



Staff article-Investigative article Part 2

CLEVELAND, Ohio- Cuyahoga County Prosecutor Mike O'Malley, who is up for reelection, says Black defendants facing serious charges have a right to indigent counsel, a direct contradiction to action taken by Common Pleas Judge Nancy A. Fuerst, a former administrative and presiding judge of the 34-member, largely White general division common pleas bench in the county who's judicial colleagues tired of and replaced as chief judge, and once an unsuccessful candidate for a state supreme court justice seat.

"Everybody who is indigent should be afforded counsel," said O'Malley through his press spokesperson in a phone message. But activists say "actions speak louder than words" and

Written by Kathy

Sunday, 12 November 2023 22:14

want O'Malley to order his assistant county prosecutors to challenge Fuerst and other common pleas judges harassing Blacks, women, and activists.

Fuerst is under fire from Black Cleveland activists for denying indigent Blacks counsel, tampering with records, falsification, and interfering with Civil Rights.

They say the judge is deliberately refusing to journalize when Blacks appear for trial in frivolous cases when cops accusing them of crimes fail to show and then lying in journal entries and saying they missed a subsequent trial date that was not journalized or docketed as required. She then issues bench warrants for them to be jailed where they say they are harassed in jail and this is even though the Ohio Supreme Court has ruled without ambiguity that judges speak through their journal entries and trial dates must be journalized with notice to defendants to be effective.

Also at issue is grand jury indictment fixing where Fuerst and county prosecutors are prosecuting Blacks after the original indictments are altered or fixed by the clerk and the office of the county prosecutor and the charges are upped and the original indictment is concealed by all involved from prosecutors to county clerks, public defenders and other defense counsel, and corrupt judges.

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Other common pleas judges, namely the late judge Joe Russo and sitting judge Nancy Margaret Russo, have done the same thing as to concealing original indictments, and they later withdraw from the case after they get caught-up in corruption and it is assigned to Fuerst to carry on the impropriety, public records reveal. Records also show that Fuerst is good at public corruption, and activists want to know exactly how many indictments have been fixed in recent years by the county prosecutor's office, clerks and judges, and how many have resulted in illegal convictions. (Editors note: Judge Nancy Margaret Russo is also harassing Black defendants and making them take mental competency exams they have all ready passed in order to represent themselves She then lies in journal entries and says the defendants requested the exam, which is absurd and unethical under the judicial code of conduct. Sources say the intent is to attempt to defame and humiliate defendants and to get a failed exam by a corrupt mental clinic doctor to negate passing mental competency exams, and she was helped by then chief judge John Russo. The female Russo is also meeting privately with appointed defense counsel where thereafter they refuse to do discovery investigations that she has ordered and she then tries to hold a trial without such discovery to help the prosecution win. Those who complain are harassed with mental competency exam orders. Public records reveal that Judge Nancy Margaret Russo is an outright liar on record whose colleagues laugh at and accuse of unfairly sentencing Black people and Whites and others too with excessive sentences that she issues all while smiling at those she sentences. After meeting with Russo privately and exparte in violation of the rules of ethics, assistant county public defender Roger Scott Roger Hurley in one case bragged that he was not doing discovery He almost pulled it off until a new judge on the case removed him as counsel. Hurley routinely ignores calls from indigent clients and goes to trial without being prepared by design, sources say. Some criminal defendants, who say he will not answer their phone calls from jail, cannot stand him, those he doesn't get to railroad into prison for corrupt judges and prosecutors via deliberate ineffective assistance of counsel. He is both talented and corrupt, data show).

Community activists want an extensive FBI probe and a public corruption investigation as well as criminal charges against Fuerst, 72, and others so applicable for interfering with the Civil Rights of Blacks, falsification and tampering with records by allegedly concealing original indictments after they have been fixed, and manipulating court records against Blacks.

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Data show that assistant county prosecutors under O'Malley are often present when the judge is denying Blacks indigent counsel and doing a host of other illegal things, and that they do not object, and some of them are in on the activity. Ironically, the office of the county prosecutor represents and backs the judges at issue in cases on appeal or if a writ is filed with the 8th District Court of Appeals or the Ohio Supreme Court. Anybody who fights back is made to look like a criminal in those proceedings often times before even being convicted.

Activists say it is a conflict of interest for prosecutors who appear before judges for the state to later represent them via appeals and via writs filed seeking redress for the mistreatment. They want the law changed by the state legislature.

Judge Fuerst is also holding backroom meetings with prosecutors and the indigent attorneys some Blacks get and they are agreeing to orders from the judge to jail or institutionalize Black defendants if they fail to do what the attorneys tell them to do, often after she has ex parte conversations with them.

This includes Brian McGraw, a weak and slick criminal defense attorney who has since died and assistant county prosecutor Brandon Piteo, an O'Malley ally who urged the judge in a backroom meeting with McGraw to issue orders to jail and institutionalize Black defendants unless they agree not to seek the filing of motions he disapproves of and unless they stop activists from protesting regarding legal system injustices. And while O'Malley temporarily reassigned Piteo due to the aforementioned to the appellate division he later reassigned him back to cases in Fuerst's courtroom and Piteo continues to help the judge in doing in Black

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defendants using her ruthless and outrageous judicial tactics.

It is almost a circus-like atmosphere, say activists who have picketed the judge on several occasions outside of the county justice center in downtown Cleveland. Activists say the pickets will continue and that they, like defendants, have a constitutional right to protest on issues of public concern free from retaliation.

"Community activists have literally witnessed Judge Fuerst, an obviously abusive judge with no boundaries, violate the Civil Rights of Black indigent defendants who come before her and to deny them indigent counsel to fight corrupt and racist prosecutors and to challenge her malfeasance are just some of many illegal things she seemingly does with impunity," said Alfred Porter Jr., a longtime Black activist and a member of the local activist group Black on Black Crime Inc. "We call for an extensive FBI probe and public corruption investigation of Judge Fuerst and all those like her who are hurting Black people and misusing their positions of power."

Porter went on to say that in issuing illegal warrants and denying Blacks indigent counsel the judge is putting Black defendants she dislikes in positions of being hurt and possibly gunned down by anxious police officers with her permission, particularly given the friction that still exists between police and the Black community. The city of Cleveland is a party to a still existing court-monitored consent decree with the U.S. Department of Justice regarding police reforms. Activists say that no reforms will be effective if police can do as they please to Blacks with impunity from judges and prosecutors and that judicial and prosecutorial malfeasance should also be part of the consent decree and that unless the legal system in the county is investigated no real progress will be made.

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The Cleveland Police Department and other law enforcement venues want nothing to do with Judge Fuerst and her outlandish shenanigans, sources say, a judge with a huge ego who has no room for compromise. It is her way or the highway, or jail, sources say, even when she is wrong or makes mistakes like issuing journal entries for trial in a particular case in another case by mistake and then pursuing falsification and tampering with records to cover such up.

"This judge needs to be disbarred, we believe, and she may not even realize the seriousness of what she is doing and that too is troubling, as is the fact that she gets away with these horrible things" said Porter. "And we will protest as we deem it necessary when justice does not prevail, and we urge others to join us without fear of retaliation."

Porter has also been critical of O'Malley saying activists backed him when he ousted then county prosecutor Tim McGinty from office via a primary election in 2016, after McGinty ran afoul of the county Democratic Party for criticizing common pleas judges as corrupt with rambling filings in the Ohio Supreme Court He also upset the Black community and Black leaders who were angry because he would not push for indictments of police who erroneously gun down unarmed Blacks A retired judge, he was later assigned as a visiting judge in the common pleas court, which activists say is highly questionable, given his documented indictment fixing and erratic and prejudicial demeanor.

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A comprehensive investigation by, [Clevelandurbannews.com](https://www.clevelandurbannews.com) and [Kathywraycolemanonline.com](https://www.kathywraycolemanonline.com), Ohio's Black digital news leader, reveals that McGinty has had activists indicted who backed O'Malley after seeking but not getting support for reelection in 2016. Grand jury transcripts secured in the cases reveal that the grand jury process is rigged before corrupt judges, and nearly everything thereafter wrecks of impropriety, including where McGinty and the county criminal clerk who has since been reassigned altered indictments to their choosing and increased the criminal charges, often adding more White cops in the fixed indictment. And some of the added cops will not appear to testify at trial for fear of perjuring themselves, forcing Judge Fuerst to scheme with illegal warrants and anything else she can do to try to destroy Blacks victims impacted by the public corruption, cop malfeasance, and institutional racism.

When Fuerst is asked about the indictment fixing at pretrials and for an associated hearing her response is that "that is an issue for trial." Hence, judges in the county are part of indictment fixing too, and defendants who complain get jailed one way or another and threatened with retribution.

Judge Fuerst is also denying Blacks speedy trials and forging case records to suggest otherwise, another scheme the judge routinely utilizes. The thought that her neglect partly causes a speedy trial violation that merits dismissal of applicable cases is too much for her to bear, say sources. Those who complain get a bench warrant from the judge and she then removes indigent counsel so they cannot fight back through appointed counsel who often say they are friends with the judge and must do what she wants them to do to get more cases from her.

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Community activists want a random draw process for the assignment of indigent counsel and judges at all times, particularly since Fuerst is often handpicked for cases that are frivolous and politically motivated so she can allegedly try to seal the deal and get illegal convictions and forced plea deals, sources say.

God only knows how many illegal convictions against Blacks have come from the public corruption and racism in the county general division common pleas court, sources have said. And some cases are later dismissed, often after Blacks spend time in prison for nothing but being Black in Cuyahoga County. And even after such activity prosecutors rarely, if at all, want to dismiss the charges against innocent Blacks.

The U.S. Supreme Court, the Ohio Supreme Court and lower appellate courts throughout Ohio have ruled that unless waived, poor and indigent people facing the state as an adversary in felony and high misdemeanor criminal cases, including Blacks, have a statutory right under state law and a constitutional right under the due process guarantees under the U.S. and Ohio Constitutions to indigent counsel.

The county public defender's office, which is now led by chief public defender Cullen Sweeney, says it agrees, with one assistant county public defender saying, "it is absolute that indigent people have a right to indigent counsel in serious cases."

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Asked if Cuyahoga County has an obligation under state law to supply indigent Blacks with counsel she said "yes and so does the state."

The county public defender's office says that prosecutors and county clerks are changing or fixing grand jury indictments and upping the charges illegally, according to court filings and motions made by former chief public defender Mark Stanton and others in his office, Stanton a pro-cop public defender who covered up cop impropriety in cases involving those maliciously prosecuted like innocent Blacks He has since retired or was forced out.

Hired by the county in spite of his background as a criminal defense attorney who represented police officers in criminal proceedings, Stanton was replaced by Cullen Sweeney.

Among other disparities, Judge Fuerst is also accused of refusing to journalize trial dates so the public, including the mainstream media and community activists, will not know that she is hearing a trial to undermine Black defendants for prosecutors. That way she thinks she can do as she pleases without repercussions, sources say, partly because nobody knows she is holding a secret trial other than her Black victims. And she is ordering defense counsel to deliver emails and other communications sent to them from indigent clients that are critical of her or such counsel, with counsel threatening Black defendants that if they participate in protests and criticize the judge and appointed counsel the judge will either jail or institutionalize them.

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Defendants have a constitutional right to a public trial under the sixth amendment of the U.S Constitution, which Judge Fuerst apparently has no respect for, sources say. In fact she has no respect for the rule of law in Ohio, they say, where the Cleveland Plain Dealer, Ohio's largest newspaper, once call her "corrupt" in a published article. That she allegedly is without a doubt, say community activists. And the judge has utter contempt for court rules and other authorities.

Moreover, when activists picket against impropriety she issues orders that she will jail the defendants, and if Black defendants urge appointed defense counsel to file motions like dismissal on speedy trial grounds they will be jailed for that too, and possibly institutionalized, the judge says in her ludicrous court orders

Activists say such Black defendants are being "treated like slaves before the reconstruction era." They say that slavery-type activity against Black defendants is routine in the judge's chaotic courtroom, and that if Blacks really knew what is going on in the county in the court of common pleas general division they would rise up in protest.

Cleveland has not had a true uprising since the George Floyd riot in 2020 in downtown Cleveland during a Black Lives Matter protest, which some say might have been prevented had the previous chief of police for Cleveland, an outright womanizer who allegedly ordered some police to hide around the corner during the riot, been more competent.

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Clevelandurbannews.com and Kathywraycolemanonlinenewsblog.com the most read Black digital newspaper and blog in Ohio and in the Midwest
Tel: (216) 659-0473. Email: editor@clevelandurbannews.com.

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

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