

IN THE SUPREME COURT OF OHIO

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

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

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Relator

HON. ANGELA ROCHELLE STOKES
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Cleveland Municipal Court
1200 Ontario Street
Cleveland, Ohio 44113
Respondent

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Counsel for Respondent

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

4 IN THE MUNICIPAL COURT

5 - - -
6 CITY OF CLEVELAND,)
7 Plaintiff,)
8 vs.) 2013 CRB 010656
9 TARAH L. HERNANDEZ,)
10 Defendant.)

11 - - -
12
13 Transcript of digitally recorded proceedings had
14 Before the Honorable Judge Angela R. Stokes on
15 Thursday, May 16, 2013 in Courtroom 15C.

16 - - -
17 APPEARANCES:

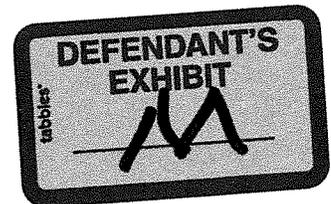
18 On behalf of the plaintiff:

19 Victor R. Perez, Chief Police Prosecutor
20 By: Joanna Lopez, Asst. Police Pros.

21 On behalf of the defendant:

22 Scott Malbasa, Esq.

23
24
25 MARVA M. WILSON



P R O C E E D I N G S

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THE COURT: Attorney Malbasa, do you have another client?

MR. MALBASA: Taran Hernandez.

THE COURT: Ms. Taran Hernandez present? Docket number 36.

THE DEFENDANT: It's Tarah.

MR. MALBASA: Oh Tara?

THE DEFENDANT: Tarah. It's an "H" on the end.

MR. MALBASA: Oh okay.

Could we approach at sidebar, your Honor?

THE COURT: You may.

MR. MALBASA: (Inaudible) her record I think she is a good candidate for Selective Intervention Program.

THE COURT: Sure.

MR. MALBASA: (Inaudible).

THE COURT: Sure, if that's -- the City has no objection?

MS. LOPEZ: No.

THE COURT: Sure.

What is the first name, Attorney Malbasa?

1 MR. MALBASA: Tarah; T-A-R-A-H.

2 THE COURT: Oh okay. We'll ask the
3 Clerk's Office to correct that. You may
4 proceed.

5 MR. MALBASA: Your Honor --

6 THE COURT: It should be T-A-R-A-H?

7 MR. MALBASA: Yes.

8 THE COURT: Is the middle initial
9 "L"?

10 THE DEFENDANT: Yes.

11 THE COURT: Oh okay. We'll ask the
12 Clerk's Office to correct it. Thank you.

13 MR. MALBASA: It's my understanding
14 that Ms. Hernandez has no prior record and I
15 believe she would be a good candidate for
16 the Selective Intervention Program.

17 THE COURT: Does the City have any
18 objection?

19 MS. LOPEZ: No objection, your
20 Honor.

21 THE COURT: Ms. Hernandez, do you
22 have any prior convictions on your record
23 for misdemeanors or for felonies?

24 THE DEFENDANT: No.

25 THE COURT: Have you ever been on

1 Probation to a judge as an adult?

2 THE DEFENDANT: No.

3 THE COURT: And do you understand
4 that if you are eligible and recommended to
5 participate in the Selective Intervention
6 Program, that you'll sign a waiver form
7 whereby you give up your right to bring a
8 lawsuit against the City of Cleveland, any
9 of its officers or employees arising out of
10 this incident. Do you understand?

11 THE DEFENDANT: Yes.

12 THE COURT: And that you may not be
13 eligible and recommended if you are going
14 test positive for any illegal substances, or
15 if the Court allows it, it will be for an
16 extended period of time. Do you understand?

17 THE DEFENDANT: Yes.

18 THE COURT: And so today you will
19 have a urinalysis test when you go
20 downstairs to the Probation Department.
21 There will be a nine dollar fee for that.
22 Will it be positive or negative for any
23 illegal substances?

24 THE DEFENDANT: Negative.

25 THE COURT: So like if you used

1 marijuana in the past 30 to 45 days, it
2 would be positive.

3 THE DEFENDANT: Mm-hmm.

4 THE COURT: But you would know
5 whether or not you've used any illegal
6 substances of any nature so do you believe
7 your urinalysis test would be negative or
8 positive?

9 THE DEFENDANT: It would be negative.

10 THE COURT: All right. And are you
11 prepared to pay your nine-dollar fee for
12 your urinalysis test today?

13 THE DEFENDANT: I wouldn't be able
14 today.

15 THE COURT: I'm sorry?

16 THE DEFENDANT: Not today.

17 THE COURT: Okay so you want a
18 continuance to a date that she can do this.
19 We'll continue this at the defendant's
20 request, set for pretrial. Whenever she can
21 bring her nine dollars to do that. What
22 date would she like?

23 MR. MALBASA: (Inaudible) nine
24 dollars for the test.

25 THE DEFENDANT: Not today. I won't be

1 able to until tomorrow.

2 MR. MALBASA: Tomorrow, Judge for her
3 to pay the nine dollars.

4 THE COURT: If she needs to do
5 that.

6 THE DEFENDANT: Yea.

7 THE COURT: She'll come back -- we
8 have a docket tomorrow so she can come up to
9 the courtroom and that way she can verify if
10 she has money. So I'll set it for a
11 pretrial.

12 MR. MALBASA: She can't just report
13 to Probation?

14 THE COURT: No she cannot because
15 she has to have it in this courtroom to go
16 down to Probation. They don't operate that
17 way. So I'll place it on the docket. What
18 time would she like to be here tomorrow with
19 her nine dollars? It doesn't matter to the
20 Court. I mean it doesn't have to be
21 tomorrow. It doesn't matter to me. What
22 date?

23 MR. MALBASA: Can she have the Monday
24 docket instead?

25 THE COURT: Do I have a Monday?

1 MR. MALBASA: I have at least one
2 file.

3 THE COURT: I have one matter. Why
4 can't she do this tomorrow if she has her
5 nine dollars for tomorrow?

6 MR. MALBASA: She's just not sure she
7 be can be here all day tomorrow. She has a
8 job.

9 THE COURT: She can be here in the
10 morning. So what time does she want to be
11 here tomorrow? I'm in this courtroom all
12 day. I am going call another case while she
13 figures out what time she wants to be in
14 this courtroom.

15 MR. MALBASA: Judge -- at first you
16 said that she could --

17 THE COURT: You know what.

18 MR. MALBASA: -- continue --

19 THE COURT: Because I don't have
20 any other days. So you can sit down and she
21 can figure out her date. I'm calling
22 another case.

23 MR. MALBASA: What is wrong with
24 Tuesday or Wednesday of next week or --

25 THE COURT: Excuse me.

1 MR. MALBASA: -- or Monday next week?
2 THE COURT: Sir, then I'm not going
3 to allow it at all. She can come --
4 MR. MALBASA: She's already waited
5 here until 2:30 --
6 THE COURT: Excuse me, you argue
7 with me I'm going to have --
8 MR. MALBASA: She's been here all day
9 --
10 THE COURT: Excuse me.
11 MR. MALBASA: -- she has been here
12 all day today and --
13 THE COURT: And so has everyone
14 else. Sit down and don't say another word.
15 MR. MALBASA: -- still have all the
16 public defender's clients that hasn't been
17 called --
18 THE COURT: Sir --
19 MR. MALBASA: -- by two o'clock.
20 THE COURT: You know what --
21 MR. MALBASA: One file --
22 THE COURT: You say another word,
23 I'm going to hold you in contempt.
24 MR. MALBASA: -- judge this is just
25 -- this is --

1 THE COURT: One other word, you can
2 go to the holding cell --

3 MR. MALBASA: -- it's not right. This
4 is not right. The public defenders clients
5 --

6 THE COURT: Place him in the
7 holding cell.

8 I told you you are not going to argue
9 with this Court.

10 MR. MALBASA: Judge --

11 THE COURT: Sir --

12 MR. MALBASA: -- stop for a --

13 THE COURT: -- let me tell you
14 something, especially by your representation
15 and your conduct in this courtroom.

16 MR. MALBASA: (Inaudible).

17 THE COURT: Now Mr. Malbasa, Just a
18 moment --

19 Gallagher, just bring him to the door.
20 I'm so tired of his nonsense in this
21 courtroom. It's outrageous.

22 Have a seat.

23 Attorney Malbasa, you are not going to
24 conduct yourself like this in this
25 courtroom. I have warned you as many times

1 as I am going to do that. If you conduct
2 yourself properly, you can stay in this
3 courtroom. But if not, you are going to
4 leave and I will call your superiors.

5 Now I am not going to argue with you.
6 She can come tomorrow at whatever time she
7 chooses. I do not care what time it is, but
8 I am going call other cases because I am not
9 going to hold up this docket for your
10 conduct in this courtroom. I'm calling the
11 next case.

12 MR. MALBASA: Your Honor --

13 THE COURT: You all figure it out

14 --

15 MR. MALBASA: Your Honor --

16 THE COURT: No.

17 MR. MALBASA: -- I want to say some

18 --

19 THE COURT: No. You are not --

20 MR. MALBASA: -- I want to say --

21 THE COURT: -- No. You are not

22 going to say --

23 MR. MALBASA: Your Honor --

24 THE COURT: No, because I'm tired
25 of you yelling at this Court.

1 MR. MALBASA: I want to speak --

2 THE COURT: No. I'm tired of your
3 conduct.

4 MR. MALBASA: (Inaudible) may I speak

5 --

6 THE COURT: No, because --

7 MR. MALBASA: --

8 THE COURT: No. You figure out what
9 she wants to do, and you've said all you are
10 going say to this Court.

11 MR. MALBASA: Your Honor I sat by
12 here and --

13 THE COURT: Place him in the
14 holding cell. He is not going to conduct
15 himself.

16 I have warned you enough times. I have
17 had enough of your improper conduct in this
18 courtroom.

19 Ma'am you can have a seat. I have had
20 it with him. I've had it with him. I can't
21 take it.

22 *****

23 THE COURT: Recalling docket 36,
24 Tarah Hernandez's case. Docket 36.

25 Attorney Hurley?

1 MR. HURLEY: Judge, Ms. Hernandez
2 has been represented by us. My hope would
3 be is that we can get her screened for the
4 Selective Intervention Program. It is my
5 (inaudible) that she has no prior continued
6 -- prior offenses with the law.

7 Is that true?

8 THE DEFENDANT: Mm-hmm.

9 THE COURT: Yea, we went through
10 all of that. And the prosecutor has no
11 objection, but she has to submit to a
12 urinalysis test, but she's not able to pay
13 for that today. So she indicates she could
14 come tomorrow. That's when things got a
15 little erupted in this courtroom. So can
16 she report there tomorrow? She was going to
17 come here tomorrow to court and bring her
18 nine dollars and then go down to Probation.

19 MR. HURLEY: Is that what your hope
20 is?

21 THE COURT: I said she could pick
22 whatever time she so chooses to come back to
23 this courtroom tomorrow and then she will go
24 down to Probation, and then I will do the
25 referral for screen. She just has to pick

1 her time. It doesn't matter to the Court.

