

IN THE SUPREME COURT OF OHIO

Disciplinary Counsel,

Relator,

v.

Angela Rochelle Stokes,

Respondent.

Case No. 14-1905

MATTER RELATED TO THE PRACTICE OF
LAW AUTHORIZED BY S.C.T. PRAC.R.
SECTION 13

RESPONDENT'S CORRECTED SUPPLEMENT TO MOTION TO DISSOLVE THE
INTERIM REMEDIAL SUSPENSION ORDER OF DECEMBER 18, 2014

Richard C. Alkire (0024816) (Counsel of
Record)
Dean Nieding (0003532)

ALKIRE & NIEDING LLC
200 Spectrum Office Building
6060 Rockside Woods Boulevard
Cleveland, Ohio 44131-2375
Telephone: 216-573-0801
Facsimile: 216-573-0806
rick@alkirelawyer.com
dean@alkirelawyer.com

Scott J. Drexel (0091467)
Office of Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, OH 43215-7411
Telephone: 614-461-0256
Facsimile: 614-461-7205
Scott.drexel@sc.ohio.gov

Counsel for Relator

Larry W. Zukerman (#0029498)
Paul B. Daiker (0062268)
Adam M. Brown (#0092209)

Zukerman, Daiker & Lear, Co., LPA
3912 Prospect Avenue, E
Cleveland, Ohio 44115
Telephone (216) 696-0900
Facsimile (216) 696-8800
lwz@zukerman-law.com
pbd@zukerman-law.com
amb@zukerman-law.com

Counsel for Respondent

EXCERPTS OF FORMAL HEARING
BEFORE THE BOARD OF PROFESSIONAL CONDUCT
ANGELA R. STOKES, RESPONDENT vs. DISCIPLINARY COUNSEL, RELATOR
CASE NO. 2013-057

Testimony of The Honorable Ronald B. Adrine

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EXCERPTS OF THE DEPOSITION TESTIMONY OF
THE HONORABLE RONALD B. ADRINE

BEFORE THE BOARD OF PROFESSIONAL CONDUCT
ANGELA R. STOKES, RESPONDENT vs. DISCIPLINARY COUNSEL, RELATOR
CASE NO. 2013-057

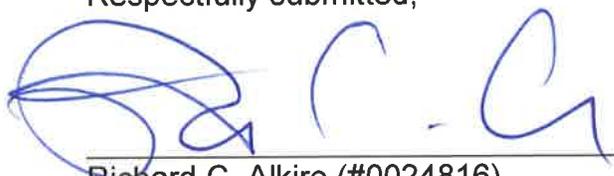
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Respectfully submitted,



Richard C. Alkire (#0024816)

ALKIRE & NIEDING LLC
200 Spectrum Office Building
6060 Rockside Woods Boulevard
Independence, Ohio 44131-2375
216-573-0801



Larry W. Zukerman (#0029498)

Paul B. Daiker (#0062268)

Adam M. Brown (#0092209)

Zukerman, Daiker & Lear Co., LPA
3912 Prospect Avenue, E.
Cleveland, Ohio 44115
216-696-0900

Attorneys for Respondent

FORMAL HEARING TRANSCRIPT

APRIL 13, 2015 (DAY 9)

**PP. 385, 408, 534-535, 549, 567-568, 582-
584, 588-591, 591-592, 597-598, 610-612,
614 and 631-634**

BEFORE THE BOARD OF PROFESSIONAL CONDUCT
OF THE SUPREME COURT OF OHIO

- - -

In Re:

Complaint against	:	
	:	
Angela R. Stokes,	:	
	:	
Respondent,	:	
	:	Case No.
vs.	:	2013-057
	:	
Disciplinary Counsel,	:	Day 9
	:	
Relator.	:	

- - -

EXCERPT OF FORMAL HEARING

TESTIMONY OF THE HONORABLE RONALD B. ADRINE

April 13, 2015

- - -

E & A Reporting Service, Inc.
915 South Front Street
Columbus, Ohio 43206
(614) 445-6300

1 Q In this first one, Frederick Philhower,
2 you say that he appeared before Judge Stokes charged
3 with DUI. It was his second offense in a lifetime.
4 During his three-year probationary period he was
5 required to appear in court on 19 separate
6 occasions, right?

7 **A Yes.**

8 Q Well, appearing in front of a judge on 19
9 occasions in and of itself is not -- may or may not
10 be an issue, correct?

11 **A Highly unusual.**

12 Q But just that alone may or may not be an
13 issue, right?

14 **A Highly unusual.**

15 Q Okay. You'd agree with me that there
16 could be circumstances where someone appears 19
17 times and through no fault of a judge, correct?

18 **A All I can tell you, counselor, is that
19 over 34 years I've never had anybody appear in front
20 of me 19 times.**

21 Q Did you go back and look at it?

22 **A No. But I know for a fact.**

23 Q All right. You and I went through these,
24 though, didn't we?

1 **A** **We did.**

2 **Q** And you'd agree with me that once we had
3 gone through them, you had a better understanding of
4 the entirety of that case. Would you agree?

5 **A** **I did.**

6 **Q** In fact, you'd agree with me that on a
7 number of the occasions what had happened was
8 Mr. Philhower's counsel was requesting new court
9 dates, correct?

10 **A** **That seemed to be what the record**
11 **reflected.**

12 **Q** And the record also reflects that on a
13 number of occasions his counsel were requesting
14 court dates to be either advanced or continued,
15 correct?

16 **A** **Yes.**

17 **Q** In fact, his attorney at the time, whose
18 name was Jamie Serrat, had asked -- when he appeared
19 in court had asked for the case to be advanced for
20 privileges. Do you remember that?

21 **A** **Yes.**

22 **Q** And then we also had an instance where a
23 gentleman by the name of Timothy Kucharski, who is
24 an attorney, a private defense attorney who you and

1 suspended sentence, probation, correct?

2 **A Yes.**

3 MR. CALIGIURI: I'm going to object to the
4 relevance. The Philhower allegation is not part of
5 the complaint, neither are any of the other cases in
6 that affidavit.

7 COMMISSIONER RODEHEFFER: Well, I know;
8 but I think that the point here is to challenge the
9 voracity of the affidavit, which, of course, affects
10 the witness' credibility. So I'm going to let him
11 do it.

12 MR. DAIKER: Thank you. Thank you, your
13 Honor.

14 BY MR. DAIKER:

15 Q The -- if you don't mind, please turn to
16 Page 4.

17 **A Yes.**

18 Q And do you see how the docket reads? It
19 begins with oldest to newest the way it goes down.
20 The complaint is received, right, and then it goes
21 through the process of -- that's the earliest date
22 is when the complaint is received, correct?

23 **A Yes.**

24 Q And the docket lists that the complaint

1 understanding in terms of what had happened on these
2 cases. Would you agree with that?

3 **A On several of them.**

4 Q Yeah. And if you had to do it all over
5 again, you probably wouldn't have included these,
6 correct?

7 **A Probably would have not included a couple
8 of them.**

9 Q And was this Philhower case one of them?

10 **A Probably.**

11 Q All right. So -- now, but -- and, Judge,
12 look, I really appreciate you being honest here; but
13 this is something that you filed with an affidavit
14 to take her license.

15 **A Based on my understanding at the time that
16 I reviewed the file.**

17 Q But this seems like the rest of the
18 matters in this case, Judge. You didn't review
19 these things personally.

20 **A I reviewed the file.**

21 Q But not to an extent where you were able
22 to -- you know, you didn't look at and determine why
23 the gentleman was there 19 times or not, right?

24 **A I thought I had done it when I went**

1 **through the file.**

2 Q Well, we know one of the -- actually, two
3 of the times he wasn't even there, right?

4 **A Right.**

5 Q One time Jamie Serrat and one time
6 Mr. Kucharski, right?

7 **A Right.**

8 Q And as I went through before, we know that
9 what ended up happening was that he requested
10 different court dates for his privileges to be
11 changed. He also -- right?

12 **A Yes.**

13 Q He also requested that the immobilization
14 be changed to a different vehicle or the interlock
15 be changed to a different vehicle, right?

16 **A Yes.**

17 Q There were requests that were for the
18 defendant, right?

19 **A Yes.**

20 Q So how is that a hardship on the defendant
21 if he's the one that's requesting these things?

22 **A There were 19 times, counselor. Most --**
23 **most requests are handled certainly less than ten**
24 **times coming back to court. There were 19 times.**

1 Q Now, if you'd turn to -- please turn to
2 Exhibit 1352, Judge, 1352.

3 COMMISSIONER RODEHEFFER: What is it
4 again, please?

5 MR. DAIKER: 1352.

6 Q Do you see that, Judge?

7 **A Yes.**

8 Q This is a journal entry and at the very
9 top do you see the journal entry states -- and this
10 is in handwriting -- "Defendant admits use of crack
11 cocaine on 3/3/14"?

12 **A Yes.**

13 Q So even after this case was pending for a
14 while -- in fact, right before you took
15 Judge Stokes' docket away from her, this defendant
16 admitted in court that she was using crack cocaine,
17 correct?

18 **A Yes.**

19 Q And did you review this judgment entry?

20 **A I'm sure I did, counselor; and I'm sure at
21 the time I put the item into the affidavit that I
22 had forgotten these pieces.**

23 Q Okay. Do you see there also handwritten a
24 little bit underneath that where it says,

1 "Defendant's crack cocaine addiction is due to
2 trauma abuse?" And do you see that it says this is
3 why -- which is -- "and is why she steals money, for
4 her addiction"?

5 **A Yes.**

6 Q That's completely tied to her theft
7 offense, right?

8 **A Yes.**

9 Q And based on everything that you see here
10 now, Judge, would you agree with me that
11 Judge Stokes ordering the urinalysis was proper?
12 Would you agree with that?

13 **A I would have done it.**

14 Q You would have done it?

15 **A Yes.**

16 Q And when you all put in -- I don't know
17 who put it in; but when you put in alcohol problem,
18 that wasn't the problem, right?

19 **A Right.**

20 Q It was a drug problem, right?

21 **A Yes.**

22 Q All right. So that was -- so that was
23 number two, right?

24 **A Right.**

1 Q So you'd agree -- if you had to take it
2 back, you'd do it, you would take that one out,
3 right?

4 A Yes.

5 Q Then the third one that we got is Isabelle
6 Bucsanyi, correct?

7 A Yes.

8 Q And this is the one, Judge, where there is
9 an OVI case, right?

10 A Yes.

11 Q And it was reduced to a physical control,
12 correct?

13 A Yes.

14 Q This is -- the reading was a .095, which
15 is over the limit, but will sometimes lead to a
16 reduction. Would you agree with that?

17 A Yes.

18 Q And you're -- what you state here is
19 Judge Stokes mandated that the defendant undergo
20 grief counseling because of the fact that she had
21 lost her fiancée in an accident which occurred on
22 Lake Erie, correct?

23 A Yes.

24 Q And we went through this one, do you

1 submission, correct?

2 **A** I believe it was inappropriate to mandate
3 it. I believe it would be appropriate to suggest
4 it, but I didn't think it should be a part of the
5 court order.

6 **Q** You thought it was not -- it was not
7 inappropriate to suggest it, right?

8 **A** Not inappropriate to suggest it.

9 **Q** And is it your testimony that you think it
10 was inappropriate to order it?

11 **A** Yes.

12 **Q** Even if she's saying, yes, that sounds
13 good? Even if the defendant is saying, yes, and her
14 attorney is saying yes?

15 **A** Yes.

16 **Q** You say that a judge can't do that?

17 **A** Yes.

18 **Q** You think that that is an abuse of
19 discretion; is that your stance?

20 **A** Yes.

21 **Q** And yet the person that would object to
22 that would be either the defendant or the
23 defendant's attorney on her behalf, correct?

24 **A** Correct.

1 Q Right?

2 A Yes.

3 Q And no one objected to it, right?

4 A Right.

5 Q When you looked through the file, there
6 was no objection to it, right?

7 A Right.

8 Q There was no appeal to the sentence,
9 correct?

10 A Right.

11 Q There was no motion that was filed
12 subsequently to it, correct?

13 A Right.

14 Q There was nothing to indicate they all
15 didn't agree with it, correct?

16 A Right.

17 Q But you did?

18 A I disagreed with it.

19 Q And do you think that if someone looked at
20 every one of your sentences, they would agree with
21 everything that you did?

22 A Probably not.

23 Q And I bet if you looked at the sentences
24 on the other ten municipal court judges in the

1 Cleveland Municipal Court, you wouldn't agree with
2 every one of theirs either, would you?

3 **A And vice versa.**

4 Q Vice versa. A lot of cases, particularly
5 if you're in front of Judge Zone, you might have
6 done a more harsh sentence than what Judge Zone
7 gave, correct?

8 **A It's a possibility.**

9 Q And there might be -- I don't know if
10 there's anyone -- maybe when Judge Saffold was on
11 the municipal court bench she might sentence a
12 little bit tougher than you did. Would you agree
13 with that?

14 **A Yes.**

15 Q But this opinion that you have that this
16 was improper, have you ever seen any case law on
17 that to support your opinion that this -- that grief
18 counseling can't be ordered?

19 **A These were issues that I had, which is why
20 I put them in the affidavit. As I said at the
21 beginning, issues that we were dealing with.**

22 Q That no one else objected to with this
23 one, right?

24 **A That's correct.**

1 Q And you'd agree with me that there are
2 times when you've been sitting as a judge where when
3 a sidebar occurs some type of resolution is
4 discussed, right?

5 **A Yes.**

6 Q And just so I'm clear, are you aware of
7 any law that supports your position for this?

8 **A No.**

9 Q Thank you.

10 I want to turn to the next one, which is
11 Michelle Nester. Judge, we looked at this one. Do
12 you recall that this is the defendant that you claim
13 suffered from multiple -- alleged multiple
14 eight-hour-plus court appearances with Judge Stokes?
15 Do you recall that?

16 **A Yes.**

17 Q And do you recall that when we went
18 through this, all the -- the entire -- we went
19 through the entire case file. We weren't able to
20 find one eight-hour court appearance for her in
21 front of Judge Stokes. Do you recall that?

22 **A I don't recall that.**

23 Q The first two times that she appeared
24 there both her cases were called in the morning. Do

1 Q And you'd agree with me that there are
2 times when you've been sitting as a judge where when
3 a sidebar occurs some type of resolution is
4 discussed, right?

5 **A Yes.**

6 Q And just so I'm clear, are you aware of
7 any law that supports your position for this?

8 **A No.**

9 Q Thank you.

10 I want to turn to the next one, which is
11 Michelle Nester. Judge, we looked at this one. Do
12 you recall that this is the defendant that you claim
13 suffered from multiple -- alleged multiple
14 eight-hour-plus court appearances with Judge Stokes?
15 Do you recall that?

16 **A Yes.**

17 Q And do you recall that when we went
18 through this, all the -- the entire -- we went
19 through the entire case file. We weren't able to
20 find one eight-hour court appearance for her in
21 front of Judge Stokes. Do you recall that?

22 **A I don't recall that.**

23 Q The first two times that she appeared
24 there both her cases were called in the morning. Do

1 you recall that?

2 **A I don't recall, but I'll take your word**
3 **for it.**

4 Q Will you take my word for it?

5 **A I will.**

6 Q Thank you, Judge.

7 This -- this individual, I want you to
8 first look at 1081, if you don't mind, Judge.

9 Exhibit 1081. Do you see it? About halfway.

10 **A 1081.**

11 Q You got it right there.

12 **A Okay.**

13 Q Judge, do you see that that's the
14 computerized electronic docket with regard to the
15 Michelle Nester case?

16 **A Yes.**

17 Q Case No. 2013TRC023649?

18 **A Yes.**

19 Q State of Ohio, City of Cleveland versus
20 Michelle N. Nester?

21 **A Yes.**

22 Q And this is a driving under the influence
23 charge. Do you see that?

24 **A Yes.**

1 **A** **Yes.**

2 **Q** And defendant's motion for occupational
3 privileges is denied. Do you see that?

4 **A** **Yes.**

5 **Q** Prosecutor Lopez will subpoena witnesses.
6 Do you see that?

7 **A** **Yes.**

8 **Q** Okay. And, once again, the next exhibit
9 was the 2863, which was the ALS appeal form, right?

10 **A** **Yes.**

11 **Q** And the reason we went through that --
12 Judge, the reason I went through that with you was
13 because in this case repeatedly Mr. Christman shows
14 up and asks for privileges from Judge Stokes, but he
15 doesn't have the proper documentation for what he's
16 requesting, correct?

17 **A** **What she was requiring, yeah.**

18 **Q** Well, but what the court requires, proof
19 of employment such as letter from your employer with
20 normal work schedule, proof of insurance premiums
21 paid for the duration of the suspension, right?

22 **A** **Yeah.**

23 **Q** And you said that you -- that you don't
24 disagree with requiring that, right?

1 **A** **That's what the law requires.**

2 **Q** Okay. So let's please turn to
3 Exhibit 1110, 1110. This is the 4th of June, 2013,
4 the date that was indicated, right?

5 **A** **Yes.**

6 **Q** And that time the -- Mr. Christman is
7 there and they work the case out, right?

8 **A** **I believe that's correct. She does enter**
9 **a plea.**

10 **Q** She does enter a plea, right?

11 **A** **Yes.**

12 **Q** You see there on Page 3 the prosecutor
13 puts the plea on the record?

14 **A** **Yes.**

15 **Q** And she states that this is the first
16 lifetime, right?

17 **A** **Yes.**

18 **Q** And that she states there's a reading of
19 .21, correct?

20 **A** **Yes, yes.**

21 **Q** And Mr. Christman agrees and says, "That's
22 correct. I've had the opportunity to meet with the
23 prosecutor, and they've provided me with discovery.
24 I filed a suppression motion on this case, but we

1 Mr. Christman did not have the proper information,
2 correct?

3 **A** It appears he didn't have what
4 **Judge Stokes wanted him to have.**

5 Q And please turn to Page 24, Line 2. The
6 judge says, "But, I mean, I don't have anything.
7 Even if it's a school schedule. There's some people
8 who have occupational and school schedules as the
9 gentleman that we were working on the other day. I
10 can't remember his name, but I had both. I had his
11 school schedule, and I had his work schedule. But
12 if I don't have a schedule, I can't write an order.
13 But I thought I made it clear that I thought I
14 had -- that -- I thought you had that information,"
15 right?

16 **A** Yes.

17 Q She's saying she doesn't have a schedule.
18 They didn't provide a schedule to her, correct?

19 **A** Yes.

20 Q And if you don't have a schedule, then you
21 can't put -- with the limited privileges, you have
22 to put the hours, from this hour to this hour,
23 correct?

24 **A** Yes.

1 Q And she couldn't do that without the
2 schedule, correct?

3 A Yes.

4 Q Are you aware of what happened -- so, by
5 the way, the judge recalls this case, and there's a
6 lot more discussion about this. She recalled the
7 case, and it was determined that Miss Nester would
8 fax in or someone would fax in the information to
9 Judge Stokes that she was requesting.

10 MR. CALIGIURI: Objection. He's
11 testifying. He can read the transcript to see what
12 he says. He's just asking Judge Adrine to consent
13 to everything that's in the transcript.

14 MR. DAIKER: Well --

15 COMMISSIONER RODEHEFFER: Isn't the point
16 of all this to figure out how long she was in court?

17 MR. DAIKER: Yeah.

18 COMMISSIONER RODEHEFFER: Can't we get to
19 that?

20 BY MR. DAIKER:

21 Q Judge, you'd agree with me that the reason
22 that she was there for a long time that day is
23 because of what she was requesting, correct?

24 A It certainly appears.

1 Q Not because of anything that Judge Stokes
2 did, correct?

3 **A Certainly appears.**

4 Q It appears that way, right?

5 And then are you aware that her privileges
6 were granted the next day when the proper
7 information was provided to Judge Stokes?

8 **A I believe I've seen that.**

9 Q In fact, that was June 4.

10 And then please turn to Exhibit 1101.

11 **A Yes.**

12 Q This is a letter from the chair,
13 department chair, regarding Michelle Nester; and
14 it's dated the next day, right?

15 **A Yes.**

16 Q To Judge Stokes, right?

17 **A Yes.**

18 Q And then there's also a schedule that's
19 attached dated the next day, June 5, right?

20 **A Yes.**

21 Q This was information that was not provided
22 to Judge Stokes on the 4th when Mr. Christman was
23 requesting the privileges of his client, correct?

24 **A That's correct.**

1 OVI is either six days in jail or three days in jail
2 plus a three-day program, right?

3 **A Yes.**

4 Q And even on cases sometimes if there's
5 a -- there is a plea with regard to making it a low
6 level offense, it's certainly within a judge's
7 discretion to give a sentence of the six days,
8 correct?

9 **A Yes.**

10 Q And there's judges that do that, correct?

11 **A Yes.**

12 Q And that appears to be what occurred here,
13 correct?

14 **A Yes.**

15 Q You're not aware of any specific -- are
16 you aware of any specific date, then, that
17 Miss Nester spent eight hours in Judge Stokes'
18 courtroom?

19 **A No.**

20 Q Let's move on to Mr. Lewandowski, please.
21 This is -- what you indicate here, Judge, is that
22 Mr. Lewandowski was required to undergo psychiatric
23 evaluation, sentenced to 180 days in jail, required
24 to serve 44 of those days, attend outpatient

1 Line 24 where Mr. Hurley indicates -- and this is
2 all at sidebar. Do you see this is at sidebar?

3 **A Yes.**

4 Q Mr. Hurley says, "But I will tell you that
5 while he has no reason to harm himself or others,"
6 and then it turns to Page 37, "there's mental health
7 history here that may be relevant eventually." Do
8 you see that?

9 **A Yes.**

10 Q This is Mr. Hurley telling the court that
11 he's got concerns with his client's mental health.
12 Do you see that?

13 **A Yes.**

14 Q And then the judge asks, "Do you want me
15 to make a referral to the court psychiatric clinic?
16 We could do an evaluation while he's in custody."
17 Do you see that?

18 **A Yes.**

19 Q And Mr. Hurley says, "If the court is so
20 inclined to do that, I could understand why." Do
21 you see that?

22 **A Yes, uh-huh.**

23 Q And the judge says, "I can, but what is
24 his diagnosis?" And Mr. Hurley says, "Depression

1 and anxiety." Do you see that?

2 **A Yes.**

3 Q And the defendant actually volunteers and
4 says, "I have anxiety and I'm depressed, bipolar,
5 OCC." Do you see that?

6 **A Yes.**

7 Q And then Mr. Hurley, "The defendant wants
8 to say something else." And Mr. Hurley says, "Focus
9 on one question at a time here, okay? And we're
10 really trying -- all we're really trying to do is
11 get a picture so -- is to get a picture so bad. We
12 need you plugged into the right resources in the
13 community. Do you understand?" Do you see that?

14 **A Yes.**

15 Q And then the judge asks, "Is he -- are you
16 presently under the care of a psychiatrist?" And
17 then the defendant says, "Not right now. I was
18 trying to get back over," right?

19 **A Yes.**

20 Q And then Mr. Hurley says, "And this was
21 through Belfair," right? Do you see that on
22 Line 7 --

23 **A Yes.**

24 Q -- Line 8?

1 **A** **Yes.**

2 **Q** Belfair is a local mental health place?

3 **A** **Services.**

4 **Q** And it could be a live-in place too,
5 correct?

6 **A** **I think so.**

7 **Q** And do you see that on Line 15 the judge
8 says, "Did he give you this information? He didn't
9 give you this information when he was interviewed in
10 the probation department?" And Mr. Hurley says,
11 "That's correct."

12 So you'd agree with me that on the basis
13 of what Mr. Hurley, the defendant's attorney, has
14 told Judge Stokes, she was well-founded in ordering
15 a psychiatric evaluation? Would you agree with
16 that?

17 **A** **There was enough information to justify**
18 **it.**

19 **Q** There was, right?

20 **A** **Uh-huh.**

21 **Q** Yes?

22 **A** **Yes.**

23 **Q** And you'd also agree with me that
24 sometimes if someone is referred for a psychiatric

1 evaluation, that can take a period of time, right?

2 **A** **Generally two weeks, three weeks.**

3 Q Please turn to Exhibit 936. Do you see
4 that, Judge?

5 **A** **Yes.**

6 Q This is the journal entry for that date?

7 **A** **Yes.**

8 Q And Judge Stokes indicates the items
9 that -- the defendant was being referred to
10 probation, correct?

11 **A** **Yes.**

12 Q And a psychiatric evaluation ordered,
13 correct?

14 **A** **Yes.**

15 Q Please turn to the next exhibit, which is
16 948. Do you see that, Judge?

17 **A** **Yes.**

18 Q That exhibit is the psychiatric clinic
19 referral form, correct?

20 **A** **Yes.**

21 Q This is a standard form that's used in the
22 Cleveland Municipal Court for referrals for an
23 evaluation, correct?

24 **A** **Yes, yes.**

FORMAL HEARING TRANSCRIPT

APRIL 14, 2015 (DAY 10)

PP. 780-781 and 811-812

BEFORE THE BOARD OF PROFESSIONAL CONDUCT
OF THE SUPREME COURT OF OHIO

- - -

In Re:

Complaint against	:	
	:	
Angela R. Stokes,	:	
	:	
Respondent,	:	
	:	Case No.
vs.	:	2013-057
	:	
Disciplinary Counsel,	:	Day 10
	:	
Relator.	:	

- - -

EXCERPT OF FORMAL HEARING

TESTIMONY OF THE HONORABLE RONALD B. ADRINE

April 14, 2015

- - -

E & A Reporting Service, Inc.
915 South Front Street
Columbus, Ohio 43206
(614) 445-6300

1 **A** **No, no.**

2 **Q** And remember when Mr. Caligiuri was asking
3 you about that with Miss Nester and he said -- he
4 said so the affidavit wasn't all that inaccurate.
5 Do you recall that?

6 **A** **Yes.**

7 **Q** You'd agree that there were some
8 inaccuracies in the affidavit?

9 **A** **Yes.**

10 **Q** Thank you.

11 Now, you also testified with -- when
12 Mr. Caligiuri asked you about the difference between
13 putting someone in the holding cell and finding them
14 in contempt. Do you recall that?

15 **A** **Yes.**

16 **Q** A contempt finding is actually, you'd
17 agree with me, more serious than placing them in a
18 holding cell, right?

19 **A** **Yes.**

20 **Q** For an attorney it's something that
21 actually can be on their attorney record, right?

22 **A** **I'm sure that it could find itself on**
23 **there.**

24 **Q** Something that can be sent down to the

1 disciplinary counsel and the Supreme Court, correct?

2 **A I imagine.**

3 Q And so that -- a finding of contempt can
4 be a big thing?

5 **A Pretty serious.**

6 Q And just because you place someone in a
7 holding cell temporarily doesn't mean that you
8 actually made an official finding of contempt,
9 right?

10 **A Right.**

11 Q Sometimes it can be just a temporary
12 action, and then it's done, right?

13 **A Placing someone into holding in detention
14 is a serious action, period.**

15 Q Now, you testified that over the course of
16 the years you think you held someone in contempt
17 three times, right?

18 **A Formally held somebody in contempt, yes.**

19 Q Formally. Let's talk about those three
20 times.

21 **A All right.**

22 Q I think we talked about this at your
23 deposition, that on at least a couple of those
24 occasions you gave them jail time for the contempt?

1 initial draft that I got from the disciplinary
2 counsel, that I was asked to take a look at items,
3 the six items that we were talking about, then I
4 went and pulled six items and added them and
5 reviewed the document and signed off on it.

6 Q They were -- they asked you to find six
7 items; is that what it was?

8 A Six items -- or some items. I don't
9 remember that they said six.

10 Q And so those are the ones that you found?

11 A Those are the ones that I found.

12 Q You found your best of?

13 A No. They just were -- it was a short
14 turnaround time, and those are the ones I grabbed.

15 Q And the binders that were submitted, the
16 three binders, who compiled and submitted those?

17 A For the original complaint?

18 Q Yeah.

19 A That was done by myself in conjunction
20 with Michael Negray and Colleen Radeff.

21 Q And you know how it had headings, it had
22 canons that you were alleging that were violated.

23 Who did the research and wrote that out?

24 A I did.

1 MR. DAIKER: No further questions, your
2 Honor.

3 COMMISSIONER RODEHEFFER: Okay.

4 MR. CALIGIURI: Very briefly.

5 COMMISSIONER RODEHEFFER: Okay. Very
6 briefly. Bring your Post-it Notes up.

7 MR. CALIGIURI: That's it.

8 - - -

9 FURTHER REDIRECT EXAMINATION

10 BY MR. CALIGIURI:

11 Q Okay. Judge, I just want to cover a
12 couple of things here. First of all, Mr. Daiker
13 talked about your calling Kim Oxner and Dean Jenkins
14 to the courtroom; and I believe you've testified a
15 number of times that it was almost daily with regard
16 to Judge Stokes.

17 **A (Indicates affirmatively.)**

18 Q What was your concern from an abuse of
19 human resources standpoint regarding those issues?

20 **A Kim Oxner and Dean Jenkins at the time**
21 **were deputy chief probation officers. In that**
22 **capacity they had a lot of things that they were**
23 **responsible for as it related to oversight of both**
24 **those people who were doing presentence**

**DEPOSITION TESTIMONY OF THE
HONORABLE RONALD B. ADRINE**

FEBRUARY 6, 2015

PP. 363, 385 and 408

BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCE AND DISCIPLINE OF THE
SUPREME COURT OF OHIO

THE HONORABLE ANGELA)
ROCHELLE STOKES,)
)
) Respondent,)
)
) and) Claim No. 13-057
)
DISCIPLINARY COUNSEL,)
)
) Relator.)

- - -

Deposition of THE HONORABLE RONALD B. ADRINE,
called for the purpose of cross-examination before
Ronald M. Rua, a Notary Public within and for the
State of Ohio, taken at the offices of Zukerman,
Daiker & Lear, 3912 Prospect Avenue, East, Cleveland,
Ohio, commencing at 9:44 a.m., on Friday, the 6th day
of February, 2015, pursuant to notice and/or
stipulations of counsel on behalf of the Respondent.

- - -

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1 know that the reason that January 10th date was
2 continued to the 16th was because they wanted to have
3 Attorney Kucharski there present to explain it. They
4 wanted to give him an opportunity to be there. He
5 was there the day before and then they asked if he
6 wanted to be there they would reset so the defendant
7 could be there with his attorney. And the judge
8 allowed that happen.
9 So then --
10 MR. DAIKER: Okay. Let's take a break,
11 real quick.
12 THE VIDEOGRAPHER: Off the record. The
13 time is 4:14.
14 ---
15 (Recess had.)
16 ---
17 THE VIDEOGRAPHER: We are back on the
18 record. The time is 4:22.
19 Q Judge, would you agree with me with regards to this
20 case, Frederick Philhower, that in reviewing the
21 items that have come to your attention, it seems like
22 a number of continuances or a number of court dates
23 that Mr. Philhower had were of his own doing?
24 A **It would certainly would appear to be.**
25 Q And would you agree that Mr. Philhower, also,

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1 while20he was on probation -- actually, let me
2 back-up.
3 First of all, Mr. Philhower's attorney didn't do
4 everything that may be he could have in order for him
5 to get the driving privileges that he was seeking.
6 Would you agree with that?
7 A **I don't know if I can agree with that. But, it**
8 **appears that there were number of occasions that was**
9 **the issue.**
10 Q That was the issue. And then he was set for a
11 probation violation and then he caught a new OVI case
12 in Parma, correct?
13 A **It appears.**
14 Q So as a result of his new OVI case in Parma, he was
15 probation violator?
16 A **Right.**
17 Q And if you had a gentleman on probation to you and
18 they caught a new OVI case and they were on probation
19 for OVI, you would violate them, wouldn't you?
20 A **Absolutely.**
21 Q And either give them additional jail time or continue
22 their probation further, right?
23 A **And given the nature of things, give them jail time.**
24 Q Give them jail time. And so in reading what we have,
25 you've had a chance to review some of the responses

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1 that we had with regards to this case, correct,
2 Judge?
3 A **Yes.**
4 Q And you have seen as a result of that that the 19,
5 your statement in your affidavit concerning the 19
6 appearances, did not fully explain what had happened
7 with the case? Would you agree with that?
8 A **What I would say to you, counselor, when I saw the**
9 **size of the file, indicated, looked at the one that**
10 **was the sentencing document and determined that this**
11 **was the defendant's second OVI in a lifetime,**
12 **according to the JEs, 19 occasions to come back to**
13 **court, in particular, since most of those were**
14 **post-sentence, it seemed excessive, which is why it**
15 **find itself here.**
16 Q But, you didn't take a full look at the file, right?
17 A **It wasn't my job to investigate it, I didn't think.**
18 **It was my job to determine whether or not it**
19 **looked like there was a possible violation in there**
20 **and that's what I did.**
21 Q But, for Mr. Philhower what you did is you terminated
22 his probation, right?
23 A **I think I did.**
24 Q You terminated it, even though do you know that the
25 victims had not been compensated yet?

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1 A **I may have done that.**
2 Q And so even though he appeared a number of times,
3 they were mainly for either privileges or probation
4 violations, right?
5 A **Yes.**
6 Q Okay. So you can't say that in looking at this case
7 now, that Judge Stokes did anything inappropriate
8 with regard to it, correct?
9 MR. MATHEWS: Objection.
10 A **I'm not going speculate on that.**
11 Q Did she do anything that in terms -- let me say this.
12 The 19 times that he appeared there were not Judge
13 Stokes' doing, correct?
14 A **I'm going to say whatever she did appears to be**
15 **within her discretion.**
16 Q Reasonable, right?
17 A **Within her discretion.**
18 Q No. But, would you agree that it was reasonable what
19 she did with regards to him?
20 A **I'm not saying that I would have done the same thing.**
21 Q Well, you would have violated him, right?
22 A **Probably would have violated him.**
23 Q And you would have given him a license suspension,
24 right?
25 A **Probably would have suspend his license.**

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1 11:52 a.m.
2 MR. MATHEWS: Objection.
3 Q Would that surprise you, Judge?
4 MR. MATHEWS: Objection.
5 MR. DAIKER: If you want me, I will take
6 it out and we will go through it. I want to
7 go through this, though.
8 THE WITNESS: I accept your
9 representation.
10 Q Thank you. So this is the second time that she's
11 there and he's saying she is on the verge of being
12 let go for two court appearance with Judge Stokes,
13 right?
14 A Right.
15 Q Both times called in the morning when she is there,
16 right?
17 A Right.
18 Q Okay. So then he says, "I'm imploring the court,
19 even under any circumstances with the breathalyzer or
20 anything, she needs to get her driving privileges."
21 Do you see that?
22 A Yes.
23 Q Okay. Nowhere does Attorney Christman, and you can
24 read this entire transcript, nowhere does Attorney
25 Christman state or imply that the reason that Ms.

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1 Nester might be let go was due to multiple eight hour
2 court appearances, right?
3 A I have not read it.
4 Q He doesn't tell her right there when he's talking
5 about it, he doesn't say, Judge, she's had to come
6 down her for this and she's about ready to be let go
7 because she's been in court here?
8 A Does not say it.
9 Q No. And you see there on page eight -- excuse me.
10 I'm sorry, your Honor. Fourteen over to fifteen, do
11 you see that at the bottom the judge says, "Well, I
12 understand Ms. Nester's situation. If she's willing
13 to submit to an urinalysis test today," -- and
14 Mr. Christman says, "She will. And the judge says,
15 "They could put a rush on it. This may take an hour,
16 hour and a half before the results are going to come
17 back to the courtroom." And the defendant says,
18 "That's fine." Right?
19 A Yes.
20 Q "In addition because," -- and Mr. Christman says,
21 "She gets tested as part of her nursing program, and
22 part of the surgical tech." And the judge says,
23 "This is such a high reading," but -- and the judge
24 says, "This is such a high reading, .250." And
25 Mr. Christman says, "Judge," and the court says, "I

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1 understand, I understand. And Mr. Christman says,
2 "That was the reason for the suppression, but at the
3 same time I don't have the time to fight this case."
4 The judge says, "I understand." And he says, "She
5 needs to drive and that's what I mean."
6 And the judge says, "I understand. So, if she's
7 interested, because I'm doing all this before I have
8 the benefit of a probation report." This is before
9 sentencing, right, Judge?
10 A Correct.
11 Q "And everything else. If she wants an Interlock
12 device, and make sure that you're testing negative on
13 the urinalysis test, I will write the order."
14 So she's telling him, I will give privileges
15 today as long as she goes down and tests and if the
16 test negative we will write it up?"
17 A Yes.
18 Q But, she says, she cautions, "But, I will have to
19 send you down stairs for urinalysis test. That will
20 happen in just a few moments, but for the results to
21 back to this courtroom, they may not come back until
22 1:30 or 2:00." Do you see at that time?
23 A Yes.
24 Q "It is a long process." Will you agree that that is
25 a long process?

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1 A I don't recall ever doing the same day like this
2 so --
3 Q It is hard on the same day, would you agree?
4 A Yes, yes.
5 Q And she says, "It is long process, sometimes it is
6 fast. And then I can have Mr. Oriti come up to ask
7 you about the Interlock device." So she's thinking
8 about granting privileges, doing the Interlock
9 device. And the defendant says, "Yes."
10 She says, "Do you have your insurance
11 information? Yes. For the date of this offense
12 currently? Yes. Okay. So I will have to ask deputy
13 chief to pull out -- I will just write it all on a
14 Journal Entry, I guess, and I could then -- do you
15 want me to give you a date for sentence right now,
16 Counsel?" Mr. Christman says, "Yes, your Honor."
17 Then if you keep looking through, Judge, on
18 pages 17, 18 and 19, they're talking about when the
19 sentencing date would be. And Mr. Christman is
20 fashioning it, talking to his client to make sure
21 that it does not infringe on her program. And the
22 judge, Judge Stokes accommodates him with regards to
23 when he requests them to come back. Do you see that?
24 A Yes.
25 Q Then please turn to 23. And you see at the top line,

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1 suspicious is checked. Mr. Davis stated he was
2 paranoid." Do you see that?
3 **A Yes.**
4 **Q** Okay. And that's when Rita talked, Ms. Haynes talked
5 to him, he said he was schizophrenic. Do you see
6 that?
7 **A Yes.**
8 **Q** So you would have to agree, it is a difficult
9 situation, right?
10 **A Yes.**
11 **Q** Okay. And do you believe it was inappropriate for
12 Judge Stokes to have Rita come up to interview this
13 gentleman?
14 **A No.**
15 **Q** We, you and I agree that if someone's there in court,
16 especially if they are there by themselves and they
17 don't appear to understand what's taking place,
18 that's a difficult situation, right?
19 **A Yes.**
20 **Q** We want them to make knowing, intelligent, voluntary
21 decisions, right?
22 **A Yes.**
23 **Q** And I understand where you were coming from, to just
24 see on a civil case, why would Judge Stokes do that?
25 **But, in looking at this, it looks like it was**

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1 appropriate, right?
2 **A I think it was appropriate for Rita right to come up**
3 **and talk to him. For there to be a psychiatric**
4 **referral is another matter.**
5 **Q** Okay. But, if Rita is in agreement with doing that,
6 you wouldn't defer to what she believes at the time?
7 **MR. MATHEWS:** Doing what, talking to him
8 or doing the referral?
9 **Q** Doing the referral.
10 **MR. DAIKER:** Thank you, Mr. Mathews.
11 **A I wouldn't.**
12 **Q** You wouldn't? But, you believe that her having that
13 done is improper?
14 **A Inappropriate.**
15 **Q** Now, she didn't have him taken in o custody at the
16 time or anything like that, right?
17 **A I don't believe so.**
18 **Q** And what ended up happening was once the Plaintiff's
19 counsel learned that this gentleman wasn't going to
20 be able to pay, he said he was going to talk to his
21 client and then he entered a voluntary dismissal.
22 You saw that, right?
23 **A Yes.**
24 **Q** And it is because Mr. — and then because he did that
25 so quickly, this gentleman never had the assessment

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1 done. Never had, the referral was called off and he
2 never had to do that, the case was over, right?
3 **A Right.**
4 **Q** So there was no — he didn't suffer anything from
5 this? In fact, it could be argued that Judge Stokes
6 helped him get involved, get to the bottom of it,
7 helped get the case worked out, right?
8 **A It could be argued.**
9 **Q** Okay. Just a couple more questions for you.
10 **A Okay.**
11 **Q** Last, and it is not on this. I want to talk to you
12 really quick about Project Hope, okay, please?
13 **A Okay.**
14 **Q** So you had the eight programs, specialized programs
15 of the Cleveland Municipal Court evaluated, right?
16 **A Yes.**
17 **Q** And you had it done by two CSU professors, Dana
18 Hubbard and Wendy Regoeczi, right?
19 **A Wendy, "Regoeczi."**
20 **Q** "Regoeczi." Thank you. And the beginning of the
21 evaluation was began in 2009, right?
22 **A I think that's right.**
23 **Q** Shortly after you took over as AJPJ, right?
24 **A Yes.**
25 **Q** And you had known Wendy Regoeczi for a decent period

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1 of time, right?
2 **A For, yeah, I don't know how long. She had been**
3 **active with the Domestic Violence Coordinating**
4 **Council.**
5 **Q** And you had worked with her on that. And they had
6 done an evaluation of the domestic violence court?
7 **A Right.**
8 **Q** You were pleased with their work?
9 **A Mm'hmm.**
10 **Q** And you gone to them about getting an \$87,000 grant
11 for them to do it?
12 **A Right.**
13 **Q** Which was good, you all didn't have to pay for it and
14 they came in and did it, right?
15 **A Right.**
16 **Q** But, so they were asked to review the eight different
17 programs for the court and they weren't paid a heck
18 of a lot of money, were they?
19 **A No. It was diminimus.**
20 **Q** It was a cursory review, right?
21 **A It was a cursory review.**
22 **Q** So one of courts, one of the programs they reviewed
23 was the Project Hope program that Judge Stokes was in
24 charge of, right?
25 **A Yes.**

CERTIFICATE OF SERVICE

A copy of **RESPONDENT'S CORRECTED SUPPLEMENT TO MOTION TO DISSOLVE THE INTERIM REMEDIAL SUSPENSION ORDER OF DECEMBER 18, 2014** has been filed via e-filing with the Supreme Court of Ohio and a service copy e-mailed this 11th day of August, 2015 to:

Scott J. Drexel
Office of Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, OH 43215-7411
Scott.drexel@sc.ohio.gov

Counsel for Relator

Joseph Caligiuri, Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, OH 43215-7411
Joseph.caligiuri@sc.ohio.gov

Counsel for Relator

Karen Osmond, Assistant Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411
Karen.Osmond@sc.ohio.gov

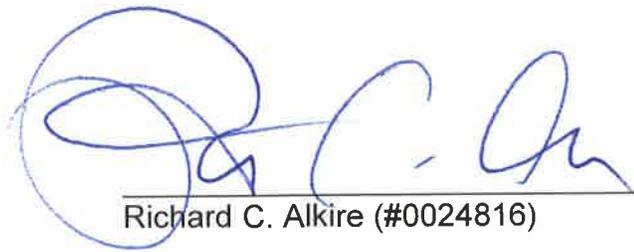
Counsel for Relator

Audrey Varwig, Assistant Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411
Audrey.Varwig@sc.ohio.gov

Counsel for Relator

Michael E. Murman, Esq.
14701 Detroit Avenue, Suite 555
Lakewood, OH 44107
murmanlaw@aol.com

Counsel for Relator



Richard C. Alkire (#0024816)

Attorney for Respondent