

Written by Kathy

Thursday, 15 August 2013 06:34 - Last Updated Friday, 16 August 2013 21:09



From the Metro Desk of Cleveland Urban News.Com

CLEVELAND, Ohio- The DUI trial of Democratic Cleveland Ward 2 Councilman Zack Reed (pictured) began today in Cleveland Municipal Court before retired visiting Willoughby, Oh. Judge Larry Allen and Reed, 51, will take the stand in his own defense Friday morning, his lawyer Kevin Spellacy told the judge at the onset of the jury trial.

Spellacy argued at trial today that city lawmaker was set up by Cleveland police, who allegedly waited for him in downtown Cleveland hours after a Monday evening city council meeting just to hope to pull his Black BMW over.

Reed, debonair, Black, and single, would, the day of the incident earlier this year, and at other times, frequent downtown nightclubs. If convicted a third time of DUI, he faces up to six months in jail, a \$350 fine, and a licence suspension. He was ticketed, say police, for running a red light and making an improper turn, citations in addition to the DUI that he also pleaded not guilty too.

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Prosecutors paraded police witnesses before the judge at trial today and said that Reed failed a sobriety test, though Spellacy argues that the police stop and all that happened afterwards will prove that his client must be cleared.

Willoughby Judge Larry Allen was handpicked to sit in Cleveland to hear the current case by Republican Ohio Supreme Court Chief Justice Maureen O'Connor, something community activists say potentially deters from a necessary due process, random draw procedure and that opens the door to potential judicial case fixing and unfair case outcomes.

"This out-of-the area retired visiting judge, who could, with all due respect, have age-related case assessment problems, was handpicked out of Lake County and not Cuyahoga County for a reason and it could very well be to make sure that this Black male Cleveland city lawmaker is railroaded into prison for political reasons, and as community activists we are tired of the impropriety that plagues Ohio's legal system to the detriment of women, poor people and the Black community" said Community Activist Kathy Wray Coleman, who leads the grassroots group Imperial Women. "We again call on Ohio state legislators, Black leaders, and the Cleveland NAACP to join us in supporting House Bill 216 and urging the Ohio General Assembly in adopting it into state law."

A bill sponsored by state Rep. Bill Patmon (D-10), HB 216, still in committee though introduced over two years ago, would require that all Ohio trial court judges in multi-judge courts are at all times assigned and reassigned to both civil and criminal cases at random.

Community activists say that a random draw judicial case assignment bill would serve to minimize public corruption in the judicial arena by judges in Ohio trial courts.

How HB 216, which Patmon drafted at the request of Imperial Women and some other community activists groups, would stop chief judges of municipal courts like Judge Ron Adrine

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in Cleveland, and of common pleas courts, like Chief Judge Nancy Russo of the Cuyahoga County Court of Common Pleas, from handpicking judges. Ordinarily the judge is assigned initially by random draw computer but when the judge withdraws or is disqualified from hearing a civil or criminal case Adrine and Fuerst would often handpick a replacement at will, data show.

At other times the Ohio Supreme Court chief justice, now O' Connor, will do the handpicking reassignment technique. While the Ohio Constitution gives authority to the chief justice of the Ohio Supreme Court to reassign judges to cases, and to initially assign them too, the former usually occurs when the initial judge is disqualified or voluntarily withdraws from hearing the matter.

The Ohio Constitution does not explicitly say one way or another that the judicial replacement assignment can be by personal choice of the chief justice, and O'Connor is enjoying picking and choosing retired judges up a storm, some of whom are selected all the time by favoritism, an investigation reveals. And they can make \$500 or more daily to sit in on a case, a hefty sum to supplement a decent public pension.

Why Chief Justice O'Connor did not assign Reed a sitting judge from a suburban municipal court of greater Cleveland such as in Shaker Hts or Lyndhurst also lends credence to the suggestion by community activists that the fix might be in against the Black brother.

Sometimes O' Connor handpicks sitting judges to replace judges disqualified from hearing cases, rather than assigning a retired insisting judge like she usually does, a process used interchangeably, also potentially for political reasons, data will show.

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In addition to HB 216 that, if it becomes state law, would mandate that chief municipal and common pleas trial judges assign and reassign all judges at random Imperial Women and some other community activist groups such as Black on Black Crime and Stop Targeting Ohio's Poor want a constitutional amendment too that mandates random draw assignments and reassignments to cases when the chief justice assigns them, or reassigns them. This, say activists, would serve to help put an end to the handpicking process by O' Connor and her successor chief justices, though regardless, state law does require that retired visiting judges assigned by O' Connor or anyone else come from the territory of the court.

Willoughby, Ohio is a Lake County municipality unlike Cleveland, a city of Cuyahoga County, and it is not within the territory defined by statute or state law. Hence, Judge Allen by the chief justice violates state law, some might argue.

"We would urge Reed's attorney to demand a judge assigned at random that is within the territory of the court as state law demands, unless he has waived that challenge for one reason or another by failing to do so for his client Councilman Reed prior to trial" said Coleman, who is also a longtime investigative journalist who publishes Cleveland Urban News/Com, Ohio's most read online Black newspaper.

The original judge in the current DUI case, Cleveland Municipal Court Judge Pinkey Carr, withdrew saying Reed had contributed money to her campaign for judge, and the 11 other regular judges of that court, led by Chief Judge Adrine, refused to hear the case too, all of them saying, through Adrine, that because city council approves the municipal court budget that that it is a conflict.

But data suggest that that move to keep from hearing the controversial DUI case, aside from Carr who may have sought to deter critics since she won her seat by unseating former

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Cleveland Municipal Court Judge Lynn McLaughlin Murray, may have been premature, if not unconstitutional.

Had Reed sought their recusal or withdrawal by filing an affidavit of prejudice under state law (Ohio Revised Code 2701.031) with Chief Cuyahoga County Judge Nancy Russo, she would have likely denied it, research suggest. Moreover, case law rulings by the Ohio Supreme Court on affidavits of prejudice filed to remove judges gives them a presumption of fairness to impartially preside over cases absent a legitimate conflict.

While affidavits of prejudice filed under state law to seek disqualification of Ohio municipal court judges are heard by the chief or presiding judges of common pleas courts, which in Cuyahoga County is Judge Fuerst, the affidavits filed with respect to seeking the disqualification of common pleas judges that hear felony and other matters rest with the chief justice of the Ohio Supreme Court, also under state law (Ohio Revised Code 2701.03).

Coleman says that data show that the retired visiting judges often do try to fix cases and are sent throughout the state to various courts such as Berea Municipal Court to help Berea Judge Mark Comstock harass Blacks, outspoken community activists and others that some politicians or dishonest judges may not like.

Reed is facing his third DUI case. The first case, under then Cleveland Municipal Court Judge Joan Synenburg, now a common pleas judge, did not get him jail time but the second case did. His attorney the second time around, well known Black Cleveland lawyer George Forbes, did not object to prosecutors charging Reed with DUI when he was not driving his car, nor did police witness him driving, court documents denote. That guilty plea got Reed 10 days in jail by retired visiting judge Mary Trimboli, who was sent in by the Ohio Supreme Court Chief Justice Eric Brown, who lost the seat to O' Connor, a former Ohio Lt. governor.

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And Triboli is not even a retired judge as dictated by the Ohio Constitution because she was too young at then 51 to not seek reelection to the Toledo Municipal Court bench. Data show also that she is an alleged henchman assigned to municipal courts throughout Ohio, sometimes to manipulate case outcomes and to harass defendants in some maliciously prosecuted over free speech issues.

One of nine Black councilman on the 19-member Cleveland City Council, absent the recent retirement of Councilman Jay Westbrook, Reed represents the impoverished predominantly Black Mount Pleasant and Kinsman neighborhoods on Cleveland's largely Black east side. He is seeking reelection this year.

Reed fired his previous lawyer in his latest DUI case, Cleveland Attorney Anthony Jordan , a former Chief City Prosecutor who supervised the current one, Victor Perez.

Cleveland Mayor Frank Jackson, up for reelection this year too, has no appointed Blacks as law director, safety director, chief of police, chief city prosecutor or EMS Commissioner in the major American city where Blacks, Black men in particular, are disproportionately prosecuted and sentenced.

How the lack of diversity of the Black mayor's law enforcement leadership team impacts plea deals involving Blacks and other people of color has not been publicized.

Cleveland Councilman Zack Reed to testify August 16 in his DUI trial before retired, handpicked visiting judge

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