2 MR. HURLEY: Ten o'clock.

3 THE COURT: That's what -- the

4 whole matter erupted over that.

5 MR. HURLEY: I understand, Judge.

6 THE COURT: It's on the docket at

7 ten.

8 MR. HURLEY: Yes, Judge.

9 THE COURT: She'll come tomorrow

10 with her ten dollars -- I mean nine dollars.

11 I'll refer it for the SIP screen. We went

12 over everything, that she doesn't have any

13 prior convictions --

14 MR. HURLEY: Thank you.

15 THE COURT: -- and she hasn't been

16 on Probation as an adult; the City has no

17 objection. That's where everything kind of

18 --

19 MR. HURLEY: You know I don't know

20 anything about what you're talking about.

21 THE COURT: Oh.

22 MR. HURLEY: You know that?

23 THE COURT: Um-um.

24 MR. HURLEY: Okay. Because I just

25 came here because I just come here so I

1 don't know what you're talking about.

2 THE COURT: Oh. All right.

3 MR. HURLEY: But everybody else in
4 this room does, apparently.

5 UNKNOWN SPEAKER: Not me.

6 MR. HURLEY: All right. In any
7 event --

8 THE COURT: Attorney --

9 MR. HURLEY: Do you understand what
10 we're expecting tomorrow?

11 THE DEFENDANT: (Inaudible).

12 MR. HURLEY: All right thank you,
13 Judge.

14 THE COURT: Okay. So Ms. Hernandez,
15 just bring your nine dollars and then you
16 can go down to Probation. I'll make the
17 referral for the SIP screen, okay.
18 That's all you have to do.

19 MR. HURLEY: Thank you, your Honor.

20 THE COURT: Come here.
21 Excuse me -- again what time did she say
22 again?

23 MR. HURLEY: Ten, please.

24 UNKNOWN SPEAKER: Ten.

25 THE COURT: Got it. Thank you.

C E R T I F I C A T E

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

City of Cleveland,)
 V.)
 Tarah L. Hernandez.)

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

Dated this 22nd day of October, 2014.



Marva M. Wilson

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.) Case No.
9 FRANK PETRUCCI,) 2012TRC050939
10 Defendant.)

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12

13 Transcript of digitally recorded proceedings had
14 before the Honorable Judge Angela R. Stokes on
15 Tuesday, September 25, 2012 in Courtroom 15-C.

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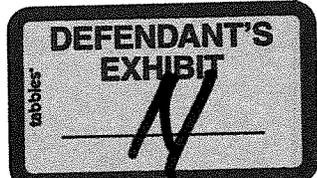
17 APPEARANCES:

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

21 On behalf of the defendant:
22 Henry Hilow, Esq.

23
24

25 Sylvester A. White



P R O C E E D I N G S

1
2 THE COURT: Docket number 62, Frank
3 -- is it Petrucci?
4 THE DEFENDANT: Petrucci, your Honor.
5 THE COURT: It's with a P?
6 MR. HILOW: Your Honor, good
7 morning, your Honor. Henry Hilow,
8 H-i-l-o-w, 344-9220.
9 THE COURT: Good morning. I know
10 this is a first pretrial. Have you had an
11 opportunity to pre-try Mr. Petrucci's case?
12 MR. HILOW: Your Honor, I talked to
13 the prosecutor. I just met with Mr.
14 Petrucci yesterday. We're asking for a
15 continuance, your Honor and if the Court
16 would consider the date of October 24th.
17 THE COURT: Is that fine with the
18 city?
19 MS. RICHARDSON: Yes, your Honor.
20 THE COURT: That date's good. Do
21 you need witnesses present on that date?
22 MR. HILOW: I think we can resolve
23 it, your Honor.
24 THE COURT: On that -- okay.
25 MR. HILOW: -- without the

1 witnesses being subpoenaed.

2 THE COURT: Sure. Continued at the
3 defendant's request, set for a pretrial
4 October 24th, 2012. What time would you
5 like, attorney Hilow?

6 MR. HILOW: Your Honor, I have a
7 request of the Court. I notice that if the
8 police officers are here they get called
9 first. So would it be better to have --
10 since we're not subpoenaing police officers,
11 show up later in the day.

12 THE COURT: I think that your
13 observation is incorrect. What's --

14 MR. HILOW: Well I --

15 THE COURT: The Court -- I have
16 messages, first of all. That one gentleman
17 was having heart problems. The other
18 gentleman they told me his father passed
19 away and he was having a hard time. The
20 other --

21 MR. HILOW: Judge --

22 THE COURT: Excuse me. You make an
23 accusation to this Court against this Court,
24 this Court is going to respond. The other
25 gentleman had mental health issues and I

1 have gone back and forth between private
2 attorneys and with these officers.

3 MR. HILOW: Well judge --

4 THE COURT: So you and the
5 prosecutor can decide whether or not you
6 need those witnesses present. That's
7 between the two of you.

8 MR. HILOW: Your Honor, just for
9 the record I signed in at 8:30 this morning.
10 I watched this courtroom. I watched
11 everything the Court did with the man with
12 mental health issues and I watched this
13 Court handle the other cases and I note now
14 there's only one officer here. And that's
15 the only reason. I'm asking as a courtesy
16 of the Court. I'm not here to insult the
17 Court or bring --

18 THE COURT: I think that you are.
19 I think you're out of order. This Court is
20 not going to accept it. These cases were
21 called in order in which this Court deemed
22 appropriate based upon a lot of the
23 information that these bailiffs gave the
24 Court about people that had mental health
25 issue, one what had heart problems.

1 MR. HILOW: It was two cases, your
2 Honor.

3 THE COURT: Excuse me. You are not
4 going to argue with this Court. You are out
5 of order.

6 MR. HILOW: Your Honor, I'll ask
7 for a 9:00 pretrial then, your Honor, on the
8 24th.

9 THE COURT: And you need to watch
10 your conduct in this courtroom. Continued
11 at the defendant's request set for a
12 pretrial and that will be at October 24th at
13 9:00 a.m.

14 MR. HILOW: Thank you.

15 THE COURT: You're welcome, sir.

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C E R T I F I C A T E

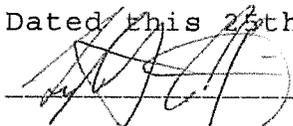
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State of Ohio,)
County of Cuyahoga,) SS:
City of Cleveland.)

City of Cleveland,)
 V.)
Frank Petrucci)

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 digitally recorded proceedings had therein.

Dated this 25th day of July, 2013.



Sylvester A. White

OFFICIAL COURT REPORTER
CLEVELAND MUNICIPAL COURT
Cleveland, Ohio 44113

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.) 2013TRD050135
9 ASHLEY L. THOMAS,)
10 Defendant.)
11 - - -

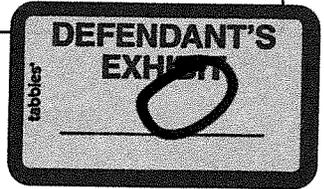
12
13 Transcript of digitally recorded proceedings had
14 Before the Honorable Judge Angela R. Stokes, on
15 Wednesday, October 23, 2013 in Courtroom 15-C.

16 - - -
17 APPEARANCES:

18 On behalf of the plaintiff:
19 Victor Perez, Chief Police Prosecutor
20 By: Aric Kinast, Assistant Police
Prosecutor.

21 On behalf of the defendant:
22 Gusty A. Rini, Esq.

23
24
25 Lori A. Craig



P R O C E E D I N G S

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THE COURT: Is there an Ashley Thomas present? Is Lori Morgan present?

3

4

THE VICTIM: Yes, your Honor.

5

6

THE COURT: Will you step forward please? Let me see if I can find Ashley

7

Thomas. This is docket No. 86 for Ashley

8

Thomas. And Attorney Rini, I know that you

9

need to see the report, and the record will

10

reflect that Ms. Lori Morgan is present and

11

the probation report reflects, Attorney

12

Rini, and I will certainly give it to you.

13

The probation department wasn't able to

14

interview her. They said she did not appear

15

whatsoever but I'll let you see this.

16

MR. RINI: Interview her or --

17

THE COURT: The defendant --

18

THE DEFENDANT: The lady took my

19

pictures. She asked me how many tattoos I

20

had, and she told me someone would call me

21

the next day because they were gone.

22

THE COURT: I can only tell you

23

what's in the report. I'm just saying

24

what's in the report. Just let the Court

25

finish. And there is a comment here. I'm

1 so sorry the prosecutor has left but the
2 presentencing officer spoke with one of the
3 victims, That's Mrs. Lori Morgan, regarding
4 the accident and any restitution
5 information, and Ms. Morgan stated there was
6 a passenger in the car, and her husband, Mr.
7 Michael J. Morgan was driving the car on the
8 date in question when the vehicle struck
9 them from behind.

10 The victim stated that she and her
11 husband got off the freeway onto Superior
12 going to the hospital to see her
13 father-in-law. She stated that a car in
14 front of them tried to turn left but was
15 prevented from doing so because of
16 barricades on the side street off of
17 Superior. The car immediately tried to
18 straighten back up and get back in front of
19 the victim, and her husband put on the
20 brakes so that they could not -- so that
21 they would -- and her husband put on the
22 brakes so that they would not hit the car.
23 Ms. Morgan states that the defendant's car
24 then struck them from behind and then her
25 car veered off the road and hit a tree Ms.

1 Morgan stated that her insurance company
2 paid for the damages to her vehicle in the
3 amount of \$855.61, less the deductible of
4 \$250. Mrs. Morgan is asking the Court to
5 have the defendant reimburse her and her
6 husband for their out of pocket expenses,
7 their deductible, and to order Ms. Thomas to
8 drive more responsibly and with the proper
9 insurance in the future, and then they said
10 please see the attached information from the
11 victim's insurance company for more
12 information regarding the repairs to the
13 vehicle.

14 And then it states that Ms. Ashley
15 Thomas reported to the probation department
16 late in the day on October 9th for a
17 presentence investigation interview. She
18 was told to contact the intake desk the next
19 day to find out who her case would be
20 assigned to. It says Ms. Thomas failed to
21 contact the probation department and
22 follow-up with the department regarding her
23 case. Probation officer Yolanda Gordon sent
24 a notice to the last known address to the
25 defendant setting up her presentence

1 investigation appointment for October 16,
2 2013 at 11:30 a.m. It alleges that Ms.
3 Thomas failed to make that appointment and
4 all other efforts to contact her have been
5 unsuccessful. Therefore, the information
6 contained in the report was obtained through
7 the clerk's files and alternative sources.
8 I will let you see the report, Attorney
9 Rini, then I'm going to proceed. It's
10 getting late. (Inaudible.)

11 Flanagan, can you just hand this please
12 and then I'm going to proceed.

13 MR. RINI: Who said they didn't
14 want any restitution?

15 THE DEFENDANT: Herself and her
16 husband.

17 MR. RINI: (Inaudible.) The
18 insurance company did not pay any
19 deductible --

20 THE DEFENDANT: -- and the insurance
21 company told me that it cost \$655.61 --

22 MR. RINI: Okay.

23 THE DEFENDANT: -- and that was the
24 paper that I had showed you the last time we
25 were here, which I didn't bring today,

1 (Inaudible.) But they said -- (Inaudible.)
2 -- when it goes to their collection
3 department, how I can set up my --

4 MR. RINI: That's for everything
5 -- okay. Stop talking for one second.
6 That's for everything other than the
7 deductible because that's what they put out
8 of pocket. Now if she puts a deductible up
9 you have to pay her for the deductible.

10 THE DEFENDANT: The insurance company
11 also told me that -- (Inaudible.) -- they
12 did not want to reimburse me at all.

13 (Inaudible.)

14 MR. RINI: Does that make sense to
15 you?

16 Weren't you seeking the deductible?

17 Pardon? Okay.

18 FEMALE VICTIM: (Inaudible.)

19 THE COURT: Are you her husband,
20 sir?

21 MALE VICTIM: Yes, I am.

22 THE COURT: Do you want to step
23 forward?

24 Tiffany, we're trying.

25 MR. RINI: They talked to her and

1 told her that they were going to bill her
2 for what they paid for the car, to repair
3 the car.

4 FEMALE VICTIM: Right.

5 MR. RINI: Yeah, or send it to
6 their collection department.

7 FEMALE VICTIM: (Inaudible.) Probably
8 not, not unless they cover your deductible.

9 THE COURT: Are you ready Attorney
10 Rini? Just let me know when you are.

11 MR. RINI: (Inaudible.)

12 THE DEFENDANT: She told me I did not
13 have to (Inaudible) that they were going to
14 call me by phone the next day.

15 MR. RINI: Yeah, did they have
16 your right number because they indicate they
17 were trying --

18 THE DEFENDANT: Yes I gave them --

19 MR. RINI: Okay.

20 THE COURT: I'll start with the
21 Morgan family. I'm sorry. Did you ever
22 speak to Prosecutor Kinast?

23 FEMALE VICTIM: No. I called several
24 times this week but no response.

25 THE COURT: I'm sorry.

1 MALE VICTIM: (Inaudible.)
2 THE COURT: Okay. Are you looking
3 for restitution in the amount of the
4 deductible? Is there anything other than
5 that or is it just the deductible?
6 MALE VICTIM: (Inaudible.)
7 THE COURT: I'm sorry?
8 FEMALE VICTIM: No, not (Inaudible.)
9 THE COURT: Is the insurance --
10 Male VICTIM: We already got the car
11 fixed.
12 THE COURT: Did you have to pay a
13 deductible?
14 FEMALE VICTIM: Yes, I did.
15 MALE VICTIM: Yes.
16 THE COURT: Is that \$250?
17 FEMALE VICTIM: Yes, It was.
18 THE COURT: Did the insurance
19 company reimburse you for that deductible?
20 FEMALE VICTIM: No, they didn't.
21 Male VICTIM: We don't want nothing,
22 as long as (Inaudible.)
23 THE COURT: I'm sorry?
24 MALE VICTIM: As long as no one got
25 hurt (Inaudible.)

1 THE COURT: Do you have a job Ms.
2 Thomas?

3 THE DEFENDANT: Yes.

4 THE COURT: We don't have the
5 information here because she wasn't
6 interviewed in the probation department. I
7 don't know what happened but depending on
8 what she and Attorney Rini decide, she could
9 decide to pay the deductible but if it's
10 something that you don't really don't want
11 to pursue --

12 Female VICTIM: At this point, no.
13 Whatever the insurance company has worked
14 out, I understand there have been some
15 communication with the insurance company in
16 response from the prosecutor, but that's
17 fine.

18 THE COURT: I'm so sorry. I didn't
19 realize that when -- that you hadn't talked
20 to the prosecutor, because there is a
21 special form to fill out. You just fill out
22 the green form and it's filed in the clerk's
23 office and the defendant can make those
24 payments, if you want, regarding the
25 deductible, but if you are truly at peace

1 not pursuing it. Okay. I will stamp your
2 subpoenas in just a moment.

3 FEMALE VICTIM: One of the bailiffs
4 took it this morning and I don't know what
5 happened. She took it to one of the -- to
6 the prosecutor so --

7 THE COURT: There is one in the
8 file for you. Did you receive one, sir?

9 A VICTIM: No, I did not.

10 THE COURT: Okay. There is one
11 here. I will have a bailiff make a copy and
12 stamp it for you in just a moment. I'm
13 going to proceed with sentencing. Is there
14 anything else you'd like to say? I'm sorry.

15 MALE VICTIM: Sorry for talking in
16 court.

17 THE COURT: No, that's okay.

18 MALE VICTIM: We can't hear anything
19 back there. We were kind of confused.

20 A VICTIM: I'm So sorry.

21 FEMALE VICTIM: As you can tell, this
22 was just -- we got the letter Saturday. I
23 tried to call the prosecutor, no response.
24 Brought the letter to the first bailiff, and
25 the second one they took the letter and

1 handed it to the prosecutor, and we've just
2 been confused all day. I've never been in
3 court in my life so I apologize. We're just
4 trying to understand the order and purpose
5 of what was going on.

6 THE COURT: I am so sorry about all
7 of that. Oh, boy.

8 Anything else Attorney Rini?

9 MR. RINI: Judge, as I indicated
10 the insurance company actually has been in
11 touch with her and she's going to have to
12 make payments through them or they're going
13 to take her license. So they're going to
14 make arrangements to take care of that.

15 Additionally, she did report to the
16 probation department. She was told they
17 would call her the next day because -- I
18 don't know if it was late and somebody
19 wasn't around, but anyway, that's where it
20 was left. She gave them her accurate phone
21 number. She says she hasn't had any contact
22 by them at all.

23 THE COURT: Thank you. Ms. Thomas,
24 anything you'd like to say?

25 THE DEFENDANT: That's pretty much

1 accurate. I did, in fact, speak to the
2 insurance company and I am trying set up
3 payment arrangements. I have to wait for it
4 to come out of their claims and into their
5 collections for me to pay the amount that I
6 owe for the damages to their car. I did go
7 to the probation department that same day
8 and there weren't any probation officers
9 there. They took my pictures. They asked
10 me about tattoos, my address, my phone
11 number, and she said I didn't have to return
12 the next day because someone would call me
13 because I wasn't actually on probation. She
14 said I wasn't on active --

15 THE COURT: Okay. What do you want
16 to say about this matter of driving without
17 a legal right to do so for the third time?

18 THE DEFENDANT: I actually didn't know
19 that I was driving without a legal right to
20 do so until the day I got pulled over, and I
21 was contacting -- trying to find out all of
22 that information as well, which I'm
23 currently disputing.

24 THE COURT: Did you have insurance
25 on the date of this offense?

1 THE DEFENDANT: It was in lapse.
2 THE COURT: Did you have insurance?
3 It's a yes or no.
4 THE DEFENDANT: No. It was in lapse.
5 THE COURT: The maximum fine is
6 \$1,000 and up to 180 days in jail. The
7 sentence ordered into execution will be
8 three days. I am suspending 177 days. I
9 will suspend \$800 of the fine. There is a
10 fine of \$200 and court costs. It's one year
11 of inactive probation with the stipulation
12 not to drive until you have a legal right to
13 do so and have insurance. This family has
14 been greatly inconvenienced regarding this
15 matter but they're being most gracious about
16 not wanting or pursuing restitution,
17 Attorney Rini, so I'll let that go --
18 MR. RINI: I understand.
19 THE COURT: They've been most
20 gracious.
21 MR. RINI: Yes, they were.
22 THE COURT: They traveled all the
23 way from Youngstown.
24 MALE VICTIM: Thank you, Your Honor.
25 THE COURT: I am so sorry. Let me

1 just stamp the subpoena. I'm going to have
2 a bailiff or someone tell you where you take
3 it to get reimbursed. It's not much but
4 it's something. I don't know what it is. I
5 have no idea. Could you make us just one
6 copy for this family?

7 Attorney Rini, does Ms. Thomas -- does
8 she have -- does she need a time to pay date
9 for her fines and court costs?

10 MR. RINI: Yes, Judge. I need to
11 address a few things with you, though.

12 THE COURT: Quickly. I'm not
13 changing my mind.

14 MR. RINI: Okay. Just hear us out
15 for a second.

16 THE COURT: You know what?
17 There are people -- it is 5:25. I will
18 listen to what you have to say --

19 MR. RINI: Judge, I'm staying late
20 for you as well. I do that every night to
21 accommodate you.

22 THE COURT: You know what? But we
23 are so slow --

24 MR. RINI: Please. Just let me
25 take five minutes.

1 THE COURT: You don't accommodate
2 the Court, sir. You are out of order. You
3 don't accommodate the Court. I will listen
4 to what you have to say.
5 MR. RINI: Please do so.
6 THE COURT: I am, and I am not
7 changing my mind but say whatever you want
8 to say.
9 MR. RINI: She has a four-year-old
10 child that she has to pick up. There is
11 nobody --
12 THE COURT: Then let her make
13 arrangements. I am not changing my mind.
14 THE DEFENDANT: I don't have any one to
15 pick up my son --
16 THE COURT: Then you better do
17 something because I'm not changing my mind.
18 THE DEFENDANT: So I'm asking where am
19 I supposed to --
20 THE COURT: I don't know what
21 you're going to do but you're going to serve
22 your three days. Does she need a time to
23 pay date?
24 MR. RINI: Yes, she does, Judge.
25 THE COURT: Thank you. Just give

1 me your date. I doesn't matter.

2 MR. RINI: Give me a date. The
3 end of December, Judge.

4 THE COURT: You think that's fine?
5 That's fine with the Court.

6 THE DEFENDANT: I'm worried about my
7 four-year-old.

8 THE COURT: December 31, 2013. You
9 cannot continue to drive without a legal
10 right. That's it. That's the Court's
11 decision.

12 MR. RINI: Judge, and I do do this
13 as a courtesy to you because I'm ordered to
14 be out of here at 5:00 but I stay every
15 night as a favor and a courtesy to you.

16 THE COURT: Well, it's okay to
17 leave. You know what? I stay because you
18 haven't gotten to these people.

19 MR. RINI: That's not my fault.

20 THE COURT: And it's not my fault,
21 either. I am on this bench -- excuse me.

22 MR. RINI: I won't ask for
23 anything else because I'm leaving.

24 THE COURT: That's right, because
25 you're being disrespectful and as long as

1 you take on some of these cases. It's
2 outrageous.

3 I am sorry you have to be subjected to
4 this. Can you please give this to this
5 family. Flanagan, do you know where they
6 need to go to get reimbursed on that
7 subpoena?

8 THE BAILIFF: Third floor. To the
9 cashier's office.

10 THE COURT: To the cashier's
11 office.

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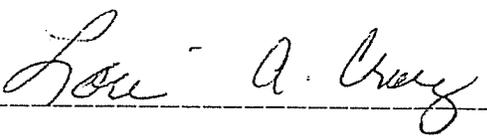
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C E R T I F I C A T E

State of Ohio,)	
County of Cuyahoga,)	SS:
City of Cleveland.)	
)	
City of Cleveland,)	
)	
vs.)	
)	
Ashley L. Thomas.)	

I, Lori A. Craig, court reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I took down in stenotype all of the digitally recorded proceedings had in said Cleveland Municipal Court in the above-entitled case on the date set forth; that I have transcribed my said stenotype notes into typewritten form as appears in the foregoing transcript of the digitally recorded 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 5th day of June, 2014.



Lori A. Craig

✓ Myers, Sean Head Disc

✓ Blackman, Darnell

✓ Braziva, Eric

✓ Cunningham, Robert

✓ Krogerson, Ronald

✓ Krum, Amber

✓ Jones, Larissa (lost night)

✓ Justice, James

✓ Krugman, Jed (lost night)

✓ Lee, Barry

✓ Mayby, Carlos

✓ Sanchez, Jose (lost night)

✓ Smith, Alfred

Thomas, Ashley

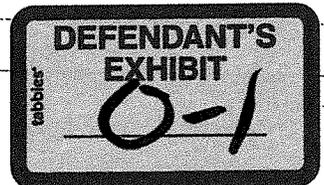
~~Thomas~~ Wilson, Carl

Zayas - Rodriguez, Carlos

Janson, Tiffany

A. STOKES OCT 23 2013

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CLEVELAND MUNICIPAL COURT
1200 Ontario Street, Cleveland, Ohio 44113

General Inquiry



New Search...

- Summary
- Parties
- Events
- Dockets**
- Disposition
- Costs

Docket Search

2008 CRB 007538 STATE OF OHIO / CITY OF CLEVELAND -VS- PENSON, DARREN J ARS

Search Criteria

Docket Desc. ALL

Begin Date

Sort

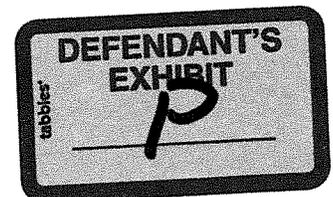
End Date

- Ascending
- Descending

Search

Search Results First 100 of result set displayed, Please limit search criteria.

Docket Date	Docket Text	Amount	Amount Due	Images
11/05/2008	Commitment paper issued: The Defendant is to be imprisoned in the Work House, for a period of 106 DAYS from the date thereof, or is otherwise discharged according to law.	0.00	0.00	
11/05/2008	DEFENDANT WILL COMPLETE TREATMENT AT CHC IF ACCEPTED BY MR. GORDON	0.00	0.00	
11/05/2008	DEFENDANT SHALL SERVE BALANCE OF SENTENCE AT CHC	0.00	0.00	
11/05/2008	Defendant in court; Sentence ordered into execution as to -106 DAYS days incarceration.	0.00	0.00	
11/05/2008	Charge #1: ASSAULT The Defendant is given credit for 74 DAYS day(s) served.	0.00	0.00	
11/05/2008	JOURNAL ENTRY NOTE: ON ANY TERMS INCLUDING HOUSE ARREST WITH GPS FEATURES	0.00	0.00	
11/05/2008	JOURNAL ENTRY NOTE: PER PROS. HOWARD AND DEPUTY CHIEF DEAN JENKINS, VICTIMS ARE FEARFUL AND THE VICTIMS OBJECT TO DEFENDANT'S RELEASE	0.00	0.00	
11/05/2008	Warrant/Capias fee of \$25.00 waived by	0.00	0.00	



Date	Description	0.00	0.00
	court.		
11/05/2008	For good cause shown, the capias is ordered recalled.	0.00	0.00
10/24/2008	On court's own motion this matter is continued until -10/27/2008 at 09:00.	0.00	0.00
10/24/2008	This case is assigned to the Session Docket of Judge A. Stokes.	0.00	0.00
10/17/2008	JOURNAL ENTRY NOTE: taken into custody as soon as possible	0.00	0.00
10/17/2008	JOURNAL ENTRY NOTE: and Darren Penson refuses to surrender himself to the Court's Bailiffs on the CHC Staff. Darren Penson Shall be	0.00	0.00
10/17/2008	JOURNAL ENTRY NOTE: custody. Darren Penson was improperly released from the Cleveland House of Corrections by the CHC Staff on 10/10/08	0.00	0.00
10/17/2008	JOURNAL ENTRY NOTE: On Friday October 17, 2008, The Cleveland Municipal Court's Apprehension Team shall locate and take Darren Penson into	0.00	0.00
10/16/2008	warrant #297508	0.00	0.00
10/15/2008	JOURNAL ENTRY NOTE: THE CLEVELAND HOUSE OF CORRECTIONS STAFF IMPROPERLY RELEASED DEFENDANT DUE TO THEIR CLERICAL ERRORS	0.00	0.00
10/15/2008	No Bond to be set until defendant appears before this court.	0.00	0.00
10/15/2008	The defendant, having violated the terms of his or her probation, a capias is ordered issued.	0.00	0.00
10/15/2008	Case being DISPOSED. Override used to issue Warrant/Capias.	0.00	0.00
10/15/2008	JOURNAL ENTRY NOTE: NEED CASE FILE & JE PLEASE	0.00	0.00
10/15/2008	This case is continued at joint request until 10/15/2008 at 09:00	0.00	0.00
10/09/2008	Case referred to Probation (jail file).	0.00	0.00
10/09/2008	JOURNAL ENTRY NOTE: *LEARA MONROE WAS UPSET THAT SHE AND HER HUSBAND WERE NOT INTERVIEWED BY DR. ARCHANGELA WOOD FOR THE RISK ASSESSMENT	0.00	0.00
10/09/2008	Commitment paper issued: The Defendant is to be imprisoned in the Work House, for a period of 132 DAYS from the date thereof, or is otherwise discharged according to law.	0.00	0.00
10/09/2008	Defendant in court; Sentence ordered into execution as to -132 DAYS days incarceration.	0.00	0.00
10/09/2008	Charge #1: ASSAULT It is ordered that \$300.00 of the fine imposed is hereby suspended.	0.00	0.00
10/09/2008	ENDING ON 1-9-09	0.00	0.00

10/09/2008	ATTN: WALLACE GREEN; DEFT AGREED TO COMPLETE TREATMENT AT CHC WITH MR. GORDON'S CLASS BEGINNING ON 11-17-08 AND	0.00	0.00
10/09/2008	JOURNAL ENTRY NOTE: THE FINE IS SATISFIED BASED ON DAYS SERVED	0.00	0.00
10/09/2008	JOURNAL ENTRY NOTE: UNTIL HE COMPLETE TREATMENT AT CHC	0.00	0.00
10/09/2008	JOURNAL ENTRY NOTE: LEARA MONROE WAS PRESENT AND OBJECTS TO DEFENDANT'S RELEASE DUE TO FEAR FOR JAMES MONROE AND THEIR FAMILY	0.00	0.00
10/09/2008	JOURNAL ENTRY NOTE: MOTION OF DEFT TO MITIGATE FINE AND COURT COSTS GRANTED	0.00	0.00
10/09/2008	Charge #1: ASSAULT Defendant's motion to mitigate is granted.	0.00	0.00
10/09/2008	Charge #1: ASSAULT The Defendant is given credit for 48 DAYS day(s) served.	0.00	0.00
10/09/2008	Indigency hearing held; defendant found to be indigent - costs suspended	0.00	0.00
10/09/2008	Probation is hereby ordered terminated.	0.00	0.00
10/09/2008	DEFT REFUSED TO COMPLETE ANY TERMS/ CONDITIONS ORDERED WHILE ON PROBATION AND REFUSES TO COMPLETE PROBATION	0.00	0.00
10/09/2008	Refer to Probation	0.00	0.00
10/09/2008	ATTORNEY OF RECORD: EDWARD LARUE	0.00	0.00
10/09/2008	Witness paid \$6.00 for one appearance in court - see VoucherNumber 38,810	0.00	0.00
10/09/2008	leara monroe paid witness 6.00	0.00	0.00
10/05/2008	A Subpoena has been issued by the Prosecutor's Office to -LEARNA MONROE on 10/05/2008.	0.00	0.00
10/05/2008	A Subpoena has been issued by the Prosecutor's Office to -DANA SAFFO, SR. #1322 of the CPD Badge Number 1322 on 10/05/2008.	0.00	0.00
10/05/2008	A Subpoena has been issued by the Prosecutor's Office to -JAMES MONROE on 10/05/2008.	0.00	0.00
09/25/2008	Case referred to Probation (jail file).	0.00	0.00
09/24/2008	Defendant Ordered Returned to Court Notice sent to Workhouse by the Clerk.	0.00	0.00
09/24/2008	Commitment paper issued: The Defendant is ordered to be imprisoned in the Work House, for a period of 146 DAYS and until a total of \$300.00 PLUS COSTS are paid or secured to be paid, or otherwise discharged according to law	0.00	0.00
09/24/2008	Charge #1: ASSAULT Defendant in court, sentence ordered into execution. The defendant is ordered to pay \$300.00 of fine and/or shall be incarcerated for 146 DAYS in Cleveland House of Corrections.	0.00	0.00

09/24/2008	BASED ON INFORMATION REVEALED ON 8-21-08 WHICH IS NOT ADDRESSED IN THE RISK ASSESSMENT & WAS THE REASON FOR A	0.00	0.00
09/24/2008	JOURNAL ENTRY NOTE: PROS. ERENBERG SHALL EXPLAIN TO VICTIMS WHY THEY WERE NOT CONTACTED FOR RISK REPORT	0.00	0.00
09/24/2008	PROPERLY BALANCE RISK ASSESSMENT	0.00	0.00
09/24/2008	THE VICTIMS NEED TO BE PRESENT SO THAT THEIR CONCERNS CAN AND WILL BE PROPERLY HEARD AND ADDRESSED ON 10-9-08	0.00	0.00
09/24/2008	PROS. ERENBERG WILL SUBPOENA VICTIMS WHO WERE NOT INTERVIEWED FOR THE RISK ASSESSMENT BY DR. ARCHANGELA WOOD.	0.00	0.00
09/24/2008	Defendant ordered returned to the jurisdiction of this court.	0.00	0.00
09/24/2008	Charge #1: ASSAULT The Defendant is given credit for 34 DAYS day(s) served.	0.00	0.00
09/24/2008	PLEASE RESUBMIT THE PROBATION REPORT	0.00	0.00
09/24/2008	Refer to Probation	0.00	0.00
09/24/2008	ATTORNEY OF RECORD: EDWARD LARUE	0.00	0.00
09/24/2008	This matter is set for hearing on motion.	0.00	0.00
09/24/2008	Joint Request	0.00	0.00
09/24/2008	On court's own motion this matter is continued until -10/09/2008 at 09:00.	0.00	0.00
08/22/2008	Case referred to Probation (jail file).	0.00	0.00
08/22/2008	JOURNAL ENTRY NOTE: RISK ASSESSMENT EVALUATION SEE OSJ	0.00	0.00
08/22/2008	JOURNAL ENTRY NOTE: PSYCHIATRIC CLINIC REFERRAL ELIGIBILITY FOR THE MENTALLY DISORDERED OFFENDER (MDO) PROGRAM SEE OSJ	0.00	0.00
08/21/2008	Defendant Ordered Returned to Court Notice sent to Workhouse by the Clerk.	0.00	0.00
08/21/2008	Commitment paper issued: The Defendant is ordered to be imprisoned in the Work House, for a period of 177 DAYS and until a total of \$300.00 PLUS COSTS are paid or secured to be paid, or otherwise discharged according to law	0.00	0.00
08/21/2008	updated psi report needed	0.00	0.00
08/21/2008	Defendant ordered returned to the jurisdiction of this court.	0.00	0.00
08/21/2008	ATTORNEY OF RECORD: the defendant is represented by attorney edward larue	0.00	0.00
08/21/2008	JOURNAL ENTRY NOTE: motion	0.00	0.00
08/21/2008	Defendant's request.	0.00	0.00

08/21/2008	On court's own motion this matter is continued until -09/24/2008 at 09:00.	0.00	0.00
08/21/2008	The Probation Department is to perform a Substance Abuse Assessment and the defendant is to participate in Substance Abuse Counseling as required.	0.00	0.00
08/21/2008	The Probation Department is ordered to perform a Substance Abuse test on the defendant. (Urinalysis testing)	0.00	0.00
08/21/2008	james monroe,leara monroe,erin monroe,jasmine monroe and asis monroe	0.00	0.00
08/21/2008	defendant is now in chc-please schedule the alcohol and marijuana usage assessment to be done at chc-no contact with	0.00	0.00
08/21/2008	1994 convictions-attn:wallace green-please cancel alcohol/ drug assessment in the community set for 8/28/08 because	0.00	0.00
08/21/2008	mandatory anger management classes-kim oxner please have psi officer and supervision correct psi report which omitted	0.00	0.00
08/21/2008	Defendant is placed on active probation for a period of -2 YEARS. The established Probation Supervision Fee has been ordered and imposed.	0.00	0.00
08/21/2008	JOURNAL ENTRY NOTE: motion of court and prosecutor for psychiatric evaluation and risk assessment for defendant	0.00	0.00
08/21/2008	Charge #1: ASSAULT Defendant in court, sentence ordered into execution. The defendant is ordered to pay \$300.00 of fine and/or shall be incarcerated for 177 DAYS in Cleveland House of Corrections.	0.00	0.00
08/21/2008	Charge #1: ASSAULT The Defendant is given credit for 3 DAYS day(s) served.	0.00	0.00
08/21/2008	Charge #1: ASSAULT Upon a finding of guilty, the defendant is hereby fined \$1,000.00 plus the costs of this action, and is further sentenced to 180 DAYS incarceration. \$700.00 the fine is hereby suspended.	0.00	0.00
08/21/2008	Witness paid \$24.00 for four appearances in court - See Voucher Number 38,644	0.00	0.00
08/21/2008	james monroe paid witness 24.00	0.00	0.00
08/21/2008	Witness paid \$6.00 for one appearance in court - see VoucherNumber 38,643	0.00	0.00
08/21/2008	learna monroe paid witness 6.00	0.00	0.00
08/21/2008	JOURNAL ENTRY NOTE: see no contact order in file	0.00	0.00
08/21/2008	JOURNAL ENTRY NOTE: the defendant is ordered to have no contact with james mon- roe,leara monroe,erin monroe, jasmine monroe and asia monroe	0.00	0.00

08/21/2008	JOURNAL ENTRY NOTE: no contact order while on probation	0.00	0.00
08/21/2008	The defendant is ordered to have no contact with the victim	0.00	0.00
07/10/2008	JOURNAL ENTRY NOTE: DEFT MOTION TO DISMISS IS DENIED AS MOOT	0.00	0.00
07/10/2008	MARIJUANA FROM 2001 TO PRESENT.	0.00	0.00
07/10/2008	URINALYSIS TEST SHALL BE DONE TODAY NOW PLEASE & RESULTS INCLUDED IN THE PSI REPORT. DEFT ADMITTED USE OF	0.00	0.00
07/10/2008	JOURNAL ENTRY NOTE: THE NO CONTACT ORDER REMAIN IN EFFECT	0.00	0.00
07/10/2008	JOURNAL ENTRY NOTE: JAMES MONROE AND LEARA MONROE WERE PRESENT AND SHALL BE INTERVIEWED FOR PSI REPORT TODAY PLEASE NOW.	0.00	0.00
07/10/2008	Jury demand waived & form signed.	0.00	0.00
07/10/2008	REFER FOR A FORMAL ALCOHOL/ DRUG ABUSE ASSESSMENT ASAP DUE TO MARIJUANA ISSUES.	0.00	0.00
07/10/2008	Refer to Probation	0.00	0.00
07/10/2008	ATTORNEY OF RECORD: EDWARD R. LARUE	0.00	0.00
07/10/2008	Defendant's request.	0.00	0.00
07/10/2008	This matter is Passed For Sentencing and a Pre-Sentencing Investigation report is ordered. This matter is referred to the Probation Dept. and continued until 08/21/2008 at 09:00.	0.00	0.00
07/10/2008	The defendant was advised of his/her constitutional right to an attorney	0.00	0.00
07/10/2008	Charge #1: ASSAULT The defendant is hereby found guilty.	0.00	0.00
07/10/2008	Charge #1: ASSAULT The previously entered plea of NOT GUILTY is withdrawn and the defendant enters a plea of NO CONTEST.	0.00	0.00
07/10/2008	Motion/Demand for Discovery filed by Defendant	0.00	0.00
06/07/2008	A Subpoena has been issued to -DANA SAFFO, SR. #1322 of the CPD Badge Number 1322 on 06/07/2008.	0.00	0.00
06/07/2008	A Subpoena has been issued to -LEARN MONROE on 06/07/2008.	0.00	0.00
06/07/2008	A Subpoena has been issued to -JAMES MONROE on 06/07/2008.	0.00	0.00
06/06/2008	A Subpoena has been issued by the Prosecutor's Office to -DANA SAFFO, SR. #1322 of the CPD Badge Number 1322 on 06/06/2008.	0.00	0.00
06/06/2008	A Subpoena has been issued by the Prosecutor's Office to -LEARN	0.00	0.00

MONROE on 06/06/2008.

06/06/2008	A Subpoena has been issued by the Prosecutor's Office to -JAMES MONROE on 06/06/2008.	0.00	0.00
06/06/2008	OFFICER COOK	0.00	0.00
06/06/2008	JOURNAL ENTRY NOTE: JAMES MONROE,ANDREA WILSON,MICHELLE GRIMES,TEARA MONROE, OFFICER COOK WERE PRESENT.	0.00	0.00
06/06/2008	ATTORNEY OF RECORD: DEFT IS REPRESENTED BY ATTY EDWARD R.LARUE	0.00	0.00
06/06/2008	The court orders the witnesses re- subpoenaed.	0.00	0.00
06/06/2008	Continued at the Defendant's Request until 07/10/2008 at 09:00.	0.00	0.00
06/06/2008	Set for jury trial	0.00	0.00
04/29/2008	A Subpoena has been issued by the Prosecutor's Office to -DANA SAFFO, SR. #1322 of the CPD Badge Number 1322 on 04/29/2008.	0.00	0.00
04/29/2008	A Subpoena has been issued by the Prosecutor's Office to -JAMES MONROE on 04/29/2008.	0.00	0.00
04/29/2008	JOURNAL ENTRY NOTE: WHEN CASE WAS CALLED	0.00	0.00
04/29/2008	JOURNAL ENTRY NOTE: MR. JAMES MONROE DID APPEAR AFTER CASE WAS CALLED. HE WAS OUTSIDE OF THE COURTROOM WITH HIS MOTHER IN A WHEELCHAIR	0.00	0.00
04/29/2008	ATTORNEY OF RECORD: DEFT IS REPRESENTED BY ATTY EDWARD R. LARUE	0.00	0.00
04/29/2008	The court orders the witnesses re- subpoenaed.	0.00	0.00
04/29/2008	Jury Demand Allowed.	0.00	0.00
04/29/2008	Defendant, having been advised of his or her rights, waives the right to a speedy trial within the statutory period provided by O.R.C. 2945.73. An executed copy of the waiver has been placed in the court file.	0.00	0.00
04/29/2008	Continued at the Defendant's Request until 06/05/2008 at 09:00.	0.00	0.00
04/29/2008	Set for jury trial	0.00	0.00
04/10/2008	A Subpoena has been issued by the Prosecutor's Office to -DANA SAFFO, SR. #1322 of the CPD Badge Number 1322 on 04/10/2008.	0.00	0.00
04/10/2008	A Subpoena has been issued by the Prosecutor's Office to -JAMES MONROE on 04/10/2008.	0.00	0.00
04/10/2008	JOURNAL ENTRY NOTE: PER ATTY GARY AND PROSECUTOR RICHARDSON, MR JAMES MONROE DOES NOT NEED TO BE PRESENT ON	0.00	0.00

4.29.08 DUE TO HIS EMPLOYMENT

04/10/2008	ATTORNEY OF RECORD: DEFT IS REPRESENTED BY ATTY EDWARD R. LARUE	0.00	0.00
04/10/2008	JOURNAL ENTRY NOTE: JAMES MONROE ATTENDED BY TELEPHONE BECAUSE A SUBPOENA WAS NOT ISSUED TO HIM	0.00	0.00
04/10/2008	JOURNAL ENTRY NOTE: THE NO CONTACT ORDER REMAINS IN EFFECT	0.00	0.00
04/10/2008	The defendant is ordered to have no contact with the victim	0.00	0.00
04/10/2008	Defendant's request.	0.00	0.00
04/10/2008	Set for Pre-Trial 04/29/2008 10:00	0.00	0.00
04/08/2008	By order of court, the clerk has issued a summons for the defendant	0.00	0.00
04/08/2008	A summons is ordered issued to the defendant.	0.00	0.00
04/08/2008	Set for Pre-Trial 04/09/2008 09:00	0.00	0.00
04/08/2008	Case has been assigned to the Personal Docket of Judge Angela Stokes.	0.00	0.00
04/08/2008	Query of the dockets of CMC finds that other active cases involving this same defendant have been assigned to another judge of this court. This case is therefore ordered admin- istratively reassigned pursuant to CMC Local Rule 2.08.	0.00	0.00
04/08/2008	For good cause shown, this case is advanced from *DATE at 09:00.	0.00	0.00
04/07/2008	The defendant is ordered to have no contact with the victim	0.00	0.00
04/07/2008	Set for Pre-Trial 04/23/2008 09:00	0.00	0.00
04/07/2008	Case Control Lottery Number 76,531 recorded.	0.00	0.00
04/07/2008	This case has been assigned to the Personal Docket of Judge Ryan.	0.00	0.00
04/07/2008	Charge #1: ASSAULT Defendant, having been advised of his or her rights, enters a plea of NOT GUILTY.	0.00	0.00
03/25/2008	A summons has been issued by the clerk to the defendant by means of regular mail / certificate of mail.	0.00	0.00
03/25/2008	By order of court, the clerk has issued a summons for the defendant	0.00	0.00
03/24/2008	Charge #1: ASSAULT Complaint received and filed with Clerk's Office on 03/24/2008.	0.00	0.00
03/24/2008	BACK FILED IMAGES	0.00	0.00
01/01/1900	Charge #1: ASSAULT conversion criminal costs general	0.00	0.00
01/01/1900	Charge #1: ASSAULT conversion criminal fines	0.00	0.00
01/01/1900	Financial History Information Docket Amount Owed: \$0.00 Amount Paid: \$0.00 Amount Due: \$0.00		0.00

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

4 IN THE MUNICIPAL COURT

5 - - -
6 CITY OF CLEVELAND,)
7 Plaintiff,)
8 vs.) 2008 CRB 007538
9 DARREN J. PENSON,)
10 Defendant.)

11 - - -
12
13 Transcript of proceedings had before the Honorable
14 Judge Angel R. Stokes on Wednesday, September 24,
15 2008, in Courtroom 15-C.

16 - - -
17 APPEARANCES:

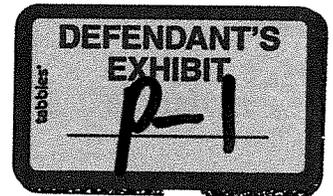
18 On behalf of the plaintiff:

19 Victor R. Perez, Chief Police Prosecutor
20 By: Chris Erenburg, Ass't Police
Prosecutor.

21 On behalf of the defendant:

22 Edward R. Larue, Esq.

23
24
25 LAURA WILLIAMS



P R O C E E D I N G S

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(Thereupon, a discussion was had
between Court and counsel and off
the record.)

THE COURT: I would like you to
bring Mr. Darren Penson into the courtroom.

For Mr. Darren Penson, this will be
docket number 74, 75, and 76.

I have explained at side bar, but we
would put it on the record that,
Dr. Arcangela Wood of the Court Psychiatric
Clinic was given the assignment to do a Risk
Assessment on this case.

The Court, specifically, asked for three
victims to be interviewed for the
Risk Assessment. I asked that Officers
Keenan Cook and Raymond Makos (phoen.) Be
interviewed for the Menacing case, and I
asked for Dr. Wood to please interview James
Monroe and Leara Monroe for the Risk
Assessment on the Assault case.

She exercised her clinical professional
judgment and elected not to give those

1 victims a voice in this courtroom through
2 the Risk Assessment, which the Court has a
3 serious problem about. I've explained that
4 to Mr. Jerry Krakowski, and also to convey
5 to Dr. Arcangela Wood.

6 The Court believes that the Risk
7 Assessment is flawed, that it is imbalanced,
8 and she chose to only interview the
9 defendant using collateral information from
10 three different families, who believe that
11 they have been terrorized Mr. Penson.

12 The victims we're not subpoenaed to be
13 here today, so they don't have a voice, and
14 so the Court is not prepared to address the
15 mitigation hearing until the victims are in
16 Court and can voice their opinion, their
17 concerns as to whether or not Mr. Penson
18 should be released from custody.

19 And I understand your concerns
20 Attorney Larue, but it's unfair to these
21 victims. They have been victimized as far
22 as this Court is concerned, again, by the
23 Cleveland Municipal Court Psychiatric Clinic
24 and probation report, where they feel that
25 they are not worthy to be even interviewed

1 personally. I can't even understand.

2 But Mr. -- and the Risk Assessment was
3 not asked prior to sentencing, because so
4 much information that came out at the time
5 of sentencing, was the basis for the
6 referral with the request from the City
7 Prosecutor and the Court for a Risk
8 Assessment.

9 It serves to help, not only the
10 defendant, but the victims, and the Court in
11 making a decision as to whether he be
12 released. Why they would interview him and
13 not the three different families, I can't
14 understand.

15 You need to subpoena the witnesses to be
16 present on the next court date. They have
17 to advise the Court in this courtroom if
18 they have any objections to Mr. Penson being
19 released, or if I release him on electronic
20 monitoring, house-arrest, or whatever is the
21 most appropriate way. He also needs
22 intensive out-patient treatment.

23 The next class does not begin at the
24 Cleveland House of Corrections until
25 November the 10th. He's not been considered

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for the class that has already started this week. The first available date to subpoena witnesses, Mr --

MR. ERENBURG: October 9, Judge.
That's the earliest date.

THE COURT: Okay. We have a jury trial this morning, but it's a light docket, and we can do this hearing first.

MR. LARUE: And Judge, um --

THE COURT: Yes?

MR. LARUE: I, respectfully, I understand the Court's stance. For the record, though, I feel compelled. I do see that the Court had gotten a transcript of the previous hearing at the time of his sentence.

THE COURT: But I only ordered that when I found out that Dr. Arcangela Wood refused to order the victims, to interview the victims, not even pick up a telephone and talk to three different sets of victims.

MR. LARUE: Your Honor, my only -- my only point was that the victims were, in fact, here when the Court announced the next Court date of the 24th, that being today's

1 date.

2 THE COURT: I also told them, sir,
3 that they would be contacted by the Court
4 Psychiatry Clinic, that they would be
5 interviewed.

6 MR. LARUE: Very good, Judge.

7 THE COURT: I gave them that
8 assurance. Sadly enough, then
9 Dr. Arcangela Wood exercises her
10 professional clinical judgment and thinks
11 she should not interview three different
12 families, or at least the representatives of
13 those three different families.

14 MR. LARUE: Judge, I also wanted to
15 say I requested this Honorable Court to
16 consider house-arrest with work release. I
17 understand that's been rejected, also. And
18 for the reasons that you've explained to me.

19 THE COURT: Just temporarily.

20 MR. LARUE: I -- I understand.

21 THE COURT: I might create it on
22 the next court date.

23 MR. LARUE: I'm doing my best.

24 THE COURT: But I need input from
25 the victims.

1 MR. LARUE: I understand that,
2 Judge, and I understand that he's placed
3 himself in this position to begin with. I'm
4 doing my best to try to hold this family
5 together and keep their house.

6 But be that as it may, I guess, on the
7 9th, I know I have a federal hearing at 9 to
8 9:30 or thereabouts, and hopefully I'm not
9 in a death penalty trial at the time too.

10 But be that as it may, I'll be here
11 before any of that starts to see where we
12 stand, okay.

13 THE COURT: Okay.

14 MR. LARUE: Thank you, Judge.

15 THE COURT: All right. This
16 case -- these cases will be continued. I'll
17 continue it at all of our request, the
18 Court's, the defense's, and the
19 prosecution's for mitigation hearing.

20 Mr. Penson, the first available date is
21 October 9 at 9 a.m. You'll be ordered
22 returned from the Cleveland House of
23 Corrections. I am sorry that this occurred,
24 sir. I thought that the Risk Assessment
25 would take into consideration everything

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that this Court needed to make a decision about mitigating the sentence. I feel badly Mr. Erenburg, you have to contact the victims, and let them know that I asked for them to be interviewed. It was rejected by Dr. Arcangela Wood.

MR. ERENBURG: I'll contact them this evening, your Honor.

THE COURT: I'm sure they are wondering why they weren't contacted through no act of this Court. That's for sure, okay. Thank you.

MR. ERENBURG: I understand.

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C E R T I F I C A T E

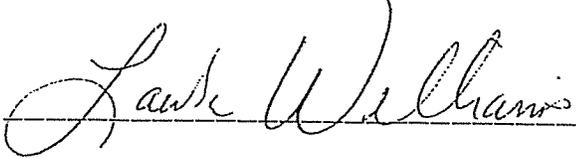
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State of Ohio,)
County of Cuyahoga,) SS:
City of Cleveland.)

City of Cleveland,)
vs.)
Darren J. Penson.)

I, LAURA WILLIAMS, court reporter, do hereby certify that as a reporter employed by the Cleveland Municipal Court, I have transcribed the stenotype notes taken down by VICKI BANDA of the proceedings had in said Cleveland Municipal Court in the above-entitled case on the date set forth; that I have transcribed the said notes into typewritten form as appears in the foregoing transcript of 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 31st day of January, 2014.


LAURA WILLIAMS

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. 2012 CRB 038736
8 KENNETH TAYLOR.)
9 Defendant.)

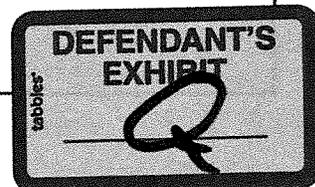
10 - - -
11 Transcript of digitally recorded proceedings had
12 before the Honorable Judge Angela R. Stokes, on
13 Friday, the 14th day of December, 2012, in Courtroom
14 15C.

15 - - -
16 APPEARANCES:

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

20
21 On behalf of the defendant:
Pro se.

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



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

1
2 THE COURT: This is Mr. Kenneth
3 Taylor's case, docket number 49.

4 Mr. Kenneth Taylor's case is on the
5 docket, pursuant to the filing of the
6 pleadings. Pending is defendant's Motion --
7 Motion to Dismiss; Defendant's Motion
8 opposing Marginal Denial; Defendant's Motion
9 to Dismiss; and then there's an issue of a
10 Motion to Dismiss for Lack of Evidence. And
11 then there is also a Motion to Compel to
12 Defendant's previous request for Discovery
13 and Bill of Particulars.

14 So, the City has responded to the Motion
15 to Dismiss, correct?

16 All right. So Mr. Taylor, is there
17 anything else that you would like to say?

18 THE DEFENDANT: Good evening, your
19 Honor. First and foremost, I just received
20 the Motion to Dismiss and I'm reading over
21 it and it seems to be riddled with a lot of
22 mistakes here that I just don't understand
23 and I just don't believe the Court has
24 addressed --

25 THE COURT: Well, you are here

1 today --

2 THE DEFENDANT: -- issues, correct.

3 THE COURT: -- to say whatever you
4 would like to say, and then I'll hear from
5 the City --

6 THE DEFENDANT: First of all --

7 THE COURT: Excuse me. You don't
8 talk over the Court.

9 So address whatever you want to say
10 regarding your Motions, and then I'll listen
11 to Prosecutor Bagchi, and then I'll rule on
12 these Motions.

13 THE DEFENDANT: The first Motion that I
14 received today, a few minutes ago --

15 THE COURT: Do you want a little
16 more time to review that pleading before I
17 call this case? I could recall the case if
18 you would like?

19 THE DEFENDANT: No, I would like to
20 answer the Motion in writing if I could
21 because --

22 THE COURT: Sir, this is set for
23 hearing today, and the Court's going to go
24 forward with this, so take your time, and
25 look at it. This is set for oral arguments.

1 This is a Minor Misdemeanor Disorderly
2 Conduct. If you need a little more time to
3 read it, then you could do that, and then
4 we're going to proceed on this matter today.
5 But if you need a little more time to review
6 the City's response you may do so.

7 THE DEFENDANT: No, it was just the
8 first error I seen was -- it says, This
9 matter was set for trial on November 19,
10 2012. On that date, the officer did not
11 appear. Defendant made a Motion to Dismiss
12 which the Court was denied. Defendant
13 stated that he wanted discovery in the
14 matter, and he would like to file the
15 Motions.

16 And the fact of the matter is I already
17 filed my Motions, and the Court was unable
18 to answer those Motions and they asked for
19 time to do so. I didn't ask for additional
20 time to file the Motions. My Motions were
21 already filed in the record, and the Court
22 stated that they didn't have those documents
23 with them. I gave her a courtesy copy at
24 that point, but it had already been filed in
25 the documents.

1 THE COURT: Anything else that you
2 wanted to say regarding your Motions?

3 THE DEFENDANT: And she also states
4 here that defendant's file has Motions which
5 was received on November 21st, and that's
6 inaccurate because I have a time date
7 stamped from the Clerk's Office that says
8 the Motions were filed on November 20th.

9 And so, I'm saying this Motion reply is
10 incorrect and wrong. It has the wrong
11 information in it.

12 THE COURT: Anything else that you
13 wanted to say regarding your pending Motions
14 before the Court?

15 THE DEFENDANT: I have other pending
16 Motions that have not been answered which
17 was Defendant's Motion to Compel. I haven't
18 received any answer on that. The Court
19 hasn't answered anything on the Motion to
20 Compel and the Bill of Particulars.

21 THE COURT: All of these Motions
22 are set for today. The City is going to
23 respond as soon as you finish. Anything
24 else that you wanted to say regarding these
25 matters?

1 THE DEFENDANT: No. I would like to
2 make, while we're here, additional Motion
3 and that Motion would be to dismiss the
4 ticket because the affidavit that the
5 officers filed does not have the time on
6 there. So no time line has been established
7 where he swore he posed, and it is my belief
8 that the affidavit is insufficient because
9 of that matter. It states at no time did
10 this incident took place, so I would like
11 it --

12 THE COURT: Anything else?

13 THE DEFENDANT: -- citation.

14 THE COURT: Anything else? You've
15 repeated that three times. Is there
16 anything else, sir?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: Are you sure?

19 THE DEFENDANT: Yes.

20 THE COURT: Prosecutor Bagchi, you
21 may respond to the Motions -- just one
22 second, sir.

23 (Inaudible discussion had off the record.)

24 THE COURT: Prosecutor Bagchi.

25 MS. BAGCHI: First address the

1 Motion to Discovery, on my -- with regard to
2 the Motion -- Motion to Dismiss. Defendant
3 is correctly talking speedy trial because
4 officer was not here for want of
5 prosecution. I believe the officer was not
6 here. However, on that first date, the
7 matter was here for a pretrial, not a bench
8 trial therefore -- (inaudible) time --
9 because the matter was not set for a bench
10 trial, it was set for a pretrial at the
11 defendant's request, so that I can have time
12 to respond to discovery.

13 After that date, he filed another
14 Motion -- I believe a Motion to Dismiss,
15 received by the Prosecutor's Officer after
16 the Thanksgiving holiday, which is why I did
17 not have time to respond.

18 Today's date is set for a Motion
19 Hearing, but I believe that the defendant
20 doesn't have enough grounds for the City to
21 dismiss. We still have one more opportunity
22 to bring the officer in. So I ask for this
23 matter to be set for a bench trial.

24 THE DEFENDANT: May I make an
25 objection? Objection.

1 THE COURT: Anything else that you
2 would like to say, sir?

3 THE DEFENDANT: Yes, I would like to
4 object to the fact that the Prosecutor
5 continues to state that the initial trial
6 was set for other than a full-blown trial.
7 That was set for a trial with officers
8 subpoenaed to appear.

9 THE COURT: In addition?

10 THE DEFENDANT: No, I just wanted to
11 make that correction in the record.

12 THE COURT: I'm going to go ahead
13 and rule on these. On the very first Court
14 date, according to the file, November 19th,
15 it was set for a bench trial. It was set
16 for a bench trial on the very first Court
17 date, November 19th. However, on the --
18 Mr. Taylor, the defendant, on the same date,
19 at 8:46 in the morning, on November 19,
20 2012, filed a Motion to Dismiss, Lack of
21 Evidence pleading.

22 When Mr. Taylor, when you appeared in
23 court on November 19th, you wanted a hearing
24 on that Motion and the City because you had
25 just filed it that morning, the bench trial

1 was set for 9 o'clock that morning. The
2 City wanted time to respond to your Motion,
3 and the Court gave the City time to respond.
4 So --

5 THE DEFENDANT: Yes, may I say
6 something?

7 THE COURT: Excuse me, you are not
8 going interrupt this Court again. If you
9 do, I'm going to hold you in Contempt of
10 Court.

11 So this matter was continued at the
12 defendant's request because the Motion you
13 had filed, and it was also set for a
14 pretrial, on November 27th, to give the City
15 time to respond at the defendant's request
16 for a pretrial because you didn't want it
17 set for a trial on November 27th.

18 On November 27th, the matter was
19 continued at the defendant's request -- I
20 believe because of subsequent pleadings
21 filed that would have been -- let's see -- I
22 have to find it.

23 On November 20th, you had filed another
24 Motion, Defendant's Motion opposing the
25 Marginal Denial of the Defendant Motion to

1 Dismiss should be reversed or vacated. The
2 Court never ever even ruled on your Motion
3 to Dismiss, so that Motion is denied,
4 because I hadn't even made a ruling on it.
5 Everything was scheduled for today.

6 So then on November the 27th, it was
7 continued at the defendant's request for all
8 of these Motions again, and for the City to
9 respond. And so that's what we're here for
10 today.

11 Regarding your Motion to Compel the
12 Defendant's Previous Request For Discovery
13 in this case, the Prosecutor saying that the
14 only evidence, the only thing that they have
15 to share in a Discovery Request is this
16 citation; is that correct?

17 MS. BAGCHI: (Inaudible.)

18 THE COURT: Is there anything else
19 that the City would have other than the
20 citation, which the defendant had.

21 MS. BAGCHI: (Inaudible.) Only the
22 citation -- (inaudible) we don't have any
23 other information:

24 THE COURT: So Mr. Taylor, when the
25 matter was set for trial, you filed Motions

1 and wanted to have a hearing on all of your
2 Motions. The time does not toll because you
3 filed Motions, and you wanted all of these
4 Motions heard. And you didn't want to set
5 it for a trial, you wanted a Motion hearing,
6 and you wanted to set it for a pretrial.

7 So your Motion to Dismiss for Lack of
8 Evidence, that has no merit. That is denied
9 by the Court.

10 In addition, this Motion for Dismissal
11 for Lack of Prosecution, officer fails to
12 show up for trial and pretrial. That's
13 dismissed because you wanted these matters
14 continued for Motion hearings. So the Court
15 is denying your Motions, and also denying
16 the Motion to Compel regarding Discovery.
17 The only thing that the City has to give
18 you, the only evidence, sir, is the
19 citation. There is nothing else at all for
20 the City to give you.

21 And regarding your -- let me make sure I
22 have addressed all of your Motions. Your
23 Motion opposing Marginal Denial of
24 Defendant's Motion to Dismiss. I never --
25 today is the first date of the Court's

1 ruling, so that's denied also.

2 Your last point is regarding the fact
3 that the citation does not reflect a time on
4 this matter. And the City is requesting a
5 continuance for the matter to be brought to
6 trial. And they could amend this complaint
7 at any time before or on the date of trial.

8 So your Motions don't have merit and the
9 Court's denying them. And this matter can
10 be set for trial. That's all I could do is
11 go forward with trial. There's no other
12 Discovery to be done. The City doesn't have
13 anything other than the citation. The City
14 can amend the citation any time prior to
15 trial, including the day of trial.

16 And so it is set -- we could set this
17 matter for trial. There are no other
18 Motions here. Do you want a trial date on
19 these matters? Really that's all that's
20 left is for a trial to go forth on this
21 matter if you would like to have a trial.

22 But for all the reasons stated in the
23 City's Response to Defendant's Motion to
24 Dismiss, it has merit but at the City has
25 said and the Court is denying these Motions,

1 but you certainly have a right to go to
2 trial on these matters. We could certainly
3 set them for trial, and subpoena -- the City
4 will subpoena the officer to be present. If
5 the officer fails to appear, the City has no
6 objection, then the Court would grant the
7 Motion to Dismiss.

8 All of that could be done prior to this
9 because you've got all of those Motion and
10 you didn't want a trial. You wanted a
11 Motion hearings and a pretrial. So do you
12 want this matter now to be set for trial so
13 the officer can be subpoenaed to be present?
14 Do you want a trial date?

15 THE DEFENDANT: Yes, I want a trial
16 date.

17 THE COURT: Continued at the
18 defendant's request it will be set for a
19 bench trial.

20 Prosecutor Bagchi, would you please
21 subpoena the witnesses to be present. And
22 you certainly can have any witnesses present
23 that you think should be present.

24 Mr. Taylor.

25 THE DEFENDANT: Well, I would certainly

1 hope that the City would bring both
2 officers, who appear on the citation, to the
3 Court. Because there is two badge numbers
4 on the citation, so they should bring --

5 THE COURT: Mr. Taylor, she's
6 indicating she's going to subpoena both of
7 those officers.

8 THE DEFENDANT: And certainly, I would
9 hope that they would amend the complaint to
10 reflect the time that this incident
11 occurred, so I do can respond to the
12 defendant properly.

13 THE COURT: You could amend it at
14 any time prior to trial, or the day of
15 trial.

16 And, okay.

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: There is a date on the
19 citation, it says, November 2, 2012, but it
20 does not have a time on the citation.

21 So, Prosecutor Bagchi, if you are able
22 to ascertain the time prior to the date we
23 set this matter for trial, at the
24 defendant's request, it might be wise if you
25 get that information to share that with

1 Mr. Taylor, prior to the trial date, if you
2 are able to get that information prior to
3 trial.

4 I mean you could share it with him
5 beforehand by Discovery, if you have a means
6 to get in touch with him. If you have a
7 date. If not, you will have to get that
8 information on the date of trial. And the
9 officers have been subpoenaed.

10 But as far as a date for trial, is there
11 a particular date that would be better for
12 you, Mr. Taylor?

13 THE DEFENDANT: Absolutely. Any time
14 after January when the holidays coming up,
15 Christmas.

16 THE COURT: Let me just explain
17 this. If you want to go into January
18 because of the matter of the time it has to
19 be brought to trial, you'll have to sign the
20 statutory waiver of time. But what you
21 could do if you want, is waive the statutory
22 period of time, including up to that day,
23 only --

24 THE DEFENDANT: Yes, I would --

25 THE COURT: If you don't want to

1 say an open ended waiver. But if you want
2 to say all I'm willing to waive to is the
3 date of this trial and that's it. That's
4 what you would write on that form. If the
5 City has no objection, we will accept that.

6 THE DEFENDANT: Yes, I would like to do
7 that.

8 THE COURT: Do you have a
9 particular date in January that would be
10 best for you, sir?

11 THE DEFENDANT: No.

12 THE COURT: It doesn't make any
13 difference?

14 THE DEFENDANT: It doesn't -- well,
15 it's not going to be on the first? So any
16 time after that would be fine.

17 THE COURT: Are you thinking maybe
18 like -- we're going give you a waiver form.
19 You need to read it so you understand, okay.
20 Please read that form.

21 THE DEFENDANT: I understand.

22 THE COURT: Okay. And, you could
23 just put to a particular date.

24 Does the City have an objection to that?

25 MS. BAGCHI: No objection.

1 THE COURT: Okay. So you are
2 waiving through and including the date of
3 the trial.

4 Now we just have to figure out the trial
5 date. Okay. So that means if the officer
6 doesn't appear on the date of the trial, you
7 could always make your oral Motion to
8 Dismiss at that time; do you understand?

9 THE DEFENDANT: Absolutely.

10 THE COURT: Okay. Let's see, maybe
11 January. Do you want maybe January 9th,
12 that's a Wednesday, but we could set it for
13 like two in the afternoon.

14 THE DEFENDANT: That would be fine with
15 me.

16 THE COURT: Is that okay?

17 THE DEFENDANT: Yes.

18 THE COURT: I have January 9th?

19 MS. BAGCHI: I'm sorry.

20 THE COURT: I think I said
21 January 9th but is that date good for every
22 one, or do you want another date in January?

23 THE DEFENDANT: The date is fine for
24 me. I just wanted to get past the holiday.
25 I'm okay.

1 THE COURT: So that's okay?
2 January 9, 2013, at 2 p.m., continued at the
3 defendant's request set for a bench trial.
4 I'll note that the statutory period of time
5 has been waived, but only the statutory
6 period of time has been waived through and
7 including January 9, 2013.

8 And that -- they could put that in the
9 date. Okay. You know what -- you should
10 probably -- now I put on the Journal Entry,
11 but, Mr. Taylor, right on here that you are
12 waiving the statutory period of time only
13 through and including January 9, 2013.
14 Otherwise this will take you beyond that
15 date, and you don't want to go beyond that
16 date, right?

17 THE DEFENDANT: Right.

18 THE COURT: Okay. So that's what
19 you are going to write on there.

20 And Prosecutor Bagchi, if there is any
21 way to find out the time which the defendant
22 feels is very important, can you please make
23 certain you -- (inaudible) -- in writing or
24 whatever.

25 MS. BAGCHI: Sure, I will.

1 THE COURT: Thank you. It's going
2 to be journalized in just a moment by the
3 journalizer. The bailiff is going to give
4 you a reminder slip for January 9th. Did
5 you already get your reminder slip?

6 THE DEFENDANT: Yes, I already have
7 that.

8 THE COURT: January 9, 2013, at 2
9 p.m.

10 THE DEFENDANT: Yes.

11 THE COURT: Statutory period of
12 time only waived through January 9, 2013,
13 set for trial. The Prosecutor's going to
14 subpoena both of those officers to be
15 present for January 9th, and she's also
16 going to try to obtain the information
17 regarding the time of the citation. And if
18 so, she's going to make certain that she's
19 mails that information submitted to you
20 prior to January 9, 2013 if she has it prior
21 to that date, okay? If not, (inaudible),
22 able to get that information when the
23 officers appear if they appear on January 9,
24 2013, then you could deal with those issues,
25 at that time; do you understand?

1 THE DEFENDANT: Absolutely.

2 THE COURT: She's telling me, she's
3 giving me her word she's going to try to
4 obtain it before January 9th. If so, she's
5 going to submit it to you as a Discovery
6 request. Okay. If she doesn't have it
7 before January 9th, she can't do that. But
8 the only way she will be able to get that
9 information is if she hears from the
10 officers prior to January 9th when they
11 appear in this courtroom and she inquires,
12 okay? And that information will be given to
13 you at that time, and then we'll do whatever
14 is necessary at that time. If the officers
15 don't know the time, and if it's a major
16 issue, we'll deal with those issues on
17 January 9th, okay. But I'm asking the
18 Prosecutor if there is any way possible to
19 get you that information before January 9th
20 in order to do that.

21 Is there anything else? Did that take
22 care of everything?

23 THE DEFENDANT: Yes, just one last
24 thing. Will I be able to get the findings
25 of this Court in writing today?

1 THE COURT: They're going to be in
2 the Journal Entry. Simply the way I put it.
3 Motion to Dismiss is denied. That's it. Do
4 you want me to go through every Motion that
5 I've denied, they could give you a copy of
6 the electronic journal, if that's what you
7 want. I have simply have denied them and
8 given the reasons for it.

9 THE DEFENDANT: Okay. I just want to
10 be able to look at them physically --

11 THE COURT: They'll give you a
12 copy.

13 THE DEFENDANT: -- so it's in my head.

14 THE COURT: Sure.

15 THE DEFENDANT: Thank you.

16 THE COURT: You're welcome. Is
17 there anything else?

18 THE DEFENDANT: No. You've been so
19 nice, your Honor.

20 THE COURT: All right. Well, then
21 the Prosecutor, if she gets that
22 information about the time, should she send
23 it to the address on the citation?

24 THE DEFENDANT: The address is a good
25 address.

1 THE COURT: That's a good address.
2 Or how do you do that? What were you going
3 to say?

4 MS. BAGCHI: Oh, (inaudible) --

5 THE COURT: Right. Okay. So, you
6 have everything.

7 Just have a seat. This will be
8 journalized in a moment and she'll print out
9 the electronic journal for you, okay?

10 THE DEFENDANT: Thank you.

11 THE COURT: You're welcome.

12 So Mr. Taylor, let me just explain to
13 you some of the things that you raised in
14 your Motion to Dismiss for Lack of Evidence
15 are matters that would be addressed at a
16 trial; do you understand? It's like when
17 you look at them, when I look at this
18 pleading, you are saying that the way the
19 officer perjured himself, and the
20 information in that citation is not true,
21 that would come forth in a trial what the
22 true state of the evidence is; do you
23 understand?

24 So, when you have the trial, you would
25 be able to cross examine, ask questions of

1 the officers, to try to show the Court if
2 you believe that someone is not telling the
3 truth. But that takes place during the
4 trial; do you understand?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: I can't -- how am I to
7 know on the pleading, they've never even
8 appeared. But when they appear in Court in
9 cross-examination, you could ask questions
10 if you believe that what's contained in the
11 citation is not true; do you understand?

12 THE DEFENDANT: Yes.

13 THE COURT: So though I'm denying
14 the Motion to Dismiss today, at trial,
15 there's certain things that you could bring
16 up; do you understand?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay.

19 THE DEFENDANT: Thank you.

20 THE COURT: You're welcome.

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

City of Cleveland,)
V.)
Kenneth Taylor.)

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 26th day of August, 2013.



Cindy L. LaRosa, RPR, CRI

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. 2012 CRB 038736
8 KENNETH TAYLOR.)
9 Defendant.)

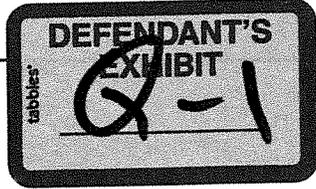
10 - - -
11 Transcript of digitally recorded proceedings had
12 before the Honorable Judge Angela R. Stokes, on
13 Tuesday, the 27th day of November, 2012, in Courtroom
14 15C.

15 - - -
16 APPEARANCES:

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

20 On behalf of the defendant:
21 Pro se.

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



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

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THE COURT: What is your name, sir?

THE DEFENDANT: Kenneth Taylor.

MR. HURLEY: Are you asking me for my clients?

THE COURT: Do you have any more? I'm just calling those who said they're not represented by counsel.

So those who are. Docket number 81. It's over here. This defendant, he filed a Motion, and the City responded to the Motion.

MS. BAGCHI: He did not yet. We proceeded on the 21st and -- (inaudible).

THE COURT: So, the City needs time to respond --

MS. BAGCHI: Correct.

THE COURT: -- to the defendant's Motion. Okay. It's continued at the defendant's request, set for a Motion hearing.

When will the City respond by? What date should I place it on the docket for a motion hearing?

MS. BAGCHI: (Inaudible.)

1 THE COURT: Do you want me to place
2 it on the docket like December 14th at 2 in
3 the afternoon?
4 MS. BAGCHI: That's fine.
5 THE COURT: Is that date okay for
6 you, sir?
7 THE DEFENDANT: Your Honor --
8 THE COURT: What date would you
9 like? That's the only question before you,
10 sir.
11 THE DEFENDANT: Okay. I don't -- I
12 don't know what date. I don't have a
13 calendar in front of me.
14 THE COURT: There's a calendar to
15 your right. Look at the wall. What date?
16 THE DEFENDANT: I can't see that. What
17 date did you have in mind?
18 THE COURT: I said December 14th.
19 It's a Friday --
20 THE DEFENDANT: What day is that?
21 THE COURT: That's a Friday at
22 2 p.m.
23 THE DEFENDANT: Okay. That is fine.
24 THE COURT: Is that okay?
25 THE DEFENDANT: Yes.

1 THE COURT: Continued at the
2 defendant's request, set for a Motion
3 hearing, December 14, 2012 at 2 p.m.

4 THE DEFENDANT: But there is some other
5 --

6 THE COURT: December 14th. That's
7 a Friday, at 2 p.m.

8 THE DEFENDANT: There is some other
9 issues surrounding this case.

10 THE COURT: So it is set for a
11 motion hearing.

12 THE DEFENDANT: Well, I mean --

13 THE COURT: So it is set for a
14 motion hearing, and that can be done on
15 December 14th. The City needs time to
16 respond to your Motion to Dismiss.

17 THE DEFENDANT: But I would like to
18 motion the Court to dismiss the case again
19 today. This is the third time I'm here with
20 no officer.

21 THE COURT: Sir, let me tell you
22 something. That's what you don't
23 understand. You need to hire an attorney
24 because you don't have a clue what you are
25 doing in a courtroom.

1 You filed the motion and the City has a
2 right to respond to that motion. She just
3 got the motion, and she's going to respond.

4 And it's set for a hearing,
5 December 14th, at 2 p.m.

6 Is there anything else?

7 THE DEFENDANT: Yes. I also filed a
8 motion opposing the dismissal and denial of
9 the motion to dismiss the case.

10 THE COURT: It's on the docket.
11 December 14th.

12 Escort him to the elevator, please.
13 Give him a reminder slip. December 14th at
14 2 p.m.

15 THE BAILIFF: Yes.

16 THE COURT: Anything out of line,
17 Flanagan, bring him back to go to the
18 Workhouse. If he says another word.

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C E R T I F I C A T E

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

City of Cleveland,)

v.)

Kenneth Taylor.)

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 26th day of August, 2013.

Cindy L. LaRosa

Cindy L. LaRosa, RPR, CRI

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 M through Exhibit Q-1 has been filed via e-filing with the Supreme Court of Ohio and a service copy emailed this 20th day of January, 2015 to the following:

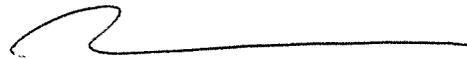
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