

Written by Kathy

Monday, 20 August 2012 10:57 - Last Updated Tuesday, 21 August 2012 01:36



From the Metro Desk of Cleveland Urban News.Com and the Kathy Wray Coleman Online News Blog.Com

CLEVELAND, Ohio- The Sixth Circuit Court of Appeals has reinstated a previously dismissed malicious prosecution and First Amendment lawsuit filed in federal court in 2010 by Community Activist and Cleveland Urban News.Com Publisher and Associate Editor Kathy Wray Coleman against Ohio Eighth District Court of Appeals Judge Kathleen Ann Keough (pictured), the City of Cleveland, and several city officials and other alleged culprits.

The defendants also include former Cleveland Law Director Robert Triozzi, Cleveland Chief Prosecutor Victor Perez, and assistant city prosecutors Joan Bascone and Lorraine Coyne, all of whom are White, though Coleman is Black.

Judge Donald Nugent, the presiding judge over the case from the Federal District Court of the Northern District of Ohio in Cleveland, had dismissed the suit, ruling that Coleman had missed a

Written by Kathy

Monday, 20 August 2012 10:57 - Last Updated Tuesday, 21 August 2012 01:36

single status conference after her then attorney Wayne Kerek withdrew from the case.

That so-called scheduled conference, wrote Coleman in her successful brief on appeal, never really was set with any notice to her, and she was never given "prior notice of potential dismissal of the case before the dismissal as mandated by the Federal Rules of Civil Procedure."

In reinstating the lawsuit the panel of judges of the Sixth Circuit said that Nugent abused his discretion by throwing out the case without prior notice and an opportunity to respond and possibly cure any defect.

Now back before Nugent, the suit is pending for further court proceedings, including a possible jury trial.

"Free speech is not always free because one must often pay a price for it and Blacks, women and the little people truly have a difficult time getting fair court proceedings to seek redress for statutory and constitutional wrongs in state and federal courts that serve the politically corrupt Cuyahoga County," said Coleman, who acted as her own attorney for the successful appeal but says she is now searching for representative counsel to prosecute the case. "We want this case heard on the merits at a public trial and we call for an investigation of the number of credible Civil Rights lawsuits filed by Blacks, women, activists, journalists and others that have been dismissed erroneously by Judge Nugent and other federal and state court judges of Ohio for the establishment."

The saga unfolded in August 2008 when the journalist, who wrote for the Call and Post Newspaper from 1993 to 2010 before venturing on her own with Cleveland Urban News.Com, now Ohio's leading online Black news outlet, was arrested at the Cuyahoga County Justice Center at a hearing on an unrelated lawsuit involving the now defunct Chase Manhattan Mortgage Company.

She was ultimately dragged to the county jail where she says she was threatened over her articles that appeared in the Call and Post, and her journalistic research and investigations on mortgage and foreclosure fraud and judicial case fixing., as well as front page Call and Post articles on housing discrimination by Shaker Hts. city officials.

Written by Kathy

Monday, 20 August 2012 10:57 - Last Updated Tuesday, 21 August 2012 01:36

Those in depth investigations, initiated partly on interviews with judges and other elected officials, brought Coleman to mortgage fraud of foreclosures in Cuyahoga County, and judicial case fixing from the Ohio Supreme Court level to the Cuyahoga County Court of Common Pleas, to municipal courts like Cleveland, Berea, Bedford, Lyndhurst and Shaker Hts , all municipalities of Cuyahoga County, which is roughly 30 percent Black and a Democratic stronghold for politics.

When Coleman was arrested at the Justice Center in Cleveland at the civil hearing on a suit and counter suit involving Chase Manhattan Mortgage that was then before Cuyahoga County Court of Common Pleas Judge John O'Donnell, the suit now at issue before Nugent says she was ultimately tormented, and dragged to the Cuyahoga County jail on August 8, 2008, the courtesy of then county sheriff Gerald McFaul, now a convicted criminal himself.

McFaul, who later resigned in disgrace following criminal convictions of malfeasance in office, had a gig, said Coleman, one where his county appraisers would deflate foreclosure home values sometimes by more than 50 percent to sell for cheap back to the mortgage companies and to friends, and even foes., some prominent in both the Democratic and Republican parties of Cuyahoga County, and all to the detriment of the community.

While at McFaul's county jail, Coleman says she was given a knockout drug, held naked in a jail cell supervised by a disgruntled male jail employee, and potentially raped while knocked out.

She was released four days later without charges after retired Ohio Eighth District Court of Appeals Judge Sara J. Harper came and rescued her per the request of Call and Post Associate Publisher and Editor Connie Harper, Sara Harper's sister.

Coleman then wrote a five part series on her ordeal published in the Call and Post and titled "Jailed Reporter Tells Her Story."

Ohio's Black press with distributions in Columbus, Cincinnati and Cleveland, Oh. the Call and Post is owned and published by nationally renowned boxing promoter Don King, a native of the City of Cleveland who bought the Black newspaper in 1998, and then enlisted Connie Harper to

Written by Kathy

Monday, 20 August 2012 10:57 - Last Updated Tuesday, 21 August 2012 01:36

run it.

Cleveland city officials were spooked that they might get sued for arresting Coleman at the Justice Center in August 2008 over her mortgage fraud and judicial case fixing investigations at the civil hearing before Judge O'Donnell, so they decided to have her maliciously prosecuted, not to mention that she had done Call and Post articles with community members saying it was racist to reduce Cleveland City Council seats when it was not being done in neighboring predominantly White communities like Shaker Hts and Cleveland Hts.

A former Cleveland Municipal Court judge appointed law director by Cleveland Mayor Frank Jackson when he took office in 2006 that is now in private practice, Triozzi, whom Jackson fired last year, brought misdemeanor charges in Sept. 2008 against Coleman on behalf of the City of Cleveland as then seemingly the head White man in charge, charges that assistant city prosecutors Coyne and Bascone, both ambitious and allegedly unscrupulous White women, lost on at a jury trial in 2009 before Keough.

Basically, Coleman was accused of bogus charges of making false alarms for allegedly not getting sick for real when illegally arrested in August 2008, disorderly conduct, and obstruction of officials business, charges a Cleveland Municipal Court jury determined on May 9, 2009 before Keough were malicious and exonerated the journalist before a courtroom full of community activists and curious assistant city prosecutors, among others.

Then a Cleveland Municipal Court judge, Keough, still a defendant in the lawsuit around the matter, at that time had been on the bench for more than a decade and was itching for an appellate seat.

In addition to harassing Blacks and women from the bench in exchange for judicial endorsements from city officials, Keough posed illegally as a psychiatric doctor, running the Cleveland Municipal Court Psychiatric Clinic and, according to Coleman's investigative research, boldly railroading some Black defendants to the clinic for her political friends.

And investigative data also reveal that Judge Keough would harass defendants that came before her in Cleveland for criminal arraignments, saying she would send them to what she dubbed "my clinic," an arrangement approved by Cleveland Municipal Court Administrative and

Written by Kathy

Monday, 20 August 2012 10:57 - Last Updated Tuesday, 21 August 2012 01:36

Presiding Judge Ron Adrine, and his predecessor Larry Jones, now a judge on the nine-member Ohio Eighth District Court of Appeals.

Both Adrine and Jones are Black.

But Keough is White, and a fair haired girl of the Cuyahoga County Democratic Party.

Coleman's lawsuit, which follows a jury verdict of the three misdemeanor charges in her favor at the trial before Keough in 2009 and is the basis for the reinstated appeal at the Sixth Circuit, includes claims of malicious prosecution, abuse of process, intentional infliction of emotional distress and free speech violations for the illegal prosecution in Cleveland Municipal Court and her writings and community activism (Editor's note: While exonerated of all other misdemeanor charges Coleman was convicted of resisting arrest before Keough at the 2009 trial via fixed jury instructions by the judge, a misdemeanor conviction now on appeal before the Ohio Eighth District Court of Appeals since the sole arresting officer, Cuyahoga County Deputy Sheriff Gerald Pace, never testified or accused Coleman of resisting arrest or any other crime, and Coleman's attorneys say that Keough is a defendant in the lawsuit before Judge Nugent in part because of her alleged corruption during that trial. Current former Cuyahoga County Court of Common Pleas judges Bridget McCafferty and Steven Terry, who is Black, are serving federal prison sentences for crimes in office. Both of them have appealed their convictions. Terry and McCafferty are among some 50 affiliates of the Cuyahoga County Democratic Party, including former county commissioner Jimmy Dimora and former county auditor Frank Russo, that have been convicted of or pleaded guilty relative to an ongoing political corruption probe. Russo remains out on bond as a snitch and Dimora was handed a 28-year prison sentence earlier this month by Akron Federal District Court Judge Sara Lioi for some 33 corruption-related convictions, including racketeering).

Reach Cleveland Urban News.Com by telephone at 216-659-0473 and by email@editor@clevelandurbannews.com

6th Circuit Court of Appeals reinstates malicious prosecution, First Amendment lawsuit filed by Journalist

Written by Kathy

Monday, 20 August 2012 10:57 - Last Updated Tuesday, 21 August 2012 01:36
