

Written by Kathy  
Wednesday, 10 January 2024 19:17

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**Staff article: investigative article**

CLEVELANDURANNEWS.COM-CLEVELAND, Ohio-Cuyahoga County Court of Common Pleas judges in Cleveland who hear felony cases are improperly assigning themselves to cases before indictments come down against Blacks and then corrupting the cases, a comprehensive investigation by

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reveals. And the grand jury indictments are often fixed and marked by judicial and prosecutorial impropriety, public records show.

These judicial self-assignments violate the Ohio Rules of Superintendence, which require that judges in multi-judge trial courts in Ohio are assigned via random draw.

In one case involving a maliciously prosecuted Black defendant the late Judge Joseph Russo, who frequently missed work but could often be seen on Facebook with a drink in his hand, and died suddenly in 2021, assigned himself to a case just days before an indictment came down. This is an indication, say sources, that the judges are illegally manipulating the grand jury indictment process. He then committed falsification and lied in journal entries, saying the defendant had requested continuances for pretrials before getting indicted. And thereafter then chief judge John Russo kept him on the case as did the late Judge Michael Russo, who oversaw the grand jury process for the case. Michael Russo has since died after a purported terminal illness.

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Research shows that all three of the judges at issue also covered up indictment fixing along with county prosecutors and the Clerk of Courts office after the original indictment was altered and the charges involving dirty White cops upped without a grand jury amendment. Judge Joe Russo then went on to further harass the defendant, public records show, by doubling an already paid bond and falsifying journal entries with more lies, among other things.

When the defendant filed an affidavit of prejudice with the Ohio Supreme court he quit the case and John Russo, then the chief judge, reassigned it to Judge Nancy Margaret Russo, who harassed the defendant and further corrupted the case before she quit. It was then reassigned by Judge John Russo to Judge Nancy Fuerst manually, also in violation of the random draw mandate for judges.

Fuerst then lied at a pretrial and said she was assigned by random draw, which is not reflected on the case docket, and went on to cover up the indictment fixing and to harass the Black defendant at every turn. She also assigned indigent counsel (Brian McGraw), who worked against his client. He later withdrew as defense counsel when activists began preparing to picket him, and died last year of an undisclosed illness.

Data also show that Fuerst met in a backroom with McGraw and assistant county prosecutor Brandon Piteo and the trio agreed off record that she would issue an order threatening to jail or institutionalize the defendant if activists picketed over the matter and if the defendant failed to go along with what Piteo and McGraw wanted such as not asking McGraw to seek dismissal of the case on speedy trial grounds.

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Fuerst also said in her order that if the Black defendant criticized her, McGraw or Piteo by written or "spoken word" and if the defendant asked McGraw to file motions that she and Piteo disagree the defendant would be jailed or institutionalized. This too is unconstitutional, sources say, and authorities suggest, and it is proof that the county prosecutor's office under County Prosecutor Mike O'Malley is a major source of the problem with the county's criminal justice system.

The malfeasance escalated when Fuerst refused to journalize when the defendant showed for trial to try to get around the speedy trial mandate and then issued a capias warrant saying the defendant missed a subsequent and secret trial date not journalized by the judge and without official notice with McGraw saying later that she unofficially told him about the secret trial date.

After McGraw withdrew Fuerst refused to appoint substitute indigent counsel, saying Blacks and others who do not do what she says waive their right to indigent counsel, even though state law and the US Constitution mandate indigent counsel to poor people facing the state as an adversary who could lose their liberty rights.

Not one constitutional or state law provision, or any other authority, supports Fuerst's posture that she can personally waive the right to indigent counsel, which activists say raises a red flag and merits a criminal investigation in the least.

Chief County Public Defender Cullen Sweeney also colluded with the judge and prosecutors and told the defendant that his office would not supply indigent counsel as required by law and the county, led by County Executive Chris Roynane, is doing nothing about the racism and

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public corruption.

Sweeney has said that the judges can do as they want to do to Blacks and that his office has agreed to withhold indigent counsel even when they issue illegal warrants. Black Cleveland area community activists want him investigated and fired by the county, and possibly prosecuted after an FBI probe.

Community activists appalled by the aforementioned filed a citizen's criminal complaint seeking criminal charges against Fuerst for falsification, tampering with records, covering up fixed indictments, denying Blacks indigent counsel, and violating their civil rights. It remains pending. The defendant also says that threats of harm followed and safety and health issues are at play.

" I feel unsafe just doing simple everyday things," the defendant said, adding that the threats include claims of murder and decapitation by police and others called upon to carry out the endeavor.

Activists are still investigating how Joe Russo assigned himself to felony cases before indictments came down and want an FBI probe and a restraining order against Fuerst, prosecutors and police for the defendant. Activists want to know how many cases have been assigned by self assignment to common pleas judges, a majority of them White, before indictments come down in order to fix the grand jury process and they want John Russo investigated too.

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John Russo later stepped down as chief judge and was replaced by fellow common pleas judges with current presiding and administrative Judge Brendan Sheehan, who has done nothing whatsoever to address malfeasance against Blacks in the general division, 34-member common pleas court.

Sheehan's office told one defendant in a standoffish manner who sought help that Fuerst, a former chief judge ousted as chief judge by the judges for John Russo, can do as she pleases and that he has no power to intervene.

Data show that affidavits of prejudice to seek the removal of Fuerst and other biased judges from cases when they are biased and do wrong are routinely denied by the Ohio Supreme Court and the judges complained about often retaliating. And if they are removed from cases by chance for bias, their successor judge or the new judge, usually a retired visiting judge with nothing to lose, also routinely retaliates.

All of it, say activists, is scary, and unjust, and an attack on the Black community.

Activists call it both a county and state problem and want the US Department of Justice under Attorney General Merrick Garland to intervene and demand legal system reform via a consent decree and other measures.

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Consent decrees are legal tools used in everything from antitrust cases to environmental regulation. When one is used to compel a jurisdiction to reform its jail system, police department or legal system, it typically arises from a Department of Justice (DOJ) investigation into a pattern of misconduct.

In a corrupt judicial system, money and influence may decide which cases are prioritized or dismissed. and perpetrators may get away unpunished while victims are left with no answer and no justice. Activists also believe that the common pleas judges in the county, at least some of them, are taking bribes to fix criminal cases against Blacks, who are disproportionately indicted, prosecuted, convicted and imprisoned.

Cuyahoga County includes Cleveland and is roughly 29 percent Black.

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