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THE STATE OF OHIO)
) SS:
ASHTABULA COUNTY)

IN THE COMMON PLEAS COURT

THE STATE OF OHIO,)
)
Plaintiff,)
)
-vs-) CASE NO. 1997 CR 221
)
ODRAYE G. JONES,)
nka MALIK ALLAH U AKBAR,)
)
Defendant.)

* * *

Audio/Video recorded proceedings held before the
HONORABLE DAVID A. SCHROEDER,
Common Pleas Court Judge,
heard on the 31st day of March, 2023

* * *

APPEARANCES:

ON BEHALF OF THE PLAINTIFF, THE STATE OF OHIO:

Colleen O'Toole, Esq., Ashtabula County Prosecutor,
and Dawn Cantalamessa, Esq., Chief Assistant Ashtabula
County Prosecutor, 25 West Jefferson Street, Jefferson,
Ohio 44047

ON BEHALF OF THE DEFENDANT, ODRAYE G. JONES,
aka MALIK ALLAH U AKBAR:

John B. Juhasz, Jr., Esq., 7081 West Boulevard,
Suite 4, Youngstown, Ohio 44512; and
Margaret Brunarski, Esq., and Melissa Dinsio, Esq.,
Ashtabula County Public Defender's Office,
22 East Jefferson Street, Jefferson, Ohio 44047

CARRIE M. IAROCCI, RPR, CRR
Official Court Reporter
Ashtabula County Courthouse
25 West Jefferson Street
Jefferson, Ohio 44047

COPY

1 FRIDAY, MARCH 31, 2023 AT 2:42 O'CLOCK P.M.:

2 The following proceedings were
3 transcribed from an audio recording provided
4 by the Office of the Honorable David A
5 Schroeder; at which proceedings the
6 undersigned was not present:

7 THE COURT: Thank you.
8 You may be seated.

9 We are back on the record in the
10 State of Ohio versus Odraye Jones matter.
11 The Court was advised after the hearing
12 concluded that something occurred in the
13 courtroom that the -- needed to be brought to
14 the Judge's attention.

15 Is there someone here who can make
16 the Court aware as to what transpired at the
17 conclusion of the hearing?

18 (Louis Waldman stood up in the
19 spectator gallery.)

20 THE COURT: Sir, would you
21 please come forward?

22 THE BAILIFF: Do you want
23 him sworn in?

24 THE COURT: Yes.

25 THE BAILIFF: If you'd come

1 up here, I'll swear you in.

2 Would you raise your right hand?

3 Do you swear that the testimony you
4 are about to give in the hearing before this
5 Court will be the truth, so help you God?

6 LOUIS WALDMAN: I do so swear.

7 THE BAILIFF: You can have a
8 seat right there.

9 THE COURT: Sir, I'm going
10 to give you the opportunity to make a
11 narrative statement as to what happened, and
12 then I will give each counsel the opportunity
13 to ask you questions if they feel it's
14 necessary.

15 Tell the Court what happened that
16 you want to bring to the Court's attention.

17 LOUIS WALDMAN: Okay. I'll
18 introduce myself first, Your Honor.

19 THE COURT: Please. And
20 sit close to the microphone and be certain to
21 speak loudly and clearly.

22 LOUIS WALDMAN: My name is
23 Lou, Louis Waldman, W-a-l-d-m-a-n. I am the
24 husband of Marianne Waldman, and she is the
25 widow of Officer William Glover, Jr. I

1 accompanied her this date to this court as
2 moral support.

3 At the conclusion of the court
4 hearing today, I was talking solely to my
5 wife, and I made some comments on how I
6 perceived Ms. O'Toole to be as counsel.
7 The gentleman was seated at the back pew
8 pretty much in front of my wife and I, and he
9 continually was looking back every now and
10 then at me and my wife and the people seated
11 in the first pew. And I found it a little
12 bit unnerving that he was doing so.

13 And he turned around, and after I
14 made the statement, he asked one of the
15 victim services females, "What's his name?"
16 And I turned around to him and I said, "Why
17 don't you ask me to my face?" And he said,
18 "What's your name?" in a very curt manner.
19 And I went, "My name is Lou Waldman. I'm the
20 husband of Marianne Waldman", and I explained
21 "the widow of Officer William Glover, Jr."

22 And I asked him what his name was,
23 and he made some comment. I -- it happened
24 so quick, I don't actually recall.

25 And I made the comment to him the

1 same as I said to my wife, because I'm sure
2 he overheard it is why he looked over, and I
3 dropped an F-bomb, the word "fuck". Pardon
4 my language, the Court.

5 And, ah, he said, "Get out" or
6 "leave", something very angrily at me,
7 "I'm an officer of the Court and you'll leave
8 this court now."

9 I saluted him and said, "Aye-Aye,
10 Captain", and walked out.

11 That concludes my narrative.

12 THE COURT: Do you know
13 who this individual, what his name is?

14 LOUIS WALDMAN: I -- I do now.
15 Christopher, something with a surname, starts
16 with an F, I believe. It's something that
17 sounds Italian. I'm not sure. Feruga,
18 For -- I'm not sure. But he's -- I found
19 that he was an assistant prosecutor or
20 something like that.

21 THE COURT: Ms. O'Toole,
22 do you have any questions of this witness?

23 MS. O'TOOLE: Ah, no, Your
24 Honor. This is the first I'm hearing about
25 it. Obviously, um, if it was one of my

1 folks, I will investigate it.

2 However, sir, can you please tell
3 me what the entire sentence was? I'm sure
4 you just weren't saying F-bombs in the middle
5 of nothing. What was -- what was the
6 sentence in which you were using?

7 LOUIS WALDMAN: The sentence I
8 used originally that caused everything and at
9 the very end I dropped the inappropriate word
10 was that Ms. O'Toole is a maniacal
11 incompetent narcissist, and the fact that she
12 would vacate a capital murder -- I'm sorry,
13 I'm Canadian, so I don't know the exact
14 term -- you would vacate a death penalty,
15 you're so willing to do it, I just found
16 that -- that was my statement to my wife.

17 THE COURT: Okay.

18 MS. O'TOOLE: Okay. And
19 then that was loud enough to be heard
20 clearly, right? To someone else? 'Cause,
21 obviously, someone turned around at that
22 point.

23 LOUIS WALDMAN: It was a -- it
24 was --

25 MS. O'TOOLE: What did you

1 say? F what then?

2 LOUIS WALDMAN: It was in
3 normal language, normal volume.

4 MS. O'TOOLE: Then what did
5 you say after that F -- how did F get into
6 the --

7 LOUIS WALDMAN: After he tried
8 to throw me out of the courtroom -- well,
9 when he asked me curtly to leave his court
10 because he's the court officer, I -- I said,
11 F-it or F-you or some -- I don't remember.

12 MS. O'TOOLE: F-you, F-it?

13 LOUIS WALDMAN: I don't -- I
14 don't remember.

15 MS. O'TOOLE: Oh, 'cause
16 it -- it is, you know, a little different.

17 LOUIS WALDMAN: I don't
18 remember.

19 MS. O'TOOLE: Okay. Okay.

20 THE COURT: Was that the
21 first time you used --

22 LOUIS WALDMAN: The only time,
23 yes, Your Honor.

24 THE COURT: -- was in
25 response to him directly?

1 LOUIS WALDMAN: Asking me to
2 leave, that he was an officer of the Court,
3 yes. That's the only time that I lost my
4 cool, yes.

5 THE COURT: Any other
6 questions, Ms. O'Toole?

7 MS. O'TOOLE: None at this
8 time. But I've not spoken to my assistant,
9 so I have no idea. I haven't done a full
10 investigation of this. But I do appreciate
11 him coming forward.

12 THE COURT: Mr. Juhasz, do
13 you have any questions of this --

14 MR. JUHASZ: Sir, I just
15 want to make sure that I understand. So, are
16 you saying that the person who you're
17 identifying as the assistant prosecutor is
18 the person who instructed you to leave the
19 courtroom, or was that a different gentleman?

20 LOUIS WALDMAN: It was the
21 same gentleman.

22 MR. JUHASZ: Same
23 gentleman?

24 LOUIS WALDMAN: He was wearing
25 a light brown jacket and a red bow tie, yes.

1 MR. JUHASZ: Okay. If I
2 say the name Christopher Fortunato -- you
3 didn't -- couldn't say the last name --

4 LOUIS WALDMAN: Yes.

5 MR. JUHASZ: -- does that
6 sound right?

7 LOUIS WALDMAN: Yes, it was
8 Christopher. He introduced himself when I
9 asked him.

10 MR. JUHASZ: Okay. And is
11 that the -- is that the name, sir?
12 Christopher --

13 LOUIS WALDMAN: Yes, it is.

14 MR. JUHASZ: Okay. Thank
15 you.

16 THE COURT: Is there any
17 dispute, then, that Assistant Prosecuting
18 Attorney Fortunato was the one who had the
19 dialogue with this individual?

20 MS. O'TOOLE: I don't know.
21 I -- I'd -- I'd really like some time to ask
22 Mr. Fortunato if it was him, just to make
23 sure. I mean, for -- you know, I'm just
24 coming in for this. I don't know.

25 THE COURT: You will have

1 the time to do so.

2 Is there anyone else who is a
3 witness to what occurred in that -- in that
4 matter?

5 LOUIS WALDMAN: Ah, my wife --

6 THE COURT: Does she

7 wish --

8 LOUIS WALDMAN: -- Marianne

9 Waldman.

10 THE COURT: Does she wish

11 to speak?

12 (Marianne Waldman raised her hand.)

13 MARIANNE WALDMAN: I would

14 very --

15 THE COURT: Please come

16 forward.

17 And you -- you may stand down.

18 LOUIS WALDMAN: Thank you,

19 Your Honor.

20 MS. O'TOOLE: Your Honor,

21 for the -- for the record, I understand that

22 this may be unsettling or whatever, but I

23 don't know what it has to do with the actual

24 proceedings.

25 THE COURT: It has a lot

1 to do with the proceedings and the decorum of
2 the courtroom. If an assistant county
3 prosecutor is having words with the victim,
4 there are Marcy's Law implications; there are
5 many implications from this. You understand?

6 MS. O'TOOLE: Ah, yes,
7 Your Honor; however, with, ah, one -- I don't
8 think he was a victim, for the record. Um,
9 his wife clearly is the victim.

10 But that being -- that being said,
11 also based on this, we will be withdrawing
12 and assigning him -- just based on the
13 complaint, we will be withdrawing and
14 assigning him to a different victim's
15 advocate, these folks to a different victim's
16 advocate, outside of our office for this --
17 right? If it's this -- then -- then if
18 they're this disgruntled, then we should --
19 we'll -- we'll assign them to Home Safe or
20 someone else.

21 THE COURT: Well, we'll
22 ask her that.

23 MS. O'TOOLE: Thank you.

24 THE COURT: Please come
25 forward and be sworn.

1 THE BAILIFF: Would you
2 raise your right hand?

3 MARIANNE WALDMAN: Thank you so
4 much.

5 THE BAILIFF: Do you swear
6 that the testimony you're about to give in
7 the hearing before this Court will be the
8 truth, so help you God?

9 MARIANNE WALDMAN: I do.

10 THE BAILIFF: Have a seat.

11 THE COURT: Please sit
12 close to the microphone and speak loudly and
13 clearly.

14 And would you state what your name
15 is?

16 MARIANNE WALDMAN: My name is
17 Marianne Waldman; M-a-r-i-a-n-n-e,
18 W-a-l-d-m-a-n.

19 THE COURT: And I will
20 give you the opportunity to give a narrative
21 statement as to what you observed or heard
22 took place in the back of the courtroom.

23 MARIANNE WALDMAN: Thank you,
24 Your Honor.

25 I was -- we were getting ready to

1 leave the courtroom, and my husband did lean
2 over and whisper to me, slightly elevated
3 from a normal whisper but it was not loud
4 enough, you know, like I'm talking to
5 somebody across the room, and he did tell me
6 exactly what he just told you he said, about
7 her being maniacal, self-serving, et cetera,
8 et cetera.

9 And the gentleman leaned over --
10 and this is the same gentleman who several
11 times throughout the hearing today kept
12 looking back at me. Um, one of the officers
13 sitting next to me, my husband, anybody who
14 ever moved or said even a whisper, he was
15 looking back at us and giving us looks.

16 And, personally, I take this as
17 intimidation because of what happened at the
18 last hearing when we were here, and I had a
19 discussion with Ms. O'Toole after the hearing
20 and it did not go very well.

21 And he -- she never introduced me
22 to him. I -- I've met Dawn, I've met her.
23 Those were the two that were prosecuting this
24 case, but not him. So, all of a sudden,
25 today he appears, and now he's giving looks

1 and -- and -- and attitude.

2 And then he has this discussion
3 with my husband, who was doing nothing more
4 than supporting me, voicing his own opinion
5 in proper etiquette form; not cursing and
6 everything else. The cursing only came after
7 Mr. Fortunato made the comments that he did
8 to my husband and myself about who he is and
9 that, you know, he's an officer of the Court.
10 He threw my husband out of -- tried to throw
11 my husband out of the courtroom for something
12 that if he'd have just kept his nose where it
13 belonged, nothing would have ever happened.

14 THE COURT: And just so
15 we're clear, the proceeding had concluded, I
16 had left the Bench and was in my Chambers.

17 MARIANNE WALDMAN: Yes, Your
18 Honor.

19 THE COURT: And are you
20 indicating this was a private conversation
21 between you and your husband? This wasn't
22 something that was blurted out to the room?

23 MARIANNE WALDMAN: Correct, Your
24 Honor.

25 THE COURT: Anything else

1 you'd like to add today?

2 MARIANNE WALDMAN: Yes, Your
3 Honor.

4 In reference to what Ms. O'Toole
5 just said, we have had nothing but excellent
6 service from the victim witness advocates in
7 this case. There is no reason for us to go
8 to anywhere else, and I would prefer it not
9 because when you're in a -- this position,
10 you establish a rapport with these people .
11 And they have been there for me 24/7. If I
12 need anything, they're there for us. This is
13 an -- a horrendous thing for us to have to go
14 through, so support where you can get it is
15 vital.

16 And just because these two people
17 are supporting myself and my family and were
18 also witness to this incident, Ms. O'Toole
19 now wants to remove them? I think that's
20 highly improper.

21 THE COURT: The
22 victim's --

23 MARIANNE WALDMAN: Advocates.

24 THE COURT: -- advocates?

25 MS. O'TOOLE: Yeah.