

# Republican judge in Cuyahoga County in Cleveland ignores plea agreement and sentences Democratic f

Written by Kathy  
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Pictured are Cuyahoga County Common Pleas Judge Joan Synenberg, former Newburgh Hts mayor Trevor Elkins, and Cuyahoga County Prosecutor Mike O'Malley (wearing white shirt)

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

CLEVELAND URBAN NEWS.COM- CLEVELAND, Ohio-A Republican Cuyahoga County common pleas judge in Cleveland, Ohio ignored a plea agreement between prosecutors and

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former Newburgh Hts. mayor Trevor Elkins, a Democrat, and handed the former suburban mayor jail time anyway, an option the judge could exercise under Ohio law.

In rejecting the plea agreement that included no jail time, five years probation, and a fine, the judge issued a minimal fine and sentenced Elkins to six months in jail, with 150 days of that suspended, coupled with one year of community control and 200 hours of community service. If he completes the 200 hours of community service, the judge said she would consider early termination of his probation.

Some sources say the judge's actions were politically motivated and others say Elkins, who is White, got off easy in terms of how the traditional Black defendant is treated by the assistant county prosecutors under County Prosecutor Mike O'Malley, a Democrat, and by the 34 largely White general division common judges of Cuyahoga County, which includes the majority Black city of Cleveland and is a Democratic stronghold.

Most criminal cases are resolved by plea bargains. In a plea bargain, a defendant agrees to plead guilty in exchange for concessions from prosecutors when it comes to sentencing. Courts also often encourage plea deals because they reduce backlogs, and judges typically abide by the plea deals. But not all of the time.

Though the practice is rare and even rarer when prosecutors strike plea deals with politicians, judges can reject plea deals. And that is what happened on Tuesday when Judge Joan Synenberg, a former Cleveland Municipal Court judge who has served on the general division common pleas bench in Cuyahoga County for 14 years, sentenced the former mayor of Newburgh Hts to 30 days in jail, after he pleaded guilty to three misdemeanors that stem from a state elections commission investigation regarding the misappropriation of campaign funds.

He was indicted by a county grand jury on felony charges, but ultimately pleaded guilty to a trio of misdemeanors, and he faced a fine and up to 180 days in jail after his plea.

At sentencing, Synenberg, a Republican with ties to Democrats who also helped her get elected initially to the common pleas bench, called Elkins' actions "unfathomable" and said he violated the public's trust.

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The judge has a reputation of not always bowing down to prosecutors. She fought to free and exonerate a man who spent 20 years on death row after she learned police and prosecutors hid evidence that would have exonerated him.

In 2016, she became the first Cuyahoga County judge in three decades to reject a jury's death penalty recommendation when she sent a man who killed three people at a Warrensville Heights barbershop to prison for life instead. At the time the judge said the man's history of untreated mental problems and long time abuse when he was child merited her decision.

Elkins pleaded guilty in April to two counts of attempted election falsification and one count of attempted theft in office after a state elections commission investigation found that he had used more than \$134,000 of campaign funds for personal use between 2015 and 2019, money investigators say he spent at bars and restaurants, and for other ventures.

Elkins, 49, claimed the money was not from campaign donors and instead came from funds he deposited into his campaign account. He said he repaid the money and told investigators and the judge that he did not know that it is illegal to commingle personal and campaign funds.

The former mayor had complained prior to accepting a plea deal that he was allegedly being politically targeted for failing to go along with the status quo within his own Democratic party and sources said that his backing of particular progressive Democratic candidates for office may have drawn the ire of some powerful Democrats.

The plea agreement that got him jail time anyway also calls for Elkins to pay a \$750 fine and not to run for office in Cuyahoga County through 2028. He was also forced to resign from his \$69,000 a year job as mayor of the village of some 1,800 people.

His successor as mayor, former council president Gigi Traore, is a Black Democrat and the first Black to lead the tiny largely White village of working class people.

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Activists said Tuesday that they are concerned when judges reject plea agreements for possible political reasons and that they question whether County Prosecutor Mike O'Malley, a big wig with the county Democratic party, was aware that Elkins might likely be hauled off to jail despite a plea deal with prosecutors that provided for no jail time.

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