

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO

Plaintiff,

v.

TEVAUGHN DARLING,
DUANE WASHINGTON,
TERRI BUCKNER,
ERICA CRAWFORD

Defendants.

Case No. CR-599133

JUDGE NANCY FUERST

**STATE'S NOTICE OF CONFLICT
AND MOTION TO DISQUALIFY
ALL CO-DEFENDANTS'
ATTORNEYS**

**EVIDENTIARY HEARING
REQUESTED**

Now comes the State of Ohio, by and through Prosecuting Attorney Timothy J. McGinty, and hereby submits the State's Notice of Conflict and Motion to Disqualify All Co-Defendants' Attorneys. The State has recently discovered, in a search of his jail cell and diary/notes, and using jail PINs, notes, and phones calls, that Tevaughn "Big Baby" Darling is controlling the attorneys who represent his co-defendants. Darling's writings show he fully intends to have Duane Washington confess to all of the drug crimes in this case to exonerate Darling, Terri Buckner, and Erica Crawford. Darling intends to have a lawyer that he bought and paid for convince Washington to take the fall and allow the other co-defendants to skirt responsibility for their crimes. By hiring and controlling the attorneys for himself and his co-defendants, the State believes that Darling is doing his best to thwart justice, hide the truth, and be freed on bond or back in general population to continue running his drug trafficking organization that deals not only in cocaine and heroin, but intimidation and death of witnesses.

The State has recently discovered evidence of Darling's jail diary/notes, in which Darling documented in detail that he was paying the attorneys who represent each co-defendant. Darling's own personal attorney, Ralph DeFranco (as well as his billing records), will also now become a witness in this case as to receiving the funds and the payments and distribution to his co-defendants or co-conspirators' attorneys on behalf of Darling. Unwittingly, DeFranco has become a part of Darling's enterprise. And at the same time as Attorney DeFranco was representing Darling, Attorney DeFranco also represented a witness against Darling who was killed after Attorney DeFranco demanded he be released out onto the streets and publicly outed him as a witness against Douglas Shine. The State must question Attorney DeFranco and obtain his billing records to find out who is paying him to represent his numerous clients in this case.

No defense attorney can proceed to trial under so crippling a conflict of interest, where his loyalties are bought and paid for by a drug dealing kingpin paying him to protect the kingpin's own interests, rather than that of the client. "An attorney cannot properly serve two masters[.]" *U.S. v. Locascio*, 6 F.3d 924, 933 (2d Cir.1993). This Godfather-type leader's orders and actions make it clear that he picks and controls the attorneys for his co-defendants and counterparts for his own benefit. Not to replace an attorney chosen, paid for, and consulted by the leader of the drug cartel all but assures a reversal by the appellate courts and a second trial with new and truly independent counsel.

"[W]hen a conflict situation becomes apparent to the government, the government has a duty to bring the issue to the court's attention and, if necessary, move for disqualification of counsel." *U.S. v. Tatum*, 943 F.2d 370, 379-380 (4th Cir.1991). The conflicts in this case are so pervasive and extreme that the State has an ethical obligation to bring them to this Court's attention, to move for the disqualification of the attorneys Darling has paid for, and to ask that this

Court appoint new and untarnished counsel who can represent the co-defendants' interests fairly. If the Court disagrees with the State's position, this Court must at a minimum address all of the co-defendants on the record, notify them of the potential for conflict, and obtain very complete waivers of any conflict from each and every defendant before this case may proceed to trial. Even with this (a super-waiver), the issue of conflict will be litigated for years to come on appeal and in post-conviction proceedings. It does not make sense to try this case twice.

1. The background of this case: Tevaughn "Big Baby" Darling.

Tevaughn Darling is a violent career criminal and large-scale heroin and cocaine dealer whose Drug Trafficking Organization (DTO) dominated on the east side of Cuyahoga County. He is a major heroin supplier to southeast Cleveland. Darling went by the street name of "Big Baby." He had prior convictions for drug trafficking, fleeing and eluding, receiving stolen property, drug possession, domestic violence, and DUI. Darling partly inherited the drug trade as a family business. In 2014, Darling's uncle Frederick "Freddy Fox" Darling pleaded guilty to conspiracy to distribute and possess with intent to distribute more than 100 grams of heroin and money laundering in federal court. "Freddy Fox" is currently serving a 6 year, 4 month prison sentence. Investigators believe that Darling filled the vacuum left by his uncle on the east side of Cleveland.

Darling's lucrative Cleveland heroin dealing left him flush with cash that he used to buy numerous cars, houses, and properties that he rented out to families in Cuyahoga County. Darling was a braggart with a tendency to drink often and to excess. He enjoyed boasting to others that he had "LeBron James money." Unfortunately, Darling's combination of money, mouth, and physical vulnerability – as well as the inherent illegality of his heroin dealing – made Darling an easy repeat target for a robbery by other criminals.

2. The Loyal Always gang.

This case began with the Loyal Always gang, which terrorized the Corlett neighborhood on the east side of Cleveland. Their territory stretched from east to west between Martin Luther King Jr. Drive and East 131st Street, and from north to south between Gay Avenue and Harvard Avenue. They took the name “LA” as an initialism for Lenacrave-Angelus, the center of the gang’s territory.

3. The robberies.

Those two halves of the case collided when two different members of Loyal Always robbed Tevaughn Darling on two different dates. Stefon “Ching” Robinson admitted to police during an interview on February 17, 2015 and that he had robbed Tevaughn Darling during a dice game about 10 months earlier (April 2014). Robinson stated that he knew Darling would want retribution against him because of that robbery.

The second robbery occurred on January 12, 2015 when Deandre “Prada” Gordon – another known member of Loyal Always – robbed Tevaughn Darling inside Darling’s home in Bedford Heights. Gordon pressed a .45 caliber handgun to Darling’s head and threatened to kill Darling if Darling did not give him his money. Gordon then shot Darling in the right foot, dragged him to the back bedroom of the home, and forced Darling to give him an undetermined amount of cash. Gordon then took the keys to Darling’s rental car, threatened to kill Darling if he reported the robbery, and drove off.

4. Douglas “Duke” Shine.

Douglas “Duke” Shine’s criminal history began as a juvenile, when he broke the window of a home with a crowbar and a rubber mallet. His involvement in the juvenile justice system included two robberies, an assault, two criminal damagings, four burglaries, and an attempted burglary. Then Shine turned 15. Between 2010 and 2011, Shine embarked on a crime spree that

included a robbery, two felonious assaults, a burglary, and carrying a concealed weapon. Eventually, all of this caught up to Shine at once and he pleaded guilty to a series of offenses in five different cases in 2011. Shine served just four years in prison and was released from Lebanon Correctional Institution on December 22, 2014.

A close associate of both Shine and Darling introduced them to one another. Shine's size – 6'03", 220 pounds – and his violent temper made him an ideal hit man for Darling to pay to take care of the problem of Loyal Always for him. And the information and evidence collected by investigators over the past 10 months indicates that this is exactly the arrangement that Darling and Shine entered into in January 2015.

5. Darling takes retribution for the robberies through Douglas Shine.

Deandre Gordon was arrested on March 16, 2015 and indicted for Aggravated Robbery, Kidnapping, and Felonious Assault in CR-594287 for the holdup of Darling. Gordon's case went to trial between August 10 and August 13, 2015. Tevaughn Darling actually testified against Gordon at his trial as the victim and admitted under oath he was a drug dealer, although he minimized the amount of drug money taken from him. Darling later admitted in a recorded statement that it was a larger amount than he had testified to at trial. The jury found Gordon guilty on all counts and Judge Nancy Margaret Russo sentenced Gordon to 10 years imprisonment. Gordon is currently appealing his conviction in CA-15-103494.

Stefon "Ching" Robinson was not as fortunate. On the night of January 20, 2015, Robinson was playing cards with five other men inside a home on Angelus Avenue, deep in the heart of Loyal Always' territory. Robinson received a phone call and got up from the card game to walk outside. A few minutes later, at approximately 10:24 p.m., Douglas Shine jumped from a minivan and shot Robinson 13 times with a .9 mm handgun outside the home of Robinson's grandmother

on Angelus. Robinson was transported to Metro Hospital where doctors were miraculously able to save his life.

Several members of the Loyal Always gang visited Robinson in the hospital that night, including Robinson's mother Robbie Cayson-Hutchins. Cayson-Hutchins told officers at the hospital that Robinson had been shot as payback because he had robbed someone. Cayson-Hutchins also asked officers to notify her other son, Jesus Bey, of the shooting. At the time, Bey was incarcerated in Cuyahoga County Jail on a pending rape case. Bey had previously worked for Darling as hired muscle and was acquainted with Douglas Shine in that capacity.

Based on that information, police began monitoring Jesus Bey's phone calls from Cuyahoga County Jail. On January 14, Bey made a phone call on a recorded line from Cuyahoga County Jail to Douglas Shine. During that call, Shine said that "Prada" (Deandre Gordon) had shot "Baby" (Tevaughn Darling) in the foot during a robbery. Shine explained that Darling was trying to hire him to kill the men who robbed him: "He [Baby] knows that I'm a wild young n**** and I buss my gun so he basically trying to holla at me and pay me but them my n****s so he know I can't really get involved." Shine continued, "Then he try to give me twenty [\$20,000] to holla at [murder] Ching [Robinson], but I'm like, 'That's my n****.'" Bey asked Shine if Darling and Robinson had "got into it again or something?" Shine responded, "Naw, he still some type of way about that shit [the robbery]."

On January 22, two days after the shooting, Bey made another call to Shine. During that call, Bey accused Shine of shooting his brother Robinson. Shine yelled, "Ching know what he did!" Shine said, "he tried to get over on me and I wasn't having it," and "that n**** had a gun on him too!" Bey asked Shine who the other two people were present with Shine at the time of the shooting. Shine told Bey not to worry about it.

Investigators believe that Shine began feuding with Walter Barfield, one of the members of Loyal Always, over a gun that Shine had stolen from Barfield. During another recorded call between Jesus Bey and Shine on January 19, 2015, Shine said that he had taken a “hammer” [gun] from a man named “Walt,” later identified as Walter Barfield. Shine said that he, Barfield, and Stefon “Ching” Robinson had been on a party bus celebrating a friend’s birthday when Barfield, who had been drinking heavily, asked Shine to hold a gun for him. Shine took the gun but initially refused to return it to Barfield until Robinson pleaded with Shine to give it back. Shine then gave the gun to Robinson, who handed it back to Barfield. Later that night, Barfield, still drunk, asked Shine to hold the gun again. At that point, Shine told Barfield that “it was chalked,” meaning that Shine was keeping the gun. Bey said that Barfield was not going to let that slide. Shine replied that he was not worried about any retribution.

Several shootings then occurred between Shine and Barfield. On January 22, Cleveland Police responded to a call of shots fired at the intersection of Martin Luther King Jr. Drive and Corlett Avenue, in front of John Adams High School. Upon arrival, officers discovered a black GMC Arcadia abandoned on MLK with the driver’s side door left open. Officers observed multiple bullet holes in the car, including to the driver’s front corner panel, the interior and exterior of the driver’s door, the front of the driver’s seat, and the rear passenger side of the driver’s seat. A witness who came forward to police said that she heard 7 to 10 gunshots and saw a man get out of the passenger side of the dark SUV, run across MLK eastbound towards John Adams High, and get into a white Toyota Avalon and drive away.

The GMC Arcadia was listed to a woman who claimed that her brother was the last person she had seen driving her vehicle. Investigators learned that the woman was dating Lashawn Roby,

a known associate of Douglas Shine. Investigators believe that the January 22 shooting in front of John Adams High was a shooting by Barfield at Shine, and possibly Roby.

On January 24, two individuals were parked in front of a residence on East 149th Street talking after returning home from seeing a movie. They saw a white or silver Ford Taurus parked on the street. One of the witnesses recognized the driver as Brandon White, who they knew by his street name "Lil B." The witnesses rolled down the window to talk to White. Suddenly, the witnesses heard three gunshots and saw shots being fired at "Lil B". An innocent driver's vehicle was hit three times, all on the driver's side. Another car parked on East 149th Street had bullet holes in the rear bumper, in the driver's side middle pillar, and one of the windows had been shot out. While on scene, responding officers continued to hear more shots fired.

6. The Chalk Linez Barbershop Massacre.

On Thursday, February 5, 2015, at approximately 8:30 p.m., witness have testified under oath in criminal depositions that they saw Douglas Shine walk into the Chalk Linez Barbershop at 20009 Harvard Road in Warrensville Heights dressed in all black with a black hoodie. Surviving witnesses said that Shine walked directly up to Walter Barfield. Shine, smiling, pulled out two guns and shot Barfield repeatedly at close range. Barfield was hit numerous times and fell to the floor. Shine then stood over Barfield and shot him in the head. Shine, still smiling, then opened fire without reason (because no one else was armed) with both guns on the other patrons of Chalk Linez, killing owner William Gonzalez, customer Brandon "Lil 'B" White, and wounding three others, including a woman holding a child. Barfield and White are all members of Loyal Always.

Barfield, believed to be the intended target, was shot 19 times, including two execution-style bullet wounds to the head. His body was found with a loaded .45 caliber Rock Island Armory handgun tucked into his waistband as he lay dead on the floor. That gun was a ballistics match for

four .45 caliber casings found on the front porch of a house on East 149th Street the night that innocent bystanders were shot at on January 24, as well as a bullet from the shooting of the GMC Arcadia in front of John Adams High on January 22. The numerous 9 mm casings Shine left on the floor of Chalk Linez were determined to have been fired from the same 9 mm gun as casings found at the East 149th Street shooting on the other side of the street from where the .45 caliber casings from Barfield's gun were found. This evidence demonstrated that Barfield and Shine shot at each other at both prior encounters.

Shine was arrested eight days later on February 13, after being surrounded hiding out in a home on Clement Avenue with a woman named Emonie Scovill. Cleveland Police and FBI investigators located Shine, the extremely dangerous mass murderer, using a variety of informants and tracking known associates. On February 10, the owner of the shot up GMC Arcadia parked in front of John Adams High – used a known phone number for her boyfriend (and Shine's associate) Lashawn Roby to rent a red 2015 Volkswagon Passat. Investigators, through police surveillance, located the Volkswagon Passat in the driveway of a home on Rosewood Avenue. They then tracked Roby driving the Passat to a home on Clement Avenue listed to a Melvin Roby, where Roby was helping Shine hide out. Cleveland Police SWAT and FBI surrounded the hideout and forced him out. Roby pleaded guilty to Attempted Obstruction of Justice, a felony of the fourth degree, in CR-593496 and was sentenced to 180 days in jail. He was released on probation on July 20, 2015 and remains on community control.

7. The murder of witness Aaron "Pudge" Ladson.

Aaron "Pudge" Ladson was a small-time player in the drug business with convictions for Drug Trafficking, Drug Possession, and Having Weapons While Under Disability. He was also the brother of Brandon "Lil B" White, one of the three murder victims gunned down at the Chalk

Linez Barbershop. On February 5, 2015, the night of the mass murder at the barbershop, Ladson was sitting in his car in the parking lot of Chalk Linez when he saw Douglas Shine walk past him towards the barbershop. A few minutes later, Shine walked out of the barbershop, walked back towards Ladson's car, and pointed two guns at him, saying, "I spared your life." Ladson quickly drove away as Shine followed Ladson's car onto the street with the guns still pointed at him, repeating, "I spared you, I spared you." Ladson returned later on and learned that his brother Brandon had been killed.

Ladson left the scene at Chalk Linez and drove to a relative's house. About an hour later, he received a call from Douglas Shine. Ladson accused Shine of killing his brother. Shine said he did not know what Ladson was talking about and Ladson hung up on him. Shine called Ladson back later that day asking why Ladson was saying his name. Shine told Ladson he was going to kill him. Ladson later gave a statement to Warrensville Heights police in which he positively identified Douglas Shine as the Chalk Linez shooter.

Aaron Ladson had three drug cases pending at the time he gave his statement: CR-593497, CR-592909, and CR-591068. Attorney Ralph DeFranco represented Ladson in all three cases. The State has a right to know whether Darling was paying Ladson's bills. Attorney DeFranco is also the long-time personal attorney of career criminal Tevaughn Darling, and remains so, including in his newest and latest case. After the Chalk Linez shooting, Attorney DeFranco even brought Ladson to the Warrensville Heights Police station as a witness for the Chalk Linez Massacre. Ladson was locked up temporarily for his own protection.

On February 19, however, Attorney DeFranco filed a Motion to Reinstate Bond, in which Attorney DeFranco demanded that Ladson be released, despite the State's warning that the only safe place for Ladson was inside County Jail. Ladson's life was clearly in danger. In that motion,

Attorney DeFranco actually disclosed that Ladson “was singlehandedly responsible for giving Det. Faucet [sic] of the Warrensville Heights Police Department the name and location of a suspect in the homicide that took place in a Warrensville Heights barbershop where six individuals were shot and three died.” See CR-591068. Attorney DeFranco thus publicly outed his own client as a witness against Douglas Shine, and he did so based on incorrect information. If Attorney DeFranco was paid by Darling to represent Ladson, and the evidence shows that Darling was part of the conspiracy to kill Ladson, this would cause irreparable damage to Attorney DeFranco’s standing at the trial if and when that evidence emerges.

In reality, Ladson was only one of a number of witnesses who identified Shine as the Chalk Linez shooter. Nevertheless, on March 16, over the State’s objection, Ladson was released on the motion of Darling’s paid attorney back onto the streets on bond and under home detention with the Cuyahoga County Sheriff’s Department. He had a GPS monitoring device attached to his leg, and he was staying with his mother and grandmother in a home on Harvard Road.

On the night of Wednesday, June 3, 2015, two would-be hitmen wearing hoodies tied tightly around their faces broke into a home at 19406 Harvard, a few houses down, and similar in appearance to the home where Ladson (aka “Pudge”) was staying, on Harvard Avenue. The men yelled “Where’s Pudge?” several times. One suspect took the youngest victim upstairs and forced him to open each door in the house while the suspect watched him. The suspect eventually yelled downstairs to his partner that they had the wrong house. The two suspects took all of the victims’ cell phones and fled the scene, warning them of dire consequences if they called the police. Lawrence Kennedy was identified as one of the two suspects in the home invasion. Those dire consequences did come later, as the State will soon discuss.

The next morning, June 4, Ladson was walking to his car in the driveway of the home where he was staying to go to a pretrial on his pending drug cases. The hitman or hitmen approached Ladson in his driveway and shot 3-4 times. The shooter(s) fled the scene through backyards, ran past the other home, and got into what is believed to be a white Honda Accord. Warrensville Police responded to the scene and followed a white vehicle leaving the area. They lost the car around East 131st and Harvard.

Police investigation revealed that Douglas Shine's older brother, a right hand man for Darling in his heroin distribution enterprise, and Lawrence Kennedy solicited one known and named hitman to murder Ladson because Ladson was a witness to Shine walking into the Barbershop to commit the murders. The hitman was offered \$25,000 to kill Ladson, with Shine's brother paying half and "Big Baby" (Tevaughn Darling) paying the other half. The home invasion that occurred down the street from Ladson's house the night before his murder was actually a botched attempt at killing Ladson by the hitman and Lawrence Kennedy, who entered the home mistakenly believing it to be Ladson's residence. They had been texted the wrong address by someone the State believes to be affiliated with Darling's DTO. That casual text typo almost resulted in the deaths of the three young men who had absolutely nothing to do with the heroin dealing or the violent gang activity. These young men were terrorized by the hired assassins, who eventually came to understand that they had inadvertently been given the wrong address to conduct their assassination of Ladson. To show that there is no end to their depravity, the assassins told their three mistaken victims not to tell the police. Their home was broken into a short time later, gasoline was poured, and the house was completely destroyed. Anyone present upstairs would have been killed. The State Fire Marshals later ruled the fire an arson. Gasoline accelerant could still be smelled days later without aid.

On the morning of June 4, Kennedy drove the hitman to Ladson's home in a small black SUV, where the hitman shot Ladson with a black .40 caliber Smith and Wesson pistol. After Ladson's murder, police checked the recorded calls Douglas Shine had made from Cuyahoga County Jail the night of June 3. Shine made only one call to Emonie Scovill. During that call, Shine asked Scovill to call his brother, Darling's right hand man. Scovill called the brother and put the phone down next to each other, allowing the brothers to speak one-on-one. Shine told his brother that he wanted his brother to come visit him in jail. At 16 minutes into the call, Shine's brother was recorded saying that he hoped he would have good news for Shine when he visited. The next morning, Ladson was killed. Shine also instructed his brother – Darling's right hand man – to destroy evidence.

8. The murder of Lawrence Kennedy.

Three days later, on June 7, 2015, police received a call that Lawrence Kennedy had been shot and killed in an alley off Corlett Avenue. Police later received information that a known and named member of Loyal Always with a significant criminal record shot Kennedy with a .380 in retaliation for the shooting of Stefon "Ching" Robinson – another member of Loyal Always – on January 20. There are no other witnesses and no other suspects.

9. The murder of J'Nae White and the attempted murder of Byron Clay.

Byron Clay was an important witness against Douglas Shine and Tevaughn Darling. Last week, on the night of October 28, 2015, Clay and his girlfriend, 19-year old J'Nae White, were both shot sitting inside a parked vehicle on Lenacrave Avenue. Ms. White was shot multiple times in the head and torso in this execution and died at the scene simply for being in the wrong place at the wrong time. Clay was shot once in the head. He remains in critical condition.

10. Tevaughn Darling's personal attorney Ralph DeFranco has also represented several other witnesses in the case.

Cleveland Police arrested Tevaughn Darling on September 9, 2015 as a result of a long-term investigation including a state wire recording his voluminous his drug trafficking activities. That same day, police also arrested Duane “Worm” Washington, one of Darling’s lieutenants in his DTO. Both men have been incarcerated in Cuyahoga County Jail ever since. The State sought and received restrictions on Darling’s use of phones due to his history of violence and intimidation.

Ralph DeFranco is Tevaughn Darling’s long time personal attorney. Attorney DeFranco has represented Darling in all six cases that Darling has had in Cuyahoga County Common Pleas Court since 1999:

- CR-14-590118 (Domestic Violence),
- CR-13-572353 (Drug Possession),
- CR-11-1550822 (Drug Possession),
- CR-09-527323 (Drug Trafficking),
- CR-99-375059 (Trafficking in Cocaine),
- CR-99-373111 (Drug Possession).

On September 15, 2015, Attorney DeFranco filed a Motion for Bond Reduction and House Arrest asking for Darling’s release. On September 17, 2015, a bond hearing was held. At that hearing, attorneys Marcus Sidoti and Brett Jordan appeared on behalf of Darling, rather than Attorney DeFranco. The judge kept Darling’s bond at \$500,000 and Darling remained in Cuyahoga County Jail. At Darling’s arraignment on October 13, 2015, Darling retained Ralph DeFranco, and both Attorneys DeFranco and Sidoti are now representing Darling as co-counsel. Attorney Nate Malek, who has also represented Darling on several cases, came to the County Prosecutor’s Office to represent Shine and encouraged the Capital Review Committee not to seek the death penalty against Shine. Attorney Malek soon withdrew from the case.

In addition to Darling, Attorney DeFranco also represented Aaron “Pudge” Ladson in all three of Ladson’s drug cases that were pending at the time of Ladson’s death. Attorney DeFranco also represented convicted drug dealer Marion “Duke” Randle, who co-owned the Chalk Linez

Barbershop along with William Gonzalez. Randle was inside Chalk Linez during the shooting but was not injured. Randle is thus a witness in the murder case against Shine. DeFranco represented Randle in CR-591024, in which Randle pleaded guilty to Trafficking in heroin, a felony of the second degree. Randle is currently serving a three-year prison sentence.

The State is going to seek evidence from Attorney DeFranco as to who was paying him to represent both Ladson and Marion Randle. Attorney DeFranco secured the release of Aaron Ladson onto the street and publicly disclosed his status as a witness against Douglas Shine, before the State had even provided Shine's attorneys with any discovery. Attorney DeFranco's actions in getting the star witness against Shine out on bond made it possible to for Ladson to be killed. This was done over the State's objection and strong warning that Ladson would be killed if released. If Attorney DeFranco was paid by Tevaughn Darling or any of his associates, he is going to be a witness for the State of Ohio. The State therefore needs to obtain the billing records for Attorney DeFranco and for the bondsmen who posted Ladson's bond to learn the identities of who paid them. Such evidence, if obtained, will be used against Tevaughn Darling as prima face evidence of his drug cartel conspiracy.

11. The State discovers that Darling is attempting to manipulate his case from jail in secret.

Originally, because of the extremely sensitive nature of this case, Darling was kept in isolation after his arrest on September 9. On October 28, over the State's strenuous objection and dire warnings, Darling was allowed out of isolation and back into general population in the jail. At approximately 8:00 p.m. that same night, Byron Clay and J'Nae White were shot on Lenacrave Avenue. At 9:38 p.m., Darling placed a call on a recorded jail line to a male known to be a high-ranking a member of Darling's DTO, who told Darling that Clay had been killed. During that call, Darling revealed that he paying for more lawyers than just Ralph DeFranco and Marcus Sidoti:

“Man you know what I’m saying? I got to pay five lawyers man. You know what I’m saying, tell them to (INAUDIBLE), you know what I’m saying? They can, you know it’s coming up. You know what I’m saying? I got five mother f***ing lawyers man, I got to give them money every God damn week man. Me and Franco [DeFranco] got into it, I’m like damn mother***er I just paid you a thousand and another thousand and another thousand. I said listen, hold on man. I ain’t even been to court, what the f*** is wrong with you, man. Is you a real Italian? Real Italians roll their people until the end. Man, you should have seen his smile come off his mother***ing...”

On September 18, the Administrative Judge held a bond hearing for Duane Washington and assigned attorney John Hildebrand to represent him. At Washington’s arraignment on September 29, however, Attorney Jeff Richardson suddenly appeared, claiming he had now been retained on Washington’s case. On October 13, members of the Cuyahoga County Prosecutor’s Office and the Cleveland Division of Police met with Richardson in the Prosecutor’s Office. Richardson refused to say who was paying him to represent Washington. Richardson said only that the identity of the person who retained him was not one of the other co-defendants on the case (Tevaughn Darling, Erica Crawford, or Terri Buckner), and insisted that he would never accept money from someone to keep a witness quiet. Richardson also claimed that he had not told Washington who was paying Richardson to represent him. Neither woman would have the means or desire on their own and without Darling’s instructions to pay the attorney. That leaves only Darling.

On October 29, at approximately 2:00 p.m., corrections officers conducted a search of Darling’s jail cell. During that search, officers discovered a treasure trove of information that Darling had written down in his jail diary/notes, thinking that his cell was a safe hiding place. Darling had written down the unique PIN numbers of other inmates and improperly by him used to make phone calls in the jail. Darling purposely violated the court’s orders and restrictions as well as the County Jail’s regulations. Darling made phone calls using those PIN numbers to hide

those conversations from anyone checking to see if Darling had made any calls using his own PIN.

In one page of his diary, Darling had written out a “To Do” list:

“Call [REDACTED] Tell her to tell Duke what lawyers I got Mark Sidoti Fernando Mack

Call [REDACTED] Make sure she tell Worm [Duane Washington] to cop out and write a statement that Erica, Terri, an BAM [Darling’s son] don’t have nothing to do with him and his situation

Tell Worm that the only good thing about this situation is we have the best judge in the building. The reason why we have her is because I’m on probation with her so the case automatically go to her. Let him know that he has to write a statement with his lawyer saying that Terri, Erica, Tevaughn has nothing to do with none of these drug deals. Which is the truth anyway, so that my judge can lift my probation hold! I have to get out and get you and Terri a car LA [Loyal Always], plus Erica lost her job, because of this. It’s no need for us both to be in here, trust that I’m going to hold us down! He can not let this case sit or drag out, because the Fed’s will pick it up. I’m also going to get him another lawyer who will get him the best deal. My mother has started khemo fighting cancer I got to get to her. Tell him I love him.”

See Exhibit 1. Darling is thus planning to use Duane Washington as a sacrificial lamb, and to coerce Washington into pleading guilty and accepting responsibility for all of the drug trafficking on his own so that Darling and his women may escape punishment. Darling also instructed Washington how to post his bond, and told him he could select a lawyer from a list of Darling’s choices: “Pat can sign her name. When it’s all said and done you will get the money back. Pick which lawyer you want Myron or Carlos an give Bam Moma the other one. Explain to them I’m the one paying them **also we not talking to the police at all.**” See Exhibit 2 (emphasis added).

Darling is thus instructing Washington how to conduct his defense.

Darling had also written a letter to Duane Washington regarding his lawyer where Darling said:

“Can u please get with your lawyer Jeff [Richardson] an write a statement telling the Judge that we never conspired with you in any drug transactions and know nothing about this situation at all. * * * Your best bet is to cop-out take responsibility for your own actions. Because the longer you let this case sit you are

giving the Fed's the opportunity to pick this up and you know we don't need those problems. Nor do we want those problems."

See Exhibit 3. Darling again reiterated in the letter to Washington that he is "paying five lawyers. I got 3 and Erica and Teri got Mark Maurine [sic] and Steve Bradley." Id.

Darling had also written out numerous rap lyrics referencing violence and drug dealing. One of them included what Darling referred to as his "Rules for the Streets:"

"Never trust a n**** he will cross you
Never take a n**** to your Moma house
Never take your friend to the stash spot
Don't ever tell your man how much money you got
Don't ever let a n**** sit behind you"

See Exhibit 4.

Officers also discovered a letter Darling had written to co-defendant Terri Buckner in which Darling said: "Your focus is suppose to be us and getting me free. I told you to have your lawyer come see me. You still ain't did that **I'm paying him.**" (emphasis added). On the third page attached to that letter, Darling wrote, "[REDACTED] gave you \$15,000. [REDACTED] gave you \$1,500." Darling had also created a chart of all the money he had paid each of the lawyers in the case:

DeFRANKO	Sidotti	E. lawyer	TERI My lady LAWYER
\$1000.00 ✓	\$1000.00	\$1,250.00	\$1,000.00
\$1000.00 ✓	\$1000.00	(she still holding \$750.00)	
\$-----.00	\$-----.00		
GIVE THEM A THOUSAND A PIECE BEFORE NOV 9 th PLEASE IF you haven't already to MAKE THAT 3,000.00 a PIECE		The Detectives took \$250.00 out your purse you put a \$100.00 on my books Also \$100.00 on my old cell	

See Exhibit 5. “E. lawyer” is believed to be a reference to Erica Crawford’s lawyer Richard Drucker. Darling is thus paying for the attorneys representing co-defendants Erica Crawford and Terri Buckner, as well as an unidentified fifth lawyer. On the bottom of the same piece of paper, Darling had written instructions to Buckner:

“Come downtown an put some money on my books. Get Worm [Washington’s] SO# from [REDACTED] so that you can put it on the side of his name an mail him that letter make a copy of it give one to his lawyer an [REDACTED]. [REDACTED] he know Worms lawyer #. Worm lawyer is Jeff Richardson. Do not drag your feet do this A.S.A.P. Thanks. Love ya.”

Id. At a minimum, Darling is directing Washington as to how to proceed with his new attorney Jeff Richardson, or at worst, is paying for Richardson to represent Darling and walk him into a confession and plea based on Darling’s statement that he was “going to get [Washington] another lawyer” who would “get him the best deal” – i.e., convince Washington to plead guilty and take the fall for the entire enterprise.

The State’s investigation has further revealed that Darling has, on numerous occasions, contacted his attorneys on recorded jail lines through subterfuge. Darling has called other persons and asked them to make 3-way calls to conference in his attorneys. On September 16, 2015, at 10:18 a.m., Darling called co-defendant Erica Crawford, who then called Attorney Marcus Sidoti on another phone. Crawford placed the phones down next to each other and said, “Okay, go ahead sir,” so Sidoti and Darling could speak without Darling having to call Sidoti directly on a jail line. Sidoti asked Darling who Darling wanted to represent him: “You just got to let me know am I green lighted or not? I mean I am either doing this, I’ll work with people. But I’m either doing it or not. I don’t like dabbling[.]” Darling responded that he wanted Sidoti to represent him, and that “[a]s far as Ralph [DeFranco], I think we might do that and have Ralph go on somebody else’s case. You know what I’m saying? We definitely in. * * * It’s going to be a team though. You know what I’m saying?” At 10:30 a.m., Darling called another woman named Wendi Tripp, who

repeated the exact same process. This time, Darling gave Sidoti the green light to represent him. Darling made similar calls to attorneys Nate Malek and Ralph DeFranco.

Darling has also made fake phone calls to attorneys where he pretends as if he is speaking to an attorney so that the Corrections Officer must leave the room, per jail policy. As soon as the C.O. leaves the room, Darling drops the subterfuge and resumes speaking normally, having the conversation he intended to have in secret. Darling made at least eight such calls while he was in the medical pod the week of October 18, pretending that he was speaking to either Marcus Sidoti or Ralph DeFranco.

Darling has also continued to run his criminal conspiracy from inside the jail. On October 28, Darling spoke to the same member of his DTO who informed him of the shootings of Clay and White. That person informed Darling that a male named “██████” had “bodied” someone the night before (October 27), but had not been caught yet. In another call, Darling said that he had people on the outside who could easily post his \$500,000 bond, but complained that he would remain incarcerated regardless because of his probation hold.

Darling is thus using the rules of the Cuyahoga County Jail against it, concealing his identity under other inmates PIN numbers, and pretending to talk to his attorney so he can clear the room. Darling’s cons are clear evidence of consciousness of guilt and show that he is continuing to operate his drug trafficking organization while inside the jail. He is completely untrustworthy and incorrigible and it would be irresponsible at this point to give him any further access to phones to continue his criminal enterprise.

12. Darling’s payment of his co-defendants’ attorney fees creates a serious conflict of interest.

Criminal defendants are constitutionally entitled to the undivided loyalty of competent counsel. “[A] lawyer's duty to provide undivided loyalty to a client is paramount.” *Columbus Bar*

Assn. v. Ross, 107 Ohio St.3d 354, 2006-Ohio-5, 839 N.E.2d 918, ¶ 29. Attorneys whose interests diverge from that of their client cannot render competent legal services or give the client their undivided loyalty. “Lawyers must avoid all actual and potential conflicts of interest so as not to dilute their independent loyalty to each client.” *Disciplinary Counsel v. Jacobs*, 109 Ohio St.3d 252, 2006-Ohio-2292, 846 N.E.2d 1260, ¶ 8.

Prof. Cond. Rule 1.7 provides in part:

- (a) A lawyer’s acceptance or continuation of representation of a client creates a conflict of interest if either of the following applies:
 - (1) the representation of that client will be directly adverse to another current client;
 - (2) there is a *substantial* risk that the lawyer’s ability to consider, recommend, or carry out an appropriate course of action for that client will be materially limited by the lawyer’s responsibilities to another client, a former client, or a third person or by the lawyer’s own personal interests.

(emphasis in original). Thus, under subsection (a)(2), a conflict of interests exists where the “lawyer’s responsibilities to another client” or to “a third person” create a substantial risk of restricting the lawyer’s ability to effectively represent his/her client.¹ This is such an important concept for lawyers that it appears again in Prof. Cond. Rule 1.8(F) and 5.4(C), repeated three different ways. Such conflicts are divided into two types: possible and actual conflicts. A possible conflict of interest exists where the “interests of the defendants *may* diverge at some point so as to place the attorney under inconsistent duties.” *Cuylar v. Sullivan*, 446 U.S. 335, 356, fn. 3, 100 S.Ct. 1708, 64 L.Ed.2d 333 (1980) (emphasis added). An actual conflict of interest exists if

¹ Comment [15] to Prof. Cond. Rule 1.7 further states: “The potential for conflict of interest in representing multiple defendants in a criminal matter is so grave that ordinarily a lawyer should decline to represent more than one co-defendant.” It is for this reason that the Public Defender’s Offices across Ohio will not represent multiple co-defendants on the same case.

“during the course of the representation, the defendants’ interests *do* diverge with respect to a material factual or legal issue or to a course of action.” *Id.* (emphasis added).

It is true that “the mere fact that a co-defendant footed the bill for her defense counsel does not, in and of itself, create a conflict of interest.” *Lipson v. U.S.*, S.D. Ill. No. 91-CR-30018-10-WDS, 1998 U.S. Dist. LEXIS 23079, *11-12 (Aug. 26, 1998). But “joint representation of conflicting interests is inherently suspect[.]” *Mickens v. Taylor*, 535 U.S. 162, 168, 122 S.Ct. 1237, 152 L.Ed.2d 291 (2002). When one wealthy co-defendant pays for a lawyer to represent another co-defendant, with the intention of sacrificing that one for the benefit of himself, a serious and actual conflict arises that jeopardizes the representation.

“A serious risk of a conflict of loyalties arises when one co-defendant, who has implicated another co-defendant and who may wish to cooperate with the Government by testifying against the other co-defendant, is represented by counsel whose fees are being paid by the co-defendant against whom the first co-defendant may wish to testify. Even if the conflict is waived by all defendants upon the advice of counsel, the circumstances of the waiver may later be revisited on the theory that the waiver was the result of ineffective assistance of counsel.”

U.S. v. Chapman, E.D. Pa. No. 99-375-2, 1999 U.S. Dist. LEXIS 13675, *4 (Sept. 2, 1999).

Courts must be vigilant to protect against "the inherent dangers that arise when a criminal defendant is represented by a lawyer hired and paid by a third party," *Wood v. Georgia*, 450 U.S. 261, 268-69, 67 L. Ed. 2d 220, 101 S. Ct. 1097 (1981). One such risk is that “the lawyer will prevent his client from obtaining leniency by preventing the client from offering testimony against [the co-defendant] or from taking other actions contrary to [the co-defendant’s] interest.” *Id.*

“Accepting payment of clients' fees from a third party may subject an attorney to undesirable outside influence, particularly where the attorney is representing clients in criminal matters, Model Rules of Professional Conduct, Rule 1.7, and the third party is the head of a criminal enterprise of which the clients are members. In such a situation, an ethical question arises as to whether the attorney's loyalties are with the client or the payor.”

In re Grand Jury Subpoena Served upon Doe, 781 F.2d 238, 248 fn. 6 (2d Cir.1986), citing Judd, *Conflicts of Interest -- A Trial Judge's Notes*, 44 FORDHAM L. REV. 1097, 1099–01; 1105, n.41 (1976).

This is exactly the situation that has arisen here. Darling has attempted to take control of all the cases of his co-conspirators and is clearly coordinating the stories of his co-defendants from jail. Naturally, he is attempting to shift blame from himself, Terri Buckner, and Erica Crawford onto Duane Washington by ordering Washington to “write a statement with his lawyer saying that Terri, Erica, [and] Tevaughn has nothing to do with none of these drug deals.” Darling intends for Washington to plead guilty, and to effectuate that plea, Darling says that he is “going to get him another lawyer who will get him the best deal.”

Additionally, Prof. Cond. Rule 1.8(F) states:

“A lawyer shall not accept compensation for representing a client from someone other than the client unless divisions (f)(1) to (3) * * * apply:

- (1) the client gives *informed consent*;
- (2) there is no interference with the lawyer’s independence of professional judgment or with the client-lawyer relationship;
- (3) information relating to representation of a client is protected as required by Rule 1.6[.]”

Under this rule, the attorneys for all of Darling’s co-defendants cannot accept money from him or any other person as attorney fees without informed consent from each co-defendant. This Court must hold an evidentiary hearing at which it informs each co-defendant on the record of the risks of such representation before informed consent can be given. Additionally, even if informed consent is given, an actual conflict would still exist because Darling is paying and controlling each of the attorneys – telling each co-defendant what to say, what to plead to, and not to cooperate. The attorneys cannot be fair and provide independent judgment to both clients when one of them

is directing everything. This violates not only Prof. Cond. Rule 1.8(F), but also Prof. Cond. Rule 5.4(C): “A lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer’s professional judgment in rendering such legal services.” This rule has clearly been violated where Darling, the pay-master, is telling his co-defendants they cannot talk to police or cooperate.

“The impropriety, and the risk of conflict, created by a drug organization paying the defendant’s legal fees is clear.” *U.S. v. Panameno-Chavarria*, M.D. Fla. No. 8:12-CR-486-T-26TGW, 2013 U.S. Dist. LEXIS 32567, *12. The drug organization – in this case, Darling and the other members of his DTO – “has an apparent strong desire that the defendant not cooperate with the Government so that he does not implicate anyone else in the illegal drug activity. That desire, however, obviously conflicts with the defendant’s interests.” *Id.* This trial will blow up if tried with each attorney under such a web of conflicts and will be reversed on appeal.

13. This Court Has An Affirmative Duty to Inquire On-the-Record as to Whether a Conflict of Interest Exists in This Case.

Ohio law requires this Court to inquire on-the-record as to whether a conflict of interest exists in this case and whether that conflict has moved from a possible conflict to an actual conflict. “Where a trial court knows or reasonably should know of an attorney’s possible conflict of interest in the representation of a person charged with a crime, the trial court has an affirmative duty to inquire whether a conflict of interest actually exists.” *State v. Gillard*, 64 Ohio St.3d 304, 1992-Ohio-48, 595 N.E.2d 878, at syllabus. The established procedure for such an on-the-record inquiry is as follows:

“[T]he trial court should: (i) advise the defendant of the dangers arising from the particular conflict; (ii) determine through questions that are likely to be answered in narrative form whether the defendant understands those risks and freely chooses to run them; and (iii) give the defendant time to digest and contemplate the risks after encouraging him or her to seek advice from independent counsel.”

U.S. v. Iorizzo, 786 F.2d 52, 59 (2d Cir.1986). Failure to conduct such an inquiry, after the court knows or should know of the existence of a conflict, results in automatic reversal. *Wood v. Georgia*, 450 U.S. at 273, fn. 18, 101 S.Ct. 1097, 67 L.Ed.2d 220.

“Under *Wood*, the Court and the government have a significant interest in detecting and addressing a potential conflict of interest before trial, as a conflict could render a judgment invalid.” *U.S. v. Cedeno*, 496 F.Supp.2d 562, 566 (E.D.Pa. 2007). A defendant’s right to counsel “includes the right to representation that is free from conflicts of interest.” *Id.*, fn. 2. The prosecution’s inquiry into who was paying the defendants’ legal bills “can thus be interpreted as protecting, rather than disrupting, defendant’s rights.” *Id.*

The dangers that arise when one co-defendant pays for another co-defendant’s defense are so great that the Ninth Circuit has warned all trial courts to inquire who was paying the fees of “retained” counsel:

“This opinion is being published to alert trial judges, particularly in drug cases, to determine whether or not third parties are paying the fees of retained counsel when the defendant is indigent and, if so, whether the defendant understands the potential conflict of interest that may exist in such an arrangement and voluntarily waives that conflict.”

Quintero v. U.S., 33 F.3d 1133, 1134 (9th Cir. 1994). Such a third-party fee arrangement was found to be an "actual conflict" in *Quintero. Id.*, 1135.

14. This Court should hold a hearing to determine who is paying Jeff Richardson’s attorney fees because such information is not privileged.

Based on the evidence created by Darling’s own hand and hidden in his own cell, the State and this Court know that Darling is paying for Erica Crawford and Terri Buckner’s attorneys. The State also strongly suspects that Darling, or at least a member of his drug trafficking organization, is paying attorney Jeff Richardson to represent Duane Washington. The State requests, and the

facts and law demand that, this Court should therefore hold a full hearing on this matter and inquire of Mr. Richardson as to who is paying him to represent Washington.

Attorney-client privilege “does not protect the identity of a ‘benefactor’ so far as legal fees are concerned.” *In re Shargel*, 742 F.2d 61, 64 (2d Cir.1984). See also *In re Grand Jury Subpoena*, 204 F.3d 516, 520 (4th Cir.2000) (“The identity of the client, the amount of the fee, the identification of payment by case file name, and the general purpose of the work performed are usually not protected from disclosure by the attorney client privilege”).

“Generally, the identity of an attorney’s client and the nature of the fee arrangement between an attorney and his client are not privileged. The fact of representation and the associated fee arrangement are preliminary, by their own nature, establishing only the existence of the relation between client and counsel, and therefore, normally do not involve the disclosure of any communication arising from that relation after it was created.”

In re Grand Jury Subpoenas, 803 F.2d 493, 496 (9th Cir.1986) (citations omitted).

15. The conflict is so severe it cannot be waived.

Most conflicts of interest may be waived by a client, as long as they is not so extremely detrimental to the attorney-client relationship as to render it a “per se conflict.” Per se conflicts are “those conflicts that are so severe that they are deemed *per se* violations of the Sixth Amendment. Such violations are unwaivable and do not require a showing that the defendant was prejudiced by his representation.” *U.S. v. Williams*, 372 F.3d 96, 102 (2d Cir.2004). This Court also has an institutional interest in the fair administration of justice and the protection of each co-defendant’s right to effective representation of counsel, such a conflict cannot simply be ignored by a defendant’s waiver. “[W]here a court justifiably finds an actual conflict of interest, there can be no doubt that it may decline a proffer of waiver, and insist that defendants be separately represented.” *Wheat v. United States*, 486 U.S. 153, 162, 108 S.Ct. 1692, 100 L.Ed.2d 140 (1988).

Darling's notes betray that his defense is to blame Washington for everything. Washington cannot possibly proceed to trial under such a conflict, with an attorney bought and paid for by his drug dealer, kingpin, and benefactor. The defense objective is undisputedly to protect Tevaughn Darling – who is paying everyone's attorney fees. If Washington, Crawford, or Bucker proceed to trial and are convicted, they will undoubtedly claim that their attorneys were operating under ethical conflicts that prevented them from cooperating or seeking more favorable plea deals, and that they suffered ineffective representation as a result of those conflicts. This Court cannot allow this case to go to trial with three sham defenses and must act now to protect the record.

16. Conclusion.

Every defendant in this case has the right to counsel free of conflict. The State must act now to protect this case from further tampering and criminal misconduct by a wealthy defendant trying to fix the outcome from the inside of his jail cell. The State has an ethical duty to bring that conflict to the attention of this Court and to move for disqualification if this Court finds that such a conflict exists and Defendants do not waive. The State's interest is not merely in securing a conviction; it is doing so fairly and in a manner that protects Defendants' rights, even from their own counsel.

The State therefore respectfully requests that this Honorable Court hold a hearing on the record to inquire as to the existence of any conflict of interest caused by the continued representation of Defendants by the attorneys in question. At that hearing, this Court must notify Crawford, Buckner, and Washington of the dangers that arise from having a co-defendant pay for their attorneys. This Court should encourage them to seek advice from independent counsel. This Court should ask attorney Jeff Richardson directly who is paying for his legal fees. Finally, if all defendants consent to the representation, and if Richardson is being paid by someone not under

the control of Tevaughn Darling, this Court should obtain explicit waivers from each defendant on the record. In the alternative, if even a single co-defendant is unwilling to waive, this Court must disqualify all of the attorneys from this case or it will end up trying the case twice. That will only bring more opportunity for intimidation or death to state witnesses by this ruthless defendant and gang.

Respectfully submitted,

/s/ Timothy J. McGinty
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* CALL STACY [REDACTED] ASK FOR TRACY NUMBER

* CALL BLAKE & PAT see if he got that phone or do they got MARLO #
* ASK PAT for Danielle & Nick number I know what worried about me?

* CALL ORSMINE [REDACTED] ASK her do she still ~~talk~~ to Chinese Tee

* CALL Wendy [REDACTED] Tell her to tell Duke what lawyers I GOT MARK SIOTI FERNANDO MACK

* CALL LIANA [REDACTED] MAKE sure she tell worm to cop out and write a statement that ERICA, Terri, AND PAM DON'T HAVE NOTHING TO DO WITH HIM AND HIS SITUATION.

Tell worm that the only good thing about this situation is that we have the best judge in the buildings. The reason why we have her is because I'm on probation with her so the case automatically go to her. Let him know he has to write a statement with his lawyer saying that Terri, ERICA, TEVAUGHN HAS NOTHING to do with none of these drug deals. Which is the truth anyway, so that my judge can lift my probation hold! I have to get out and get you and Terri a car. ERICA lost her job, because of this. It's no need for us both to be in here, trust that I'm going to hold us down! He can not let this case sit or drag out, because the Fed's will pick it up. I'm also going to get him another lawyer who will get him the best deal. My mother has started Kremo-fighting Cancer I got to get to here.

I already know who you are
Don't act like me!

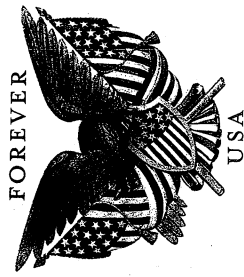
I'm not waiting on those niggers to act like they
Banding you out. Tell PAT don't tell nobody and
if them niggas don't make there ^{she can} money make hers you
can call NATASHA WATTS she might know your bond the
night before. BUT DON'T USE HER! PAT CAN SIGN HER NAME.
When its all said and done you will get the money back. Pick
which lawyer you want Myron or Carlos and give BAMI
Mama the other one. EXPLAIN TO THEM I'M THE ONE PAYING THEM
ALSO WE NOT TALKING TO THE POLICE AT ALL. ALSO COME
tell both of them to come see me on a CONTACT VISIT
PLEASE A.S.A.P FOR ARRANGMENT YOU REALLY DON'T NEED
A LAWYER BUT I KNOW YOU WILL FEEL MORE COMFORTABLE
WITH ONE.



Clue DAD ~~number~~ number



he familiar with Myron ASUTK 701-7946



Doraine Washington 30#

**STATE'S
EXHIBIT**

3

BIG HOMIE.

Shit crazy and I know everyday that you wake up as your eyes open all you think is this can't be life, got to be more. Imagine how I feel and I aint told nobody shit. Erica has lost her job Terri cars have been Confiscated and are being held she can't even make it to nursing school. My son is acting out an getting suspended from school. My Mother is suffering with Cancer she has no ride to Chemotherapy at this point she is caterine cabs to treatment. I'm going through it BIG HOMIE and all I'm asking of you is to just be honest. Your honest statement can set Terri, Erica and I free. Can u please get with your lawyer Jeff an write a statement telling the Judge that we never conspired with you in any drug transactions and knew nothing about this situation at all. These people are doing what they want to do they are still fishing. You are the only person who can be honest an save us or I have to go to total. Which means you will have to testify to set us free. They can drag this out for 9 months because I'm on probation. I need to get out of here My Mother aint doing good. Can you please do the right thing? You got a good Judge she don't Max nobody out. Your best bet is to Cop-out take responsibility for your own actions. Because the longer you let this case sit you are giving the Fed's the opportunity to pick this up and you know we don't need these problems. Nor do we even want these problems. I promise you that I'm going to be there for Lyiana, LiWayne and your Mom it's my duty because we are

Family and thats what friends are for. I'm paying five
lawyers. I got 3 and Erica on Test got Marc Maurine
along with Steve Bradley. I'm not blaming you for this
situation I know shit happens. However just be honest and
set us free like I would have did you. My next court
date is November 4th aint no sense of you and I
being here. I didn't have anything to do with this. Love
You FOREVER BIG HOMIE and I won't let you down

KEEPING IT 100% AS USUAL

DO THIS VIDEO AT MECHANIC SHOP AND HAVE ALL GIRLS MAKE
NOISE AT THE BEAUTY SALON SITTING IN THE BEAUTY CHAIRS

(SING IT)

I buy her weeds in the winter red bottoms in the
summer! "THATS MY GIRL" "I SWEAR TO GOD I LOVE HER"

"I buy her weeds in the winter red bottoms in the summer!"

THATS MY GIRL I SWEAR TO GOD I LOVE HER

RULES FOR THE STREETS

Never trust a nigga he will ~~be~~ cross you

Never take a nigga to your MAMA HOUSE

NEVER take your friend to the STASH spot

DON'T EVER TELL YOUR MAMA HOW MUCH MONEY YOU GOT

DON'T EVER LET A NIGGA SIT BEHIND YOU

STATE'S
EXHIBIT

4

Another
Hook "

"IF I AINT TAKING A TOWN" "I DON'T WANT IT"

"AT LEAST BE TAKING A ONE" "I WANT IT!"

"I HAD TO BREAK IT ~~DOWN~~ DOWN BLEND IT THEN COMPRESS IT"

"I HAD TO BREAK IT DOWN BLEND IT THEN COMPRESS IT"

Intro:

→ I'm so tired of niggas talking about they real niggas
Some niggas ~~being~~ talking what shit be faking I aint give
He I AINT NO REAL NIGGA NO MORE TO MANY FAKE REAL
NIGGAS IN MY WAY



**STATE'S
EXHIBIT**

5

216-551-2880

Ms. Terri Buckner

Terri My Lady.

Hey you I hope these lines greet you handling this situation the best way that you can. As you can see I'm not coming home no time soon. You already know they playing crazy with me, knowing that we all are innocent. We have to fight through this together and you have to stay strong! In situations as this you are suppose to be my other half and I'm seeing signs of weakness! Which that word shouldn't even be in your vocabulary or mind at that. My life is at stake an you not listening, not handling my business an it has me even more frustrated in this situation. I told you to call Fernando Mark an have him at my court date. You never did that an you have the money. Also I told you to go talk talk to Monte, contact Maurice an also have Monte call Mario. You did none of it an you never answer the phone. I asked you why didn't you answer, you said your phone was on vibrate. Where they do that at? I don't play that shit when I'm in jail. That phone is suppose to be on the loudest ring in your braas right next to your heart. You know my situation I can't call only my lawyer an it's periodically. You got to get up ~~get~~ out an do something. I told you to call Shirley 323-3256 you still aint did that. I mean damn what is it going to take? But you will sit an listen to somebody feeding negative energy in your ear about Baby an a Bitch. Fuck them nigga's an fuck them Bitches an tell every last one I said that. I mean that shit

Your focus is suppose to be us and getting me free.
I told you to have your lawyer come (See me. You still
aint did that I'm paying him." Aint that a Bitch. I'm
Sorry for setting you in this situation however I promise
your record will be clean once this is over. They can not take
your house get that shit out your mind. These are not the
Fed's and that house was not bought with drug money. I
told you this day was coming when you left. I told you this
day was coming earlier this year. I begged you to go to
school. Now you are not going again. Why???. Nothing but
excuses and you shifting the focus towards me. A closed mouth
dont get fed I keep telling you that. You got to get out
an chase these niggas down an demand our ~~needs~~ needs an
wants. If not you will be sitting there looking at the walls. You
have to keep calling Ms. Nobeey instead of giving up because she
aint running to you. I'm prepared for war an money aint
the problem so quit thinking about that. Priority is getting
you mobile, back in school, maybe even a job. Next priority
is paying 5 lawyers and getting your record cleared.
I'm looking for my Terri have you seen her? Tell her
I need her right now in everyway! When ^{you} see her ~~tell her~~ tell her I said
"Boss up" "stand up!" Get ~~out~~ out the house an be my
other half as she should.

P.S.

~~XXXXXXXXXXXXXXXXXXXX~~

Love Always

e

Forever

★

Sending you HUGS&KISSES

Baby

XOXOXOXOXO

XOXOXOXOXO

~~XXXXXX~~ SEND WORM THAT LETTER ASAP FROM THE POST OFFICE

Your Brother GAVE YOU \$15000.00
BLACK GAVE YOU \$1,500.00

You had 16,500.00 total

DeFranko	Sidotti	E. lawyer	TEARI My Lady Lawyer
\$1000.00 ✓	\$1000.00	\$1,250.00	\$1,000.00
\$1000.00 ✓	\$1000.00	(she still holding \$750.00)	

Give them a thousand a
piece before Nov 9th please
if you haven't already to make
that 3,000.00 a piece

The Detectives took \$250.00
out your purse
you put a \$100.00 on my books
also \$100.00 on my old cell

IS THAT RIGHT?????

That's 9,350.00 spent so far what
else have you spent?
Be honest please!! I have to get
ANOTHER LAWYER

Note: PLEASE HANDLE MY BUSINESS ASAP
COME DOWNTOWN AND PUT SOME MONEY ON
MY BOOKS GET WORM JOHN from LYIANA so that
you can put it on the side of his name and
Mail him that letter MAKE A COPY OF IT GIVE ONE
TO HIS LAWYER AND LYIANA

K.B.



he know worms lawyer #

WORM LAWYER IS JEFF RICHARDSON
DO NOT DRAG YOUR FEET DO THIS ASAP THANKS LOVE YA