

Drug possession — dismissed, refiled, convicted

William E. Horner · b. 13 September 1986 · Judge Brian F. Hagan

CASE NUMBERS	CRB 2100337 (first filing) and CRB 2401716 (refiled)
CHARGE	Drug possession — R.C. 2925.11(A), misdemeanour of the first degree
OFFENCE DATE	10 October 2020 — the same offence date on both filings
FILED	1 March 2021, dismissed 26 August 2024 · refiled 6 November 2024
COMPLAINANT	Patrolman B. DiMatteo, Rocky River Police Department, on both
DEFENCE COUNSEL	Issa M. Elkhatab, removed 19 Oct 2021; Justin M. Weatherly from 6 Mar 2024
PROSECUTORS	Michael J. O’Shea; A. Steven Dever

THE FIRST FILING — CRB 2100337

1 Mar 2021	Case initiated. Warrant issued. Served 5 March; released on own recognisance.
17 Mar 2021	Not-guilty plea.
9 Jun 2021	Counsel moves to withdraw. Denied.
15 Jun 2021	Defendant moves to dismiss for “repeated violations of Sixth Amendment rights.”
29 Jun 2021	Pretrial by Zoom. Motion to dismiss denied. Motion to withdraw denied.
5 Oct 2021	Defendant moves to remove his own counsel “for ethics violations and grossly inadequate defence.”
19 Oct 2021	Bench trial date. Motion to remove counsel granted.
20 Oct 2021	Capias issued — \$2,500 / 10% bond. Recorded as a no-show trial capias. Warrant block issued.
1–2 Nov 2021	Defendant moves to recall the capias and asserts his speedy-trial right. Denied.
30 Nov 2021	Defendant files a refusal of the in-person hearing , by certified mail.
11 Jan 2022	Defendant does not appear. Capias remains.
24 Jan – 11 Feb 2022	Defendant files an affidavit of disqualification against Judge Hagan.
7–14 Mar 2022	The Supreