

Written by Kathy
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By Kathy Wray Coleman, associate publisher, editor-in-chief

CLEVELAND, Ohio-Cleveland Mayor Justin M. Bibb joined Chief Prosecutor Aqueelah Jordan, Law Director Mark Griffin, and City Council President Blaine Griffin at the Justice Center in downtown Cleveland earlier this year as Jordan and Griffin filed a motion in the Cleveland Municipal Court clerk's office for judges to hold hearings to possibly expunge 4,077 records of low-level marijuana convictions dating back to 2017. But because under state law only the impacted individual has standing to seek to expunge a criminal record in Ohio, the city's prosecutor and law director withdrew the motion on Wednesday.

Most of the people impacted by the motion filing and the subsequent withdrawal of the motion are Black and Cleveland is a largely Black major American city of some 383,000 people.

"Today, we are moving forward with [seeking to clear the names] of over 4,000 residents who deserve a fresh start," Mayor Bibb, 35, said earlier this year when the motion for mass expungement of marijuana records was filed.

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While precluded due to a glitch in state law the effort by the mayor to seek mass marijuana expungements for Cleveland's residents is noble, sources said Friday. President Joe Biden took steps two weeks ago via executive order to overhaul U.S. policy on marijuana by pardoning thousands of people with federal offenses for simple marijuana possession and initiating a review of how the drug is classified. Mayor Bibb hopes that individual Clevelanders who qualify will proceed to seek to have their marijuana criminal records expunged on their own.

At least 455 of the cases in Cleveland that the mayor wants expunged include marijuana convictions that occurred since city council, in 2020 and per an ordinance sponsored by Councilman Griffin, decriminalized marijuana. That city ordinance eliminated jail and fines for possession of up to 200 grams, or just over seven ounces of marijuana.

"This is the natural progression of what we (at council) wanted to see, first to decriminalize, then to have records expunged," said Councilman President Griffin during the press conference with Mayor Bibb and city's law director and chief prosecutor held earlier this year, a celebratory press conference that proved to be bittersweet when the court motion was withdrawn on Wednesday.

Under Ohio law, possession of marijuana of less than 200 grams is a misdemeanor, and more than 200 grams is a felony of varying degrees depending on the amount confiscated. Cleveland's minor misdemeanor ordinance was amended in 2020 to eliminate possible fines and jail time, including the \$150 fine, and to make it applicable up to 200 grams.

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But regardless of whether a fine or jail time is eliminated regarding the conviction, there is often a stigma associated with drug possession on a criminal record as it sometimes interferes with employment opportunities, and educational, housing and other opportunities, which is partly why having a criminal record expunged is beneficial.

The 13-member largely Black Cleveland Municipal Court, which also includes a separate municipal housing court, is led by administrative and presiding judge Michelle Earley, who is Black.

How long a time period is needed for the judges to rule on individual motions for marijuana expungements if and when they are filed, or on expungement motions in general, remains in question and can sometimes be until infinity due in part to crowded case dockets and limited court personnel and resources

Judges in Ohio are subject to the criminal, civil and local rules of procedure, appellate and Ohio Supreme Court rules, as well as the Ohio Rules of Superintendence, among other authorities. Typically it should take months to get a record expunged but since the pandemic the judges dockets have been moving slowly and some cases can linger on for years.

Ohio's new law on expunging criminal records became effective as of April 12, 2021 and under

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such law a person, absent a felony sex crime, crime of violence, DUI/OVI offense, or first, second- or third-degree felony on a his or her criminal record, qualifies for the unlimited expunging of criminal records. Other convictions qualify under limited circumstances by statute.

While medical marijuana is legal in Ohio, recreational marijuana remains illegal. The recreational use of cannabis, however, has been legalized in 18 states, Guam, the Northern Mariana Islands, and D.C, and another 13 states and the U.S. Virgin Islands have decriminalized its use. The city of Cleveland is among several city's nationwide that have decriminalized marijuana.

Mayor Bibb is the city's fourth Black mayor, and a progressive mayor who won a nonpartisan mayoral election last November over then city council president Kevin Kelley by a landslide

By Kathy Wray Coleman, associate publisher, editor-in-chief (Coleman is a former biology teacher and a seasoned Black journalist, and an investigative, legal, scientific, and political reporter who trained for 17 years at the Call and Post Newspaper in Cleveland, Ohio).

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We interviewed former president Barack Obama one-on-one when he was campaigning for president. As to the Obama interview,

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