

Judge John J. Russo:

As a judge and lawyer, I have spent my career with the bench, public, community groups and bar associations promoting confidence in the justice system. I am concerned that the hearing last week eroded the trust I have worked so diligently with others to build.

In retrospect, while there is legal precedent for gagging a defendant to keep order in a court, I apologize for taking that action last week.

My decision to end your outbursts came after I'd exhausted every other attempt to restore order to a hearing you continuously impeded. Despite many warnings for you to stop your frequent and offensive outbursts (over 60 interruptions in 54 minutes), you continued to interrupt and hinder the legal procedures of the court – procedures designed to protect your rights, the rights of your victims and the justice system. It escalated to the point that, as a judge, it was my responsibility, to take control of the hearing. As the court is the foundation of justice and fairness, a judge has the responsibility to maintain control of the legal processes that occur. Knowing that the defendant is required to be present at the time of sentencing, I acted with those principles in mind. The Sheriff followed that department's policies and procedures to restore order to the hearing.

Some are questioning whether those actions were just or fair. However, the sentence I ordered was evenhanded and impartially imposed, based on the facts of your crimes, the impact on your victims, and the need to protect society from further criminal violence. Your conviction by a jury included aggravated robbery, robbery and kidnapping – all while using a gun. While you faced a potential maximum consecutive sentence of 134 years, I ordered a 24-year sentence.

Due to your many violent criminal acts, the three victims you held at gunpoint have had to live in fear for several years. I continued with the hearing despite your disruptions to give them closure so that they could heal and move forward. That decision may have had the opposite effect. For that, I apologize to the victims.

To my colleagues on the bench in Cuyahoga County, and the 700+ judges in the state of Ohio, I regret any impact or repercussions from my actions last week. I never want the fairness and justice you deliver in your courtrooms to be questioned, no matter the circumstances.

A judge has a moral and ethical obligation to avoid the appearance of impropriety. In this case, the sentence I imposed was not final, and typically, the case would come back to me for further action. And, although I am confident I can remain fair and impartial in concluding this case, to maintain the confidence of our justice system and to leave no question in anyone's mind as to any bias, I am recusing myself and will request the Ohio Supreme Court appoint a new judge to conduct your sentencing. A pre-sentence investigation and mitigation report, along with a transcript of the trial, will be ordered so the newly appointed judge will have all the information about your case.