make her  
22 feel whole if I'm in jail where I can't pay  
23 no fines or nothing.

24 THE COURT: You know what? Because  
25 you don't comprehend this, I might just

1           impose 180 days because I don't think you're  
2           ever going to pay her or the other  
3           gentleman.

4           THE DEFENDANT:           I am.

5           THE COURT:                You are not going to  
6           act up in this courtroom. Your record is  
7           terrible. I don't have to put all of this  
8           on the record. All of these -- it's just  
9           ridiculous.

10                    You have to change things around in your  
11           life, Mr. Lewandowski, and not blame anyone  
12           else but yourself. And this is the Court's  
13           decision.

14           THE DEFENDANT:           Yes, ma'am.

15           THE COURT:                You have two victims  
16           here.

17           THE DEFENDANT:           Yes, ma'am.

18           THE COURT:                Why do you think a  
19           judge is just going to say one or two days  
20           and let you out?

21           THE DEFENDANT:           No.

22           THE COURT:                Right? Two victims  
23           here. This is horrible.

24           THE DEFENDANT:           I understand that.

25           THE COURT:                So you should be

1           thankful that you are coming back on the  
2           16th of April.

3                     Attorney Hurley, I do have to get  
4           special permission to bring him back on a  
5           Tuesday because I'm not really allowed to do  
6           prisoners. But I think Mr. Michael Negray  
7           will give special permission if I'm ordering  
8           him returned with personal clothes --

9           MR. HURLEY:                     Thank you.

10          THE COURT:                     -- and belongings where  
11          they're not transporting him back --

12          MR. HURLEY:                     I understand.

13          THE COURT:                     -- to the Cleveland  
14          House of Corrections.

15          MR. HURLEY:                     I appreciate the  
16          Court's indulgence on that.

17          THE COURT:                     And then we will set  
18          for a restitution -- oh, I'm sorry. So, at  
19          this time, this sentence ordered into  
20          execution will be 180 days, but you are not  
21          going to be there that long. You are coming  
22          back to be released on April 16th; do you  
23          understand?

24          THE DEFENDANT:                 Yes, ma'am.

25          THE COURT:                     And I'll suspend -- I'm

1           going to suspend all of the fine, Attorney  
2           Hurley --

3           MR. HURLEY:           Thank you.

4           THE COURT:           -- because I believe  
5           he's going to try to do the right thing with  
6           respect to restitution for Miss Ponomrenko  
7           where he's going to pay her \$500. And we  
8           won't know the amount for the other  
9           gentleman, until he comes in, or until we  
10          have more information on April 16th.

11          MR. HURLEY:           Correct.

12          THE COURT:           Do you have any motions  
13          regarding court costs?

14          MR. HURLEY:           Judge, he is obviously  
15          indigent for purposes of costs. I'll ask  
16          the Court to consider a waiver of costs that  
17          will also keep his money going towards  
18          making these people whole instead of the  
19          court system.

20          THE COURT:           Any objection?

21          MS. GARRETT:          No, your Honor.

22          THE COURT:           The court costs will be  
23          suspended based upon a finding of indigency.  
24          I'm going to say two years of active  
25          probation, formal alcohol or drug abuse

1 assessment, treatment and counseling as  
2 warranted. And then the restitution that  
3 we've already put on the record. There will  
4 be random Breathalyzer urinalysis tests.  
5 You know not to consume any alcohol, and not  
6 to use any illegal substances; do you  
7 understand?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And then I understand  
10 that Miss Ponomrenko will file the proper  
11 documentation with the Clerk of Courts  
12 tomorrow --

13 MS. GARRETT: That's correct.

14 THE COURT: -- with the green form,  
15 okay. And she doesn't need to come back to  
16 court.

17 Now, I can't tell you when Mr.  
18 Lewandowski is going to be able to make  
19 payments regarding your restitution because  
20 he doesn't have a job right now, because he  
21 has warrants for other jurisdictions. He  
22 has a lot to clean up. But when he comes  
23 back on the 16th, and he's being released  
24 from this courtroom, I don't know what we'll  
25 put on the record about that. He has to

1 find a job before he could make any  
2 payments.

3 But he has two years -- he's on two  
4 years of active probation. But one of his  
5 conditions of employment will be to obtain  
6 gainful employment so he can pay restitution  
7 to both victims, okay?

8 THE COMPLAINANT: Yes, your Honor.

9 THE COURT: So you have to be  
10 patient. Keep in touch with the Probation  
11 Department. We'll give you a number to  
12 check on when he'll be making the  
13 restitution payments. Right now we don't  
14 know because he's in custody, and he doesn't  
15 have a job, okay.

16 THE COMPLAINANT: Yes, your Honor.

17 THE COURT: Thank you for being  
18 present. Does she have a subpoena for me to  
19 stamp today? At least you could get some  
20 reimbursement through the Clerk's Office  
21 regarding the subpoena.

22 MS. GARRETT: Judge, may I approach?

23 THE COURT: Sure. Thank you.

24 I thank the advocate for coming on her  
25 behalf. You'll tell her how to keep in

1 touch with the Probation Department to check  
2 on restitution issues and so forth. Okay.

3 MS. GARRETT: Thank you, Judge.

4 MR. HURLEY: I understand.

5 THE COMPLAINANT: (Inaudible) -- 18 years  
6 old -- (inaudible.)

7 MR. HURLEY: Anything further,  
8 Judge?

9 THE COURT: No.

10 MR. HURLEY: All right.

11 THE COURT: Except I need to put  
12 down no proof of insurance, right?

13 MR. HURLEY: That's correct.

14 THE COURT: He did not have proof  
15 of insurance?

16 MR. HURLEY: Right.

17 THE COURT: Okay. That's all.

18 MR. HURLEY: My expectation is is he  
19 going to have an assessment conducted in the  
20 coming days?

21 THE COURT: Deputy Chief Dean  
22 Jenkins says he's going to make certain it  
23 happens, and that we have assessment results  
24 -- I mean recommendations by April 16th, for  
25 certain.

1 MR. HURLEY: Thank you, Judge.

2 THE COURT: And the assessment way  
3 before the 16th.

4 \*\*\*\*\*

5 THE COURT: Recalling docket number  
6 43 -- you're welcome -- Mr. Matthew  
7 Lewandowski's case. Do you want him to  
8 approach side bar?

9 MR. HURLEY: If we may, Judge, just  
10 for a moment. Come on. Come on. No, come  
11 on up with me.

12 - - -

13 (Thereupon, the following proceedings were  
14 conducted at Side Bar:)

15 - - -

16 MR. HURLEY: Listen, just to be  
17 clear, first of all, he has, by the way, in  
18 the past, he was taking medications for  
19 anxiety disorders. It got awful  
20 claustrophobic back there for him, and he  
21 was struggling with that. I think he's got  
22 his breath. I think he's okay. I don't see  
23 any reason for 9-1-1 to be called right now.

24 But I will tell you, that while he has  
25 no reason to harm to himself or others, his

1           mental health history here that maybe  
2           relevant eventually.

3           THE COURT:                    Do you want me to make  
4           a referral to the Court Psychiatric Clinic?  
5           We could do the evaluation while he's in  
6           custody.

7           MR. HURLEY:                    If the Court is  
8           inclined to do that, I could understand why.

9           THE COURT:                    I can, but what is his  
10          diagnosis?

11          MR. HURLEY:                    Depression and anxiety?

12          THE DEFENDANT:                I have anxiety and I'm  
13          depressed.   Bipolar.   OCC.

14          MR. HURLEY:                    (Inaudible)-- is that  
15          right?

16          THE DEFENDANT:                (Inaudible) -- I was --  
17          (inaudible) --

18          MR. HURLEY:                    Focus on one question  
19          at a time here, okay.   All we're really  
20          trying to do is get a picture so bad we need  
21          you plugged into the right resources in the  
22          community; do you understand?

23                 Do you want to sit down?   (Inaudible.)

24          THE COURT:                    Is he -- are you  
25          presently under the care of a psychiatrist?

1 THE DEFENDANT: Not right now. I was  
2 trying to get back over -- (inaudible.)

3 MR. HURLEY: One question at a time.  
4 Listen to the question. Do you know what  
5 the name of this somebody -- (inaudible.)

6 THE DEFENDANT: No.

7 MR. HURLEY: That's fine, okay.  
8 And this was through Bellefaire. He did  
9 have services through Bellefaire at some  
10 point.

11 THE DEFENDANT: I was in -- in --

12 THE COURT: How long ago?

13 MR. HURLEY: Two years ago.

14 THE DEFENDANT: 2010 or 3.

15 THE COURT: Did he give you this  
16 information? He didn't give you this  
17 information when he was interviewed in the  
18 Probation Department?

19 MR. HURLEY: That's correct.

20 THE COURT: Okay. I didn't think  
21 -- if I had seen it, I would have made the  
22 referral.

23 MR. HURLEY: (Inaudible) -- today.

24 THE COURT: Thank you.

25 The diagnoses are Bipolar Disorder,

1 anxiety, and -- there was another one? OCC?

2 THE DEFENDANT: OCC.

3 MR. HURLEY: Obsessive Compulsive  
4 Disorder.

5 Are you on medications for that, too?

6 THE DEFENDANT: No, my last medication  
7 is -- (inaudible.)

8 MR. HURLEY: The ultimate question  
9 is do those medications help you when you  
10 take them?

11 THE DEFENDANT: (Inaudible.)

12 MR. HURLEY: That's good.

13 THE COURT: And he hasn't seen a  
14 psychiatric since 2010; is that right?

15 MR. HURLEY: That sounds accurate.

16 Now, listen -- (inaudible) -- sign a  
17 request to release information --  
18 (inaudible) -- prior -- (inaudible) --  
19 that's a good thing, because that, at least,  
20 gives us a reference for medications that  
21 work. If it didn't work, give you new  
22 medications, okay. But you need to address  
23 those issues, and you mind as well address  
24 them now; do you see when I'm saying?

25 THE COURT: You said Abilify and

1 Seroquel?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: At this time, do you  
4 think that you're going to harm yourself?  
5 Do you think you will harm anyone else?

6 THE DEFENDANT: No.

7 THE COURT: Do you think you are  
8 suicidal which is harming yourself?

9 THE DEFENDANT: No.

10 THE COURT: Are you depressed?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. Are you having  
13 any hallucinations, like seeing things or  
14 hearing things?

15 THE DEFENDANT: No.

16 THE COURT: Anything else you would  
17 like to say? Okay.

18 I don't have the address because I think  
19 the probation report went downstairs.

20 THE DEFENDANT: Yes.

21 THE COURT: I think it went  
22 downstairs already.

23 What is your current address?

24 THE DEFENDANT: Pardon me?

25 MR. HURLEY: What is your current

1 address?

2 THE DEFENDANT: 3717 West 137th Street.

3 MR. HURLEY: 3717 West --

4 THE DEFENDANT: 137th.

5 MR. HURLEY: 137th.

6 THE COURT: Is that a home?

7 THE DEFENDANT: Yes, that's my mailing  
8 address. That's my mom's.

9 THE COURT: Where do you live?

10 That's what I need to know. Where do you  
11 live?

12 THE DEFENDANT: 3182 West 41st. Sorry.

13 THE COURT: 3182?

14 THE DEFENDANT: West 41st.

15 THE COURT: What address did you  
16 give the Probation Department?

17 THE DEFENDANT: It was the same one as  
18 3717, and I wasn't even -- I didn't even see  
19 my probation officer. I dropped a urine,  
20 and the bailiffs came, and got me for the  
21 warrants.

22 THE COURT: What is the zip code  
23 for 3182 West 41st Street?

24 THE DEFENDANT: I believe it is 44109.

25 THE COURT: Who lives there?

1 THE DEFENDANT: Me.  
2 THE COURT: That's your own place?  
3 THE DEFENDANT: Yes, that's my own --  
4 THE COURT: And this other address  
5 is the mailing address?  
6 THE DEFENDANT: That's my mother's  
7 address. Because I just moved into my  
8 apartment.  
9 THE COURT: Do you have a phone  
10 number, sir?  
11 THE DEFENDANT: My mom's number is  
12 216-799-9982.  
13 THE COURT: Okay. And is there a  
14 apartment number for 3182 West 41st Street?  
15 THE DEFENDANT: That's -- down back.  
16 THE COURT: All right. I think I  
17 have enough information to refer.  
18 And the journalizer pointed out to me  
19 that I did not sentence on Count 1 which is  
20 the License Required to Operate. I need to  
21 do that.  
22 MR. HURLEY: That's fine.  
23 THE COURT: Can I do that?  
24 MR. HURLEY: Sure, we can do it  
25 right now.

1 THE COURT: Thank you.

2 - - -

3 (Thereupon, the following proceedings were  
4 had in open Court:)

5 - - -

6 MR. HURLEY: (Inaudible) -- I got  
7 you -- (inaudible). Do you want to sit  
8 down?

9 Judge, whenever you are ready.

10 THE COURT: For sentencing on the  
11 Count 1, License Required to Operate, it's  
12 \$1,000 and up to 180 days in jail.

13 It's a little bit difficult to suspend  
14 days and order days, so I'm just going to  
15 keep this consistent, if that's okay?

16 MR. HURLEY: I understand.

17 THE COURT: None of the days will  
18 be suspended. I'll suspend \$900 of the  
19 fine. And the fine of \$100 is  
20 deemed satisfied --

21 MR. HURLEY: Thank you.

22 THE COURT: -- based upon the days  
23 served.

24 MR. HURLEY: Thank you.

25 THE COURT: Cases set on the docket

1 for April 16th at 2 p.m. where he will be  
2 coming in with his personal clothes and  
3 belongings --

4 MR. HURLEY: Yes.

5 THE COURT: -- to be released,  
6 hopefully, on that date.

7 In the meantime, he could remain in the  
8 courtroom --

9 MR. HURLEY: Please.

10 THE COURT: -- until all of the  
11 paperwork has been finished which hopefully  
12 it will be finished in just a few moments.

13 MR. HURLEY: All right. That's good  
14 news, Judge.

15 THE COURT: And then they will be  
16 able to escort him --

17 THE DEFENDANT: (Inaudible) -- some  
18 water --

19 MR. HURLEY: We'll get you something  
20 to drink in a minute here.

21 THE COURT: Does he want water? Or  
22 something like that?

23 MR. HURLEY: Please, if possible.

24 THE COURT: Kartan, can you handle  
25 that for me, please.

1 MR. HURLEY: Have a seat right  
2 there.

3 THE COURT: Let him just have a  
4 seat. He needs to sit in the courtroom.

5 Thank you, Mr. Hurley.

6 MR. HURLEY: Thank you, Judge.

7 THE COURT: And let the record  
8 reflect that I have made a referral to the  
9 Court Psychiatric Clinic based upon the  
10 information provided at side bar.

11 If you go in my office, there should be  
12 water in the refrigerator or if not, there  
13 is water in the jury deliberation room  
14 that's cold.

15 THE BAILIFF: Okay.

16 THE COURT: This is ready to be  
17 journalized for Mr. Lewandowski. Here is  
18 his psychiatric -- we just need the case  
19 number. I forgot to write it down.

20 What is his date of birth?

21 THE BAILIFF: 2-24-92.

22 THE COURT: And his case number?

23 THE BAILIFF: 2013TRD002588.

24 Here is his probation report, if you  
25 need it, your Honor.

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THE COURT:                    This is good.  Thanks.  
Okay.

- - -

C E R T I F I C A T E

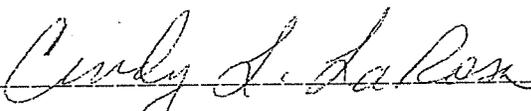
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State of Ohio, )  
County of Cuyahoga, ) SS:  
City of Cleveland. )

City of Cleveland, )  
V. )  
Matthew J. Lewandowski. )

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 12th day of November, 2014.



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. 2013TRD002588  
8 MATTHEW J. LEWANDOWSKI. )  
9 Defendant.)

10 - - -

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

15 - - -

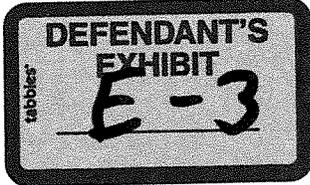
16 APPEARANCES:

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

20  
21 On behalf of the defendant:  
Scott Hurley, P.D.

22 - - -

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



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

1  
2 THE COURT: You have two -- well,  
3 Lewandowski, that's just a continuance.

4 Will the bailiffs bring out Lewandowski,  
5 so we can just do the continuance.

6 MR. HURLEY: Thank you.

7 THE COURT: They all have to -- the  
8 bailiffs, please, sir, help us, and bring  
9 Mr. Lewandowski into the courtroom. He's in  
10 the holding cell.

11 This is docket number 33 for Mr. Matthew  
12 Lewandowski. Attorney Hurley, I know that  
13 you reviewed the psychiatric report which is  
14 dated April 8, 2013.

15 MR. HURLEY: Yes, your Honor.

16 THE COURT: It does give different  
17 diagnoses, and that was by Dr. Susan Kimmel,  
18 but she indicates that Mr. Lewandowski does  
19 not meet the criteria for his case to be  
20 transferred to the Mental Health Court  
21 docket; do you agree or disagree?

22 MR. HURLEY: I will stipulate to  
23 that conclusion. And I don't know see the  
24 source of the disorders that would bring on  
25 -- (inaudible).

1           THE COURT:                   And I understand  
2           from -- I don't know -- I think I've seen  
3           the probation report -- but here it is.  
4           He's scheduled for an alcohol drug abuse  
5           assessment tomorrow, April 17th.  
6           MR. HURLEY:                   Yes.  
7           THE COURT:                   And that should be  
8           ready in seven days.  
9           MR. HURLEY:                   Yes.  
10          THE COURT:                   So do you understand  
11          all of this, Mr. Lewandowski?  
12          MR. HURLEY:                   Yes, ma'am.  
13          THE COURT:                   So, if he has it on the  
14          17th, should be, results 1 o'clock for video  
15          conference on the 24th; is that acceptable,  
16          Attorney --  
17          MR. HURLEY:                   If the Court's inclined  
18          if that's the next available time to make  
19          that request, that is a good day.  
20          THE COURT:                   Do you understand that,  
21          Mr. Lewandowski?  
22          THE DEFENDANT:                Yes, ma'am.  
23          THE COURT:                   Tomorrow, you will have  
24          your alcohol substance abuse assessment; do  
25          you understand that?

1           The results of that, the recommendations  
2 will be ready one week later, which would be  
3 on April 24th at 1 p.m.

4           THE DEFENDANT:           Okay.

5           MR. HURLEY:           And it's based upon the  
6 recommendations of that assessment that this  
7 Judge will decide what to do with you. When  
8 she sees what they recommend, for example,  
9 intensive inpatient treatment, well, now  
10 we're looking for a bed. If they see that  
11 you are eligible for intensive outpatient  
12 treatment, then my request will be that you  
13 be released and that you be allowed to be in  
14 the community to satisfy her -- to continue  
15 what you are doing while you are in this  
16 institution.

17           Judge, he did want to make sure that you  
18 know (inaudible) that he understood the  
19 first step.

20           THE COURT:           That's good.

21           MR. HURLEY:           Have you taken any  
22 medications since I saw you last?

23           THE DEFENDANT:           No.

24           MR. HURLEY:           So you are medication  
25 free?

1 THE DEFENDANT: Yes.

2 MR. HURLEY: Do you feel better  
3 today than you did last time?

4 THE DEFENDANT: Yes.

5 MR. HURLEY: All right. Well, I  
6 know it's disappointing to hear that you are  
7 not getting out today, but this Judge needs  
8 that assessment before she can even consider  
9 releasing you.

10 THE DEFENDANT: Yes.

11 THE COURT: And this case is on the  
12 docket today regarding restitution to a  
13 second victim, but there is no one else here  
14 today; is that correct? Or do you have --

15 MS. LOPEZ: It's set for 2 o'clock.  
16 So -- should I call the victim and let them  
17 know. Or see if he shows up at 2?

18 THE COURT: You know, well,  
19 Mr. Lewandowski, that -- because I don't  
20 think that the probation report has any  
21 information regarding that second victim.  
22 Let's see.

23 MR. HURLEY: I think the Court --

24 THE COURT: I'll just bring him  
25 back at 2? He'll get lunch in 120, and

1 bring him back at 2? I don't want him to  
2 miss his TASC assessment tomorrow, but he  
3 would be here, anyway. So --

4 MR. HURLEY: I could waive his  
5 presence here this afternoon.

6 THE COURT: Are you sure?

7 MR. HURLEY: Yes. So, that --

8 THE COURT: That's okay. If you  
9 are approving that, that's fine with the  
10 Court.

11 MR. HURLEY: Please.

12 You understand, that this is the second  
13 person, the second victim, that is to say.  
14 There was the lady whose car he was  
15 apparently driving that was upset the last  
16 time around and escalated. Then there was  
17 the car on the street that someone tried to  
18 reach and no one ever reached that person.  
19 So that's what we're waiting for. We could  
20 be showing a ghost. If not, we'll deal with  
21 it. But I don't want him to be slowed down  
22 here at this point, or to continue this  
23 until next week.

24 THE COURT: That's fine.

25 MR. HURLEY: Thank you.

1 THE COURT: That's fine.  
2 MR. HURLEY: All right.  
3 THE COURT: Anything else, Mr.  
4 Lewandowski?  
5 THE DEFENDANT: No, ma'am.  
6 THE COURT: Okay.  
7 MR. HURLEY: All right. Thank you,  
8 Judge.  
9 Hang in there.  
10 THE COURT: Attorney Hurley?  
11 MR. HURLEY: Yes.  
12 \*\*\*\*\*  
13 THE COURT: So is there a victim  
14 here?  
15 MR. HEFFERNAN: There is no victim.  
16 THE COURT: They gave me a blue  
17 form. I don't know, a blue form would be  
18 for a victim.  
19 Is it, is there -- oh, there is a victim  
20 here on Mr. Lewandowski's case. Who is  
21 that? Okay. What is your last name, sir?  
22 You could step up to the podium, please.  
23 It's hard for me to read your writing.  
24 Where is Mr. Lewandowski's file? I saw  
25 it over here somewhere, okay.

1           Okay. Mr. Lewandowski was here this  
2 morning, but we were expecting you to be  
3 here, I think, at 2 --

4           THE COMPLAINANT:        Yes, ma'am.

5           THE COURT:               -- regarding  
6 restitution issues.

7           And then will you need to speak to the  
8 prosecuting attorney. When she comes in,  
9 she will be at this table. Her name is  
10 Prosecutor Lopez, okay?

11          THE COMPLAINANT:        Okay.

12          THE COURT:               She should be here --  
13 she may not be here until about 2:10, 2:15.  
14 Can you wait --

15          THE COMPLAINANT:        Yes.

16          THE COURT:               -- until she comes?  
17 And then she'll talk to you about the  
18 restitution issues on Mr. Lewandowski's  
19 case, okay?

20          THE COMPLAINANT:        Okay, ma'am.

21          THE COURT:               All right.

22          THE COMPLAINANT:        Your Honor, would it be  
23 all right to step downstairs to have a  
24 cigarette, won't it?

25          THE COURT:               Absolutely. Just come

1 back by 10 after 2.

2 THE COMPLAINANT: Okay. You know, I  
3 don't want to be in Contempt of Court or  
4 whatever.

5 THE COURT: No, you won't be. It's  
6 fine to go take a little break.

7 THE COMPLAINANT: Okay. Thank you.

8 THE COURT: You're welcome. All  
9 right.

10 \*\*\*\*\*

11 THE COURT: Ask Attorney Hurley to  
12 come back into the courtroom regarding  
13 Matthew Lewandowski's case.

14 Prosecutor Lopez, I'm not sure. Did the  
15 victim come back? Is Mr. -- (inaudible) --

16 A VOICE: (Inaudible.)

17 THE COURT: Let me see here.

18 A VOICE: Here he is.

19 MR. HURLEY: Yes, yes.

20 THE COURT: This is Mr. Ridings,  
21 Attorney Hurley?

22 MR. HURLEY: Yes.

23 THE COURT: This is the gentlemen  
24 for Mr. Matthew Lewandowski.

25 MR. HURLEY: Right.

1 THE COURT: Recalling docket number  
2 33. Where you waived his appearance, but  
3 this is the -- sir, this is the Prosecutor.  
4 This is the victim, who is scheduled to come  
5 in at 2 o'clock this afternoon. This is  
6 Mr. Ridings, Timothy Ridings.

7 Do you have Mr. Essex's file? I think  
8 it's over there.

9 - - -  
10 (Thereupon, a discussion was had off the  
11 record.)

12 - - -  
13 MR. HURLEY: Yeah. Without  
14 objection, we will agree to what was so  
15 stipulated, et cetera.

16 All right. Whenever you are ready,  
17 Judge.

18 THE COURT: Okay. This is  
19 recalling docket number 33, for Matthew  
20 Lewandowski, who was here this morning.

21 And Mr. Ridings, did he submit -- does  
22 he have restitution issues that he's  
23 concerned about?

24 MS. LOPEZ: There is a \$50  
25 deductible that he would like to be

1 reimbursed for by the defendant.

2 THE COURT: Okay. Did he bring the  
3 documentation so I can file the proper  
4 restitution documentation with the Clerk of  
5 Courts?

6 THE COMPLAINANT: (Inaudible.)

7 THE COURT: No? No? But, you  
8 could show him the green restitution form.

9 Mr. Ridings?

10 THE COMPLAINANT: Yes, your Honor.

11 THE COURT: The process is for you  
12 to be reimbursed, and for me to make it a  
13 condition of probation. There is a green  
14 restitution form that you will need to fill  
15 out. The Prosecutor could help you do that  
16 now. And then you have to bring your  
17 supporting documentation -- or maybe even  
18 your insurance carrier could fax it to you,  
19 so you don't have to come back. We can give  
20 you a fax number.

21 Would you be able to call your insurance  
22 carrier so they could show documentation  
23 that you had to pay a \$50 deductible?

24 THE COMPLAINANT: (Inaudible.)

25 THE COURT: We could give you the

1 phone number, that way you don't have to  
2 come back. Shall we do it that way?

3 THE COMPLAINANT: Yeah. I could call  
4 them.

5 THE COURT: Okay. You think so?

6 MR. HURLEY: Just so you understand,  
7 I'm the guy that's represents the guy that  
8 damaged your car; do you understand that?

9 THE COMPLAINANT: Yeah.

10 MR. HURLEY: Try to listen  
11 carefully. We'll try to make you whole as  
12 far as your deductible. So you're saying  
13 you were only out \$50 for the thing?

14 THE COMPLAINANT: That's what it -- see,  
15 what I got is after every year, they take an  
16 amount off --

17 THE COURT: Uh-huh.

18 THE COMPLAINANT: -- and so now, I only  
19 have to pay \$50 --

20 MR. HURLEY: We just want to make  
21 sure that you're -- he's paying for your  
22 damage, that's all. You paid \$50. That's  
23 what he's going to pay you. But they have  
24 to do the paperwork right so it shows up in  
25 the correctly in the journal entry.

1 THE COURT: Did your insurance  
2 carrier pay for the damage to your vehicle?

3 THE COMPLAINANT: They paid partial  
4 because I had to take it into their place.

5 THE COURT: Do you have a balance  
6 left, sir?

7 THE COMPLAINANT: Yeah, all I have to pay  
8 is the \$50, and, you know, they'll fix it.

9 THE COURT: So what I'm saying is  
10 that after you pay the \$50, do you have  
11 anything else that you have to pay?

12 THE COMPLAINANT: According to them, no.

13 THE COURT: Okay. So just the \$50?

14 THE COMPLAINANT: Yes, your Honor.

15 THE COURT: So for him to file that  
16 documentation, Attorney Hurley, he needs to  
17 file the \$50 form, unless -- because the  
18 payments are made through the Clerk of  
19 Courts.

20 MR. HURLEY: I understand. I just,  
21 you know, we stipulate to that amount. We  
22 stipulate that --

23 THE COURT: I'll note than on the  
24 journal entry.

25 MR. HURLEY: Thank you.

1 THE COURT: And then --

2 THE COMPLAINANT: I -- (inaudible.)

3 THE COURT: Do you want your  
4 insurance carrier to fax something showing  
5 that you had to pay the \$50 deductible?

6 Then you could attach it to the green  
7 restitution form, and then the bailiff could  
8 take you downstairs and get that document  
9 filed?

10 THE COMPLAINANT: Yes, your Honor. I'll  
11 contact my insurance company.

12 THE COURT: Do you want to call  
13 them now so they could fax it and then you  
14 don't have to go all the way home and come  
15 back?

16 THE COMPLAINANT: Yeah, I could.

17 THE COURT: Prosecutor Lopez, if  
18 you will approach? I don't know if he's  
19 understanding, but here is the number, here  
20 is the fax number. Does he understand his  
21 insurance carrier could fax something and  
22 then we'll have it in a few moments. And  
23 then we could have a bailiff take him  
24 downstairs to file the green restitution  
25 form.

1                   And then he knows to come back to the  
2 courtroom? Okay?

3 MS. LOPEZ:                   Uh-huh.

4 THE COURT:                   Okay. Attorney Hurley?

5 MR. HURLEY:                  Yes.

6 THE COURT:                   Would you like to  
7 approach for a moment?

8 MR. HURLEY:                  Please.

9                                   - - -

10                   (Thereupon, a discussion was had off the  
11 record with the mics muted.)

12                                   - - -

13 \*\*\*\*\*

14 THE COURT:                   Prosecutor -- I would  
15 like to recall Matthew Lewandowski's case,  
16 docket number 33.

17                   Prosecutor Lopez, Mr. Ridings, now is  
18 that the information that he needs to attach  
19 to the --

20 MS. LOPEZ:                   Yes.

21 THE COURT:                   -- restitution form  
22 that needs to be filed with the Clerk of  
23 Courts?

24                   Does he need a copy for his records?

25                   I'll have a bailiff -- will you call for

1 a file runner to come up to the courtroom,  
2 please?

3 THE BAILIFF: Yes, your Honor.

4 (Inaudible.)

5 THE COURT: Mr. Ridings, what you  
6 have to understand is that Mr. Lewandowski  
7 is still in jail. He's going to have an  
8 alcohol drug abuse assessment tomorrow. He  
9 doesn't come back to the courtroom until  
10 April 24th. On April 24th, he may be  
11 released from custody, but it's going to  
12 take a while before you receive your  
13 restitution payment. Mr. Lewandowski has to  
14 make the payments to the Clerk of Courts,  
15 and the Clerk must mail the payments to you;  
16 do you understand?

17 THE COMPLAINANT: Yes, your Honor.

18 THE COURT: Okay. So it may take a  
19 while. But I'm going to have a bailiff walk  
20 you downstairs to get this document filed  
21 and get you copies, okay?

22 THE COMPLAINANT: Yeah.

23 THE COURT: That will take just a  
24 few moments. Why don't you just have a seat  
25 in the courtroom, right behind the

1           Prosecutor. And as soon as a bailiff comes  
2 we'll have them help you file that  
3 documentation with the Clerk of Courts.  
4 We'll make you a copy.

5           Will you -- once they time-stamp it --  
6 do you want him to have a copy of it once  
7 it's been time-stamped? Or do you want us  
8 to make a copy of everything but the green  
9 sheet, and then they could make that copy  
10 downstairs for him?

11 MS. LOPEZ:                   Yes, that will be fine.

12 THE COURT:                   Okay. Will you make a  
13 copy? Just make one copy of everything,  
14 yeah.

15 THE BAILIFF:                 Not the green sheets?

16 THE COURT:                   I don't think the green  
17 sheet, because once they time-stamp it  
18 downstairs, hopefully, they will make him a  
19 copy of that. I hope. Here.

20           Linda, you need to approach so you could  
21 do this, please.

22           This was journalized this morning, but  
23 remember the victim was coming back at  
24 2 o'clock. We did the prisoner in the  
25 morning. Now you just have to add this line

1 in the journal entry that he's agreed to  
2 pay, and then they need to take the file  
3 downstairs so we can file the restitution  
4 form. So -- it doesn't change. We don't  
5 need any of that.

6 We just need that.

7 Okay. So you just needed to add that.  
8 Everything remains same.

9 Now, the defendant's agreed to pay  
10 restitution, so that's the only thing that  
11 needs to be journalized on that.

12 THE BAILIFF: Your Honor?

13 THE COURT: He could get a copy. I  
14 don't know if we should staple it up here  
15 for him. Is this his copy? Is this what's  
16 going to be attached to the green  
17 restitution form?

18 THE BAILIFF: I have it. This is the  
19 original here.

20 THE COURT: Okay. Did you all call  
21 for a file runner?

22 THE BAILIFF: On their way.

23 THE COURT: Is the file runner  
24 still not here?

25 THE BAILIFF: (Inaudible).

1 THE COURT: Are they on their way  
2 to the courtroom? Did someone responded?

3 THE BAILIFF: Someone responded and  
4 I'll check again.

5 15C to file runner. Copy.

6 THE COURT: Karthan, just wait for  
7 the file to be ready in just a second.

8 This is a copy for the victim. You are  
9 going to escort the victim downstairs.

10 Mr. Oriti, would you -- do you want to  
11 go to your office? I told the bailiffs I'll  
12 call you when I'm ready to call the case,  
13 sir.

14 PROBATION OFFICER: Very good.

15 THE COURT: And you are disturbing  
16 the Court.

17 PROBATION OFFICER: Thank you.

18 THE COURT: The victim -- I'm  
19 trying to find him. He's in the plaid.

20 THE BAILIFF: Yes, your Honor.

21 THE COURT: Now that's his copy.

22 THE BAILIFF: Yes, your Honor.

23 THE COURT: He has the green  
24 restitution form, and this --

25 THE BAILIFF: Uh-huh.

1 THE COURT: That will be filed with  
2 the Clerk, and that goes in the case file.  
3 But he needs a copy for his records. But  
4 when he goes downstairs, he needs a copy of  
5 the green form. He did not make a copy of  
6 the green form because it has to be  
7 time-stamped --

8 THE BAILIFF: Okay.

9 THE COURT: -- so make certain he  
10 gets a copy of the green form and then  
11 attaches it to that.

12 THE BAILIFF: Yes.

13 THE COURT: And you could go as  
14 soon as Miss Linda journalizes one sentence  
15 on that.

16 THE BAILIFF: Okay. Do you need me  
17 to come back after that, your Honor?

18 THE COURT: Huh-uh. I don't think  
19 so. Because it goes to Probation. Once  
20 they file that green restitution form, I  
21 don't know what the Clerk's Office does. I  
22 think they set up a file or something, but  
23 that file does need to go to Probation.

24 THE BAILIFF: Yes, your Honor.

25 THE COURT: To Kim Oxner.

1 THE BAILIFF: Okay. Okay.

2 THE COURT: She just has once  
3 sentence.

4 Since you are there, would you just  
5 kindly hand this to the journalizer?

6 THE BAILIFF: Sure.

7 THE COURT: (Inaudible.) Thanks.

8 Make sure that gets in the file that's  
9 already over there, please? And this one,  
10 too. It just goes in the blue file.

11 Linda, is that file ready yet for  
12 Lewandowski?

13 Karthan, just hand it to her. Karthan,  
14 she could put the yellow forms in the files.

15 THE BAILIFF: Okay. Yes, ma'am.

16 THE COURT: And then, is that  
17 Lewandowski's file?

18 THE BAILIFF: Yes, your Honor.

19 THE COURT: I think it's written  
20 up. I'm not sure. I hope it is. Thank  
21 you.

22 Make sure he gets that copy because  
23 everything that he has is going to be filed  
24 in the file.

25 THE BAILIFF: Yes, your Honor.

1 THE COURT: Thank you for helping  
2 him.

3 Is there a probation report over there  
4 for Lewandowski? Or are there any  
5 probation reports on the chair? Is it  
6 empty? It probably went down already.  
7 Thank you.

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

City of Cleveland, )  
V. )  
Matthew J. Lewandowski. )

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 7th day of November, 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. 2013TRD002588

8 MATTHEW J. LEWANDOWSKI. )

9 Defendant.)

10 - - -

11 Transcript of digitally recorded proceedings via  
12 video conferencing had before the Honorable Judge  
13 Angela R. Stokes, on Wednesday, the 1st day of May,  
14 2013, in Courtroom 15C.

15 - - -

16 APPEARANCES:

17

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

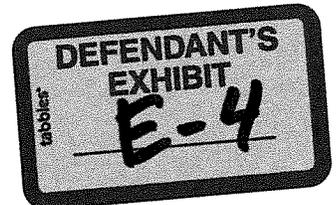
20  
21 On behalf of the defendant:  
Scott Malbasa, P.D.

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25 Cindy L. LaRosa, RPR, CRI, MSCJ



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THE COURT: Matthew Lewandowski. I think that's somebody that I could release, I believe.

Mr. Matthew Lewandowski?

THE BAILIFF: Matthew Lewandowski.

THE COURT: I just finished --  
(inaudible.)

MR. MALBASA: It's a mitigation hearing, your Honor.

THE COURT: Okay. I'm going to get to that in just one second.

May I have the report for Mr. Lewandowski? It's in that stack right there.

This is docket number 43 for Mr. Matthew Lewandowski. Mr. -- the probation report is right there.

THE BAILIFF: Oh.

THE COURT: That's okay. I'll get it. It's not in front of me, okay.

Mr. Lewandowski?

THE DEFENDANT: Yes, your Honor.

THE COURT: Good afternoon.

THE DEFENDANT: Good afternoon. How

1           are you?

2           THE COURT:                Fine. Thank you. We  
3           have your assessment recommendations for  
4           intensive outpatient treatment.

5           THE DEFENDANT:            Yes.

6           THE COURT:                And so do you have a  
7           place to reside in the community, sir?

8           THE DEFENDANT:            Yes, your Honor.

9           THE COURT:                All right. Any  
10          motions, Attorney Malbasa?

11          MR. MALBASA:               Motion to Mitigate,  
12          Judge.

13          THE COURT:                That Motion is granted,  
14          Mr. Lewandowski. I'll give you credit for  
15          time served. I'll calculate that in just  
16          one moment -- which will be --

17          THE DEFENDANT:            36.

18          THE COURT:                1, 2, 3, 4, 5 more  
19          days -- I think it's a total of 37 days;  
20          does that sound right?

21          THE DEFENDANT:            Yes, your Honor.

22          THE COURT:                I'll suspend 143 days  
23          on both counts: The License Required to  
24          Operate charge, and also on the Failure to  
25          Stop After an Accident on the Street. And

1 active probation continues until March 26,  
2 2015 with the conditions we've previously  
3 ordered.

4 You are paying a \$500 deductible  
5 restitution to Mr. Ponomrenko. I suspended  
6 the court costs. I want to make sure.

7 You have to follow through with your  
8 intensive outpatient treatment. No use of  
9 any alcohol, no use of any illegal  
10 substances. And I'll mitigate the \$100  
11 fine. It seems like I -- the fine will be  
12 deemed satisfied based upon the days served.

13 THE DEFENDANT: Okay.

14 THE COURT: And I already suspended  
15 the court costs. So you will be released  
16 from custody sometime later this evening.  
17 Please report to your probation officer. Do  
18 you know who that is?

19 THE DEFENDANT: I think it was Howell,  
20 I believe?

21 THE COURT: Oh, Shari Howell?  
22 Okay.

23 THE DEFENDANT: I believe so.

24 THE COURT: Let me just look at one  
25 other thing. And then also, he's paying \$50

1           restitution to Timothy Ridings, so he's got  
2           a lot to do.

3           The only thing is I'm looking for the  
4           note regarding the psychiatric evaluation.

5           Mr. Lewandowski, did you have the  
6           psychiatric evaluation done, sir?

7           THE DEFENDANT:           Yes, your Honor, I did.  
8           And you told me last time I came to court  
9           that it was looking -- it looked good. I  
10          had that fine and juggle my assessment, your  
11          Honor.

12          THE COURT:               All right. I remember  
13          that Attorney Hurley wanted that, but I  
14          don't think that your case was  
15          transferable to the -- I think it was  
16          because of the panic attack; is that right?

17          THE DEFENDANT:           Yes, it was, your  
18          Honor.

19          THE COURT:               He did not meet the  
20          criteria for the mental health court  
21          docket --

22          THE DEFENDANT:           No, I didn't.

23          THE COURT:               -- but I wanted to make  
24          sure.

25                 Okay. You will be released this

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evening. Please report to your probation officer tomorrow. Are you able to do that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Okay.

THE DEFENDANT: Okay. Thank you, your Honor.

THE COURT: I hope you do well.  
Thank you.

- - -

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

City of Cleveland, )

v. )

Matthew J. Lewandowski. )

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 via video conference 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 7th day of November, 2014.

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

1 STATE OF OHIO, )  
COUNTY OF CUYAHOGA, ) SS  
2 CITY OF CLEVELAND. )

STOKES, A. R., J.

3  
4 IN THE MUNICIPAL COURT

5 - - -  
6 CITY OF CLEVELAND, )  
7 Plaintiff, )  
8 vs. ) 2013TRD002588  
9 MATTHEW J. LEWANDOWSKI, )  
10 Defendant. )

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

16 - - -  
17 APPEARANCES:

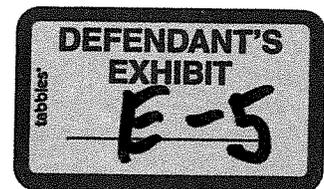
18 On behalf of the plaintiff:

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

21 On behalf of the defendant:

22 James D. London, Esq.

23  
24  
25 Grace Evangelou, RPR



P R O C E E D I N G S

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THE COURT: Mr. Lewandowski. Mr. --

A VOICE: Lewandowski.

THE COURT: Yes, please. And then  
Attorney London, is there one last person?

Is that Mr. White?

MR. LONDON: Richard White, yes.

A VOICE: Yeah, White. Yeah,  
that's the last one, your Honor. Thank you.

THE COURT: Is this Lewandowski?

THE DEFENDANT: Yes. Good afternoon,  
your Honor.

THE COURT: Good afternoon,  
Mr. Lewandowski. This is a case they  
actually had on yesterday's docket, but  
they mixed it up. It should have been for  
today, 2013 TRD 002588.

And this matter was set for a probation  
violation hearing also, Attorney London.  
But you saw his probation report?

MR. LONDON: Yes.

THE COURT: And I believe the  
capias was issued July 10th, 2013, when he  
failed to appear for a probation violation  
hearing; testing positive for marijuana on

1           June 5th, 2013, and that he was referred for  
2           urinalyses test June 4th, 2013, and left  
3           without submitting a sample.

4           MR. LONDON:                   And he's waiving the  
5           hearing, your Honor.

6           THE COURT:                   Do you understand all  
7           of that, Mr. Lewandowski?

8           THE DEFENDANT:               Yes, I do, your Honor.  
9           I apologize for my irresponsibility. I  
10          should have been down there and took my test  
11          and everything and seen her.

12          THE COURT:                   Bobby, did you find me  
13          the journal entry from yesterday? I'm  
14          assuming, I don't know, maybe she can just  
15          print a journal entry because they have  
16          the days -- the Clerk's office and Central  
17          Scheduling have the days mixed up.

18                 So Mr. Lewandowski, how were you  
19          arrested on this matter?

20          THE DEFENDANT:               I was going down the  
21          street with my brother and someone had  
22          called the cops saying that we were doing  
23          something that we weren't supposed to, but  
24          we weren't. So they just ran our names and  
25          I had a warrant, so they took me to jail. I

1 told them that I had the warrant too, so --  
2 THE COURT: And why did you stop  
3 reporting to your probation officer?

4 THE DEFENDANT: I became homeless in  
5 the months that I was doing it. So I called  
6 my dad and my father came and picked me up,  
7 and I went out to Youngstown to his house.  
8 And that's why I missed everything. I'm not  
9 giving no excuses. I take full  
10 responsibility for what I've done, and I  
11 apologize.

12 If you let me go home, I'll follow  
13 everything I need to do.

14 MR. LONDON: He indicates that he  
15 currently does live in Cleveland now, your  
16 Honor, at 3198 West 56th Street, Apartment  
17 No. 2, here in Cleveland with his  
18 girlfriend, Melissa Sheplick (phonetic).  
19 And he has a phone number, a cell phone  
20 number, which I can also give the Court.

21 THE COURT: I'm willing to give him  
22 another chance. That's all I can do is give  
23 him a chance because he still has to pay  
24 restitution to the victim. He needs help  
25 with his substance abuse issues.

1                    Probation violation hearing waived.  
2                    Found in violation of probation. How many  
3                    days have you been in custody,  
4                    Mr. Lewandowski?  
5                    MR. LONDON:                    The warrant was  
6                    verified --  
7                    THE DEFENDANT:                Since Thursday night.  
8                    MR. LONDON:                    11-7, your Honor.  
9                    Warrant verified 11-7. It's the second  
10                   document on the other side where they have  
11                   all the documents. They put the warrant  
12                   verification form --  
13                   THE COURT:                    I don't see a warrant  
14                   verified date. I see when he was in custody  
15                   on May 13th. I don't see a date. What date  
16                   were you arrested, sir?  
17                   THE DEFENDANT:                The 7th.  
18                   THE COURT:                    Okay.  
19                   THE DEFENDANT:                November 7th, 2013?  
20                   THE COURT:                    I'll give him credit  
21                   for time served, once they get me a journal  
22                   entry. Suspend the balance of the days.  
23                   Active probation remains on this case until  
24                   March 26th, 2015. Same conditions apply.  
25                   This is your last time, Mr. Lewandowski.

1 If you violate again you're going to serve  
2 the balance of your days. You are to report  
3 to your probation officer.

4 Do you know who your probation officer  
5 is?

6 THE DEFENDANT: I forget her name. I  
7 know I was going to 117th.

8 THE COURT: Shari Howell. Shari  
9 Howell.

10 THE DEFENDANT: Yes.

11 THE COURT: Report to her tomorrow  
12 by 10 a.m. Your failure to do so, I'm just  
13 going to issue a warrant again. Do you  
14 understand?

15 THE DEFENDANT: Okay. Yes, your Honor.

16 THE COURT: You have random  
17 urinalyses testing. You have to pay the  
18 restitution to the victim, okay?

19 THE DEFENDANT: Okay, your Honor.

20 THE COURT: All right.

21 THE DEFENDANT: Thank you, your Honor.  
22 You have a great evening.

23 THE COURT: Thank you. You too.  
24 Thank you. Just need a journal entry.

25 - - -

C E R T I F I C A T E

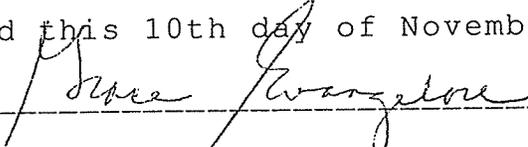
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State of Ohio, )  
County of Cuyahoga, ) SS:  
City of Cleveland. )

City of Cleveland, )  
 )  
 vs. )  
 )  
 Matthew J. Lewandowski. )

I, Grace Evangelou, court reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the digitally recorded proceedings in the above-captioned case on the date set forth; that I have transcribed my said stenotype notes into typewritten form as appears in the foregoing transcript of the proceedings; that said transcript is a complete record of the digitally recorded proceedings had in the hearing of said case and constitutes a true and correct transcript of the taped proceedings had therein.

Dated this 10th day of November, 2014.

  
-----  
Grace Evangelou

1 STATE OF OHIO, )  
2 COUNTY OF CUYAHOGA, ) SS ADRINE, R. B., J.  
3 CITY OF CLEVELAND. )

4 IN THE MUNICIPAL COURT

5 - - -  
6 CITY OF CLEVELAND, )  
7 Plaintiff, )  
8 vs. ) 2013TRD002588  
9 MATTHEW J. LEWANDOWSKI, )  
10 Defendant. )

11 - - -  
12  
13 Transcript of digitally recorded proceedings had  
14 before the Honorable Judge Ronald B. Adrine, on  
15 Monday, June 23, 2014, in Courtroom 15-A.

16 - - -  
17 APPEARANCES:

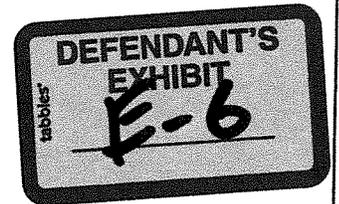
18 On behalf of the plaintiff:

19 Victor R. Perez, Chief Police Prosecutor  
20 By: Katherine Maurath, Ass't Police Pros.

21 On behalf of the defendant:

22 Gusty A. Rini, Esq.

23  
24  
25 Grace Evangelou, RPR



P R O C E E D I N G S

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THE COURT:                   What do you have left, Gus?

MR. RINI:                    I'm sorry, what?

THE COURT:                   What do you have left?

MR. RINI:                    Mr. Lewandowski.

Kelsey filed a Motion to get it back before the Court. I'm not sure he was ever notified though of a court date. I don't see anything in the file. The file was just left on my desk this morning, so --

THE COURT:                   Was this a capias recall?

MR. RINI:                    Yes. It was a Stokes' case, judge? I was just tracking her Motion right now.

It looks like he served a number -- a significant number of days on the matter. And it was a traffic matter, but I think he was also supposed to be going, dropping urine and stuff for a traffic matter. It's the usual that we've encountered.

I think several days he was put back, or several times he was put back in jail and given credit. I don't know if it was a

1 cumulative amount or each day, or for every  
2 time he came before her. She just totalled  
3 the number of days he had received. And  
4 according to Kelsey's notes it was one point  
5 in time he was supposed to be given like I  
6 think it was --

7 THE COURT: Was it the only -- I  
8 mean the major charge on this was the No  
9 Drivers License?

10 MR. RINI: And a Hit Skip. There  
11 was a Hit Skip too.

12 THE COURT: And he pled to both of  
13 those?

14 MR. RINI: That's my  
15 understanding, judge. There was one point  
16 he was supposed to be given 21 days and  
17 wound up sitting there for 37 days.

18 If he were here, I'd make a Motion to  
19 terminate probation and give him credit.

20 THE COURT: Well, you know, you  
21 could still make the Motion.

22 MR. RINI: Okay, judge. With that  
23 in mind, let me make the Motion to terminate  
24 probation, give him credit for time served,  
25 which I believe is in excess of 47 days, and

1           it may be more than that. I was just trying  
2           to calculate, based on what I've seen here.  
3           But the paperwork isn't -- doesn't seem to  
4           be accurate.

5           THE COURT:                   But there is at least  
6           44 days that the Court gave him credit for.

7           MR. RINI:                    I know. And I saw more  
8           days. Then I saw a note about at one point  
9           he was supposed to do 21 days, but wound up  
10          sitting there for 37 days before he was  
11          brought back, so I think that may be in  
12          addition to other days he got.

13          So if the Court would consider recalling  
14          the capias, releasing the warrant block,  
15          giving him credit for time served, and  
16          terminating his probation, I will waive the  
17          hearing and see about notifying him  
18          (inaudible) results.

19          THE COURT:                   He was referred for  
20          both a psychiatric evaluation and formal  
21          alcohol drug assessment.

22          MR. RINI:                    I didn't know about the  
23          psychiatric. I knew about the alcohol  
24          assessment.

25          THE COURT:                   All done at the same

1           time of sentencing. What is the basis for  
2           the psychiatric exam, do you know?

3           MR. RINI:                    Judge, I wasn't there.  
4           I think Kelsey may have been. I -- she did  
5           it often times. I mean I don't --

6           THE COURT:                 Prior psychiatric  
7           history. It says defendant has not seen a  
8           psychiatrist since 2010 and used to take  
9           medications for anxiety, and then treated at  
10          Bellefaire. That defendant's diagnosis are  
11          bipolar.

12          MR. RINI:                   (Inaudible) is  
13          unrelated to the traffic matter.

14          THE COURT:                 Depression, anxiety,  
15          panic attacks, and obsessive/compulsive  
16          disorder.

17          MR. RINI:                   No relationship to what  
18          he was before the Court on?

19          THE COURT:                 Probation violation  
20          hearing having been waived, defendant is  
21          found in violation of probation. Sentence  
22          is resuspended. Probation is terminated.

23          MR. RINI:                   Thank you, judge.

24          THE COURT:                 You're welcome.

25          MR. RINI:                   And I need the capias

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recalled, the warrant block --

THE COURT: Capias is recalled.

The warrant block is released. Warrant  
block fee is waived.

MR. RINI: Thank you very much.

Thank you very much, judge.

THE COURT: You're welcome.

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C E R T I F I C A T E

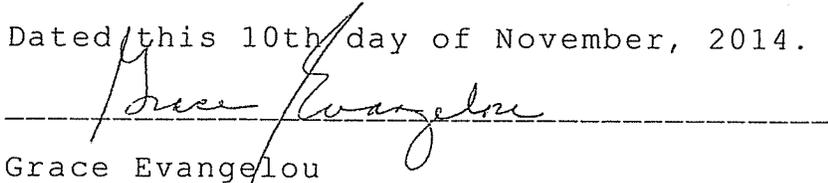
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State of Ohio, )  
County of Cuyahoga, ) SS:  
City of Cleveland. )

City of Cleveland, )  
vs. )  
Matthew J. Lewandowski. )

I, Grace Evangelou, court reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the digitally recorded proceedings in the above-captioned case on the date set forth; that I have transcribed my said stenotype notes into typewritten form as appears in the foregoing transcript of the proceedings; that said transcript is a complete record of the digitally recorded proceedings had in the hearing of said case and constitutes a true and correct transcript of the taped proceedings had therein.

Dated this 10th day of November, 2014.

  
Grace Evangelou

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

3  
4 IN THE MUNICIPAL COURT

5 - - -  
6 CITY OF CLEVELAND, )  
7 Plaintiff, )  
8 vs. ) 2011CRB029832  
9 DENISE PEDERSON, )  
10 Defendant. )

11 - - -  
12  
13 Transcript of digitally recorded proceedings had  
14 before the Honorable Judge Angela R. Stokes, on  
15 Monday, August 29, 2011, in Courtroom 3-C.

16 - - -  
17 APPEARANCES:

18 On behalf of the plaintiff:

19 Victor R. Perez, Chief Police Prosecutor  
20 By: Stephanie Jerlstrom, Ass't Police Pros.

21 On behalf of the defendant:

22 Scott M. Malbasa, Esq.

23  
24  
25 Grace Evangelou, RPR



P R O C E E D I N G S

1  
2 THE COURT: Denise Pederson. This  
3 is 2011CRB029832 for Dennis Pederson. It is  
4 an Open Container charge.  
5 MR. MALBASA: She'd like to enter a  
6 plea of no contest to the case as charged.  
7 THE COURT: Okay. Miss Pederson,  
8 this, the Open Container Prohibited charge,  
9 is a fourth degree misdemeanor carrying a  
10 maximum fine of \$250 and up to 30 days in  
11 jail. Do you understand?  
12 THE DEFENDANT: Yes.  
13 THE COURT: The citation is from  
14 August 14, 2011, at Abbey and Columbus in  
15 Cleveland, Ohio.  
16 It alleges you had an open container on  
17 public streets, in violation of -- and this  
18 was a Genesse Ice of 24 ounces. Do you  
19 recall and understand the charge?  
20 THE DEFENDANT: Yes.  
21 THE COURT: Okay. Would you like  
22 to enter a no contest plea and consent to a  
23 finding of guilty to this charge?  
24 THE DEFENDANT: Yes.  
25 THE COURT: That means you're

1 giving up your right to have either a bench  
2 trial to the judge or a jury trial to eight  
3 jurors. Do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: You are presumed,  
6 considered to be innocent, until the city of  
7 Cleveland proves your guilt beyond a  
8 reasonable doubt, if your guilt is to be  
9 proven at a trial. Do you understand?

10 THE DEFENDANT: Yes.

11 THE COURT: And if you were to have  
12 a trial, you have a right to remain silent  
13 at trial. No one can force you to testify  
14 or to say anything at trial. Do you  
15 understand?

16 THE DEFENDANT: Yes.

17 THE COURT: You're also giving up  
18 your right to subpoena witnesses who could  
19 testify at a trial if you were to have one.  
20 Do you understand?

21 THE DEFENDANT: Yes.

22 THE COURT: And you're giving up  
23 your right to confront your accusers at  
24 trial. Do you understand?

25 THE DEFENDANT: Yes.

1 THE COURT: Have there been any  
2 threats or promises made to force you to  
3 enter this plea?  
4 THE DEFENDANT: No.  
5 THE COURT: Are you satisfied with  
6 your attorney's representation?  
7 THE DEFENDANT: Yes.  
8 THE COURT: Do you have any  
9 questions about the rights you're giving up?  
10 THE DEFENDANT: No.  
11 THE COURT: Do you have any  
12 questions about the penalties that can be  
13 imposed by the Court?  
14 THE DEFENDANT: No.  
15 THE COURT: Are you a citizen of  
16 the United States?  
17 THE DEFENDANT: Yes.  
18 THE COURT: Okay. Any questions?  
19 THE DEFENDANT: Not at this time.  
20 THE COURT: I will accept your  
21 change of plea to the Open Container  
22 Prohibited charge. Anything you'd like to  
23 say on her behalf, Attorney Malbasa?  
24 THE DEFENDANT: No, your Honor.  
25 (Inaudible) would like to speak with respect

1 to the fine.

2 THE DEFENDANT: I was hoping that we  
3 could resolve this with the --

4 MR. MALBASA: You're requesting  
5 community work service?

6 THE DEFENDANT: Yes.

7 THE COURT: Does she live in  
8 Buffalo, New York?

9 THE DEFENDANT: Pardon?

10 THE COURT: This says she lives in  
11 Buffalo, New York.

12 THE DEFENDANT: I had --

13 THE COURT: Do you live in Buffalo,  
14 New York? She could pay her fines. She  
15 can --

16 THE DEFENDANT: Actually I recently had  
17 moved here from western New York, and I  
18 hadn't changed my ID over yet, which I'm  
19 trying to do this week.

20 MR. MALBASA: So you live here now?

21 THE DEFENDANT: Yes, I do.

22 MR. MALBASA: In Cleveland, Ohio?

23 THE COURT: The maximum fine is  
24 \$250 and up to 30 days in jail. Thirty days  
25 will be suspended, and I'll suspend \$230 of

1 the fine. So she has a fine of \$20 and  
2 court costs. So she can -- if she's  
3 unemployed, you know, I'll suspend the court  
4 costs. If not --

5 MR. MALBASA: Are you employed?

6 THE DEFENDANT: I'm unemployed.

7 MR. MALBASA: She's currently  
8 unemployed, your Honor. We move to suspend  
9 court costs.

10 THE COURT: How does she pay for  
11 her rent and so forth?

12 MR. MALBASA: I don't know. She  
13 receives disability, your Honor.

14 THE COURT: And how much does she  
15 get in disability benefits monthly, that she  
16 can't pay a \$20 fine to the Cleveland  
17 Municipal Court? So then she can. If she  
18 can pay it, she can pay it right now.

19 If you want to make a motion about the  
20 court costs, the Court understands if  
21 there's a disability here. Is there a  
22 motion, Attorney Malbasa?

23 MR. MALBASA: Motion to suspend  
24 courts, your Honor.

25 THE COURT: Any objection.

1 MS. JERLSTROM: No, your Honor.  
2 THE COURT: There's no objection.  
3 MS. JERLSTROM: No.  
4 THE COURT: Court costs will be  
5 suspended based upon a finding of indigency.  
6 And Attorney Malbasa, she can make a \$20 --  
7 pay within 24 hours a payment of the \$20  
8 fine?  
9 MR. MALBASA: Can you pay the payment  
10 within 24 hours? Yes or no. No? When do  
11 you get your next paycheck, your next  
12 disability check? The 3rd? So September  
13 3rd?  
14 THE COURT: What is the disability?  
15 What's her mental disability? Just tell him  
16 quietly. He'll tell me quietly.  
17 MR. MALBASA: Schizophrenia.  
18 THE COURT: So why is she consuming  
19 alcohol with her psychotropic meds? Do you  
20 take your psychotropic medication?  
21 THE DEFENDANT: I don't take any  
22 medicine.  
23 THE COURT: Why? Are you supposed  
24 to?  
25 THE DEFENDANT: No, I'm not supposed

1 to.

2 THE COURT: Maybe I'll place this  
3 one on probation. I think I will. Attorney  
4 Malbasa, I'm a little uncomfortable but I'm  
5 not imposing jail time, but I'm going to  
6 place her on one year of active probation.  
7 And if I need to make a referral to the  
8 Court psychiatric clinic to see if this  
9 belongs on the mental health court docket,  
10 that's fine. She needs to be evaluated.  
11 But also Attorney Malbasa, do you want me to  
12 give a time to pay date, Attorney Malbasa?

13 Mr. MALBASA: Judge, maybe in this  
14 case it'd be best if we enter a not guilty  
15 plea and she spoke to an attorney.

16 THE COURT: And I will probably  
17 make a referral and if I decide to put a  
18 bond on it, I will certainly do that also.  
19 It's fine with the court.

20 MR. MALBASA: I'm just --

21 THE COURT: I understand. If you  
22 want her to vacate this it's fine, and I may  
23 put a bond on it, and I may make a referral  
24 to the -- I am going to make a referral to  
25 the Court psychiatric clinic no matter what.

1           So it's fine if she wants to vacate that. I  
2           have no problem with that. She can  
3           certainly do that. Do you want her to enter  
4           a not guilty plea?

5           Well, you all talk about it. I will  
6           call the next case. She may have a seat  
7           over here. You all just make sure she  
8           doesn't leave the courtroom.

9   \* \* \* \*

10          THE COURT:                    Recalling Denise  
11          Pederson's case which is 2011CRB029832.  
12          Attorney Malbasa, it's fine with the court,  
13          whatever you'd like to do. If she wants to  
14          vacate this plea, sir, that is just fine  
15          with the court.

16          MR. MALBASA:                 Yes, your Honor, we  
17          would move to vacate the plea.

18          THE COURT:                    Be a not guilty plea.

19          MR. MALBASA:                 Enter a plea of not  
20          guilty.

21          THE COURT:                    I'm going to do a no  
22          bond Clinic mit. I am taking her into  
23          custody, and I will make a referral to the  
24          Court psychiatric clinic.

25          THE DEFENDANT:                I could get a

1 psychiatric evaluation done on my own.

2 THE COURT: Okay.

3 THE DEFENDANT: For an appointment,  
4 whatever. I have an appointment tomorrow  
5 with a mental health worker about my housing  
6 and doctor's appointments --

7 THE COURT: Okay. That's just  
8 fine.

9 THE DEFENDANT: -- in general.

10 THE COURT: We will take all of  
11 that information. Do you all have a  
12 psychiatric referral forms here?

13 THE DEFENDANT: So you're keeping me,  
14 is that what you're saying, into custody?  
15 You know I came to court today so there  
16 wasn't a warrant put out for my arrest, to  
17 get this taken care of. I can pay the fine.  
18 I take care of my business. So what is --  
19 what is it I'm going into custody for, Miss  
20 Stokes?

21 THE COURT: Could you just wait one  
22 moment. You curse in this courtroom again  
23 I'm going to hold you in contempt and  
24 you're going to serve time other than --  
25 nothing to do with this case -- because of

1           your conduct in this courtroom. I am not  
2           going to --

3           THE DEFENDANT:           I don't think it was  
4           okay the way you treated me --

5           THE COURT:                Excuse me. Excuse me.

6           THE DEFENDANT:           -- up here because of  
7           having a mental illness, that you think you  
8           can treat me like you do.

9           THE COURT:                Excuse me. Excuse me.

10          THE DEFENDANT:           And order me this and  
11          that.

12          THE COURT:                There's no bond Clinic  
13          mit. Excuse me. Excuse me.

14          THE DEFENDANT:           (Inaudible) one beer  
15          (inaudible) what is so severely bad about  
16          that? And now you're treating me like I'm a  
17          retard because of my mental illness.

18          THE COURT:                That is not true.

19          THE DEFENDANT:           This is not right.  
20          This is --

21          THE COURT:                You all just take her  
22          into custody at this point.

23          THE DEFENDANT:           Why am I going into  
24          custody? This is (inaudible).

25          THE COURT:                Take her into custody.

1 She's not going to disturb this courtroom  
2 any longer.

3 THE DEFENDANT: So what is my charge?  
4 What is my charge with -- what is -- how  
5 many days?

6 THE COURT: Attorney Malbasa, do  
7 you happen to know the name of the mental  
8 health agency that I can write on this form?

9 THE DEFENDANT: You know, I have not --

10 THE COURT: Excuse me, Excuse me.

11 THE DEFENDANT: (Inaudible).

12 THE COURT: Attorney Malbasa, but I  
13 can't get the information from her, so --

14 MR. MALBASA: Okay.

15 THE COURT: And I don't know what  
16 her address is in Cleveland either. I only  
17 have the Buffalo. But I -- I mean if you  
18 can get the information out of her file,  
19 but --

20 THE DEFENDANT: (Inaudible).

21 THE COURT: Okay. That is exactly  
22 why she's not coming back in here with that  
23 cursing. It's not going to take place.  
24 I'll do the best I can with her  
25 psychiatric referral form. This is a

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Buffalo, New York address. She said something about being in Cleveland. I can't get out of her like where she goes for her psychiatric care? I'll do the best I can.

- - -

C E R T I F I C A T E

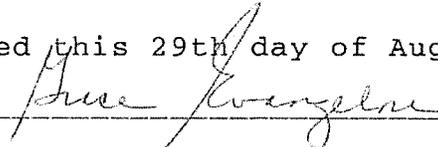
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State of Ohio, )  
County of Cuyahoga, ) SS:  
City of Cleveland. )

City of Cleveland, )  
vs. )  
Denise Pederson. )

I, Grace Evangelou, court reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the digitally recorded proceedings in the above-captioned case on the date set forth; that I have transcribed my said stenotype notes into typewritten form as appears in the foregoing transcript of the proceedings; that said transcript is a complete record of the digitally recorded proceedings had in the hearing of said case and constitutes a true and correct transcript of the taped proceedings had therein.

Dated this 29th day of August, 2013.

  
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Grace Evangelou



## Mental Health Docket

Home > Judicial Services > Court Programs & Services > Mental Health Docket

The Mental Health Docket operates in cooperation with area community mental health agencies to provide intensive supervision to offenders living with the challenges of mental illness. The Cleveland Municipal Court has recognized the need for behavioral health services, case management and supervision for clinically diagnosed mentally ill and/or developmentally disabled offenders to remain in the community and function as healthy, law-abiding citizens and to reduce the likelihood that they will come back into the criminal justice system as offenders.

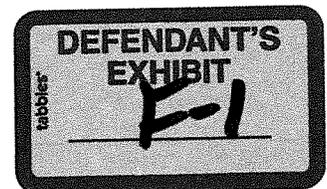
The Judges of the Cleveland Municipal Court identify defendants with possible mental health issues. An assessment of the defendant is made via in-depth interview by the Court Psychiatric Unit to determine whether the defendant is a candidate for the Mental Health Docket, currently under the direction of Judge Ed Wade.

If eligible, after placement into the program the offender may be linked to a variety of community programs and agencies with the assistance of specially trained Probation Officers. Certain offenders may be offered a full range of services provided by agency providers, including forensic psychiatry, medication management, intensive outpatient substance abuse treatment for dually diagnosed offenders, partial hospitalization services and support services.

The Mental Health Docket received Specialized Docket Certification from the Supreme Court of Ohio on August 15, 2014 and continues to grow at a rapid pace as the number of individuals coming into the criminal justice system with mental health issues increases.

For more information about the Mental Health Docket please contact:

Brian Siggers  
Probation Supervisor, Mental Health Unit  
(216) 664-4935  
siggersb@cmcoh.org



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 E through F1 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:

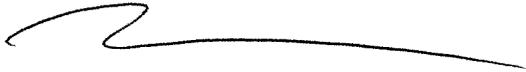
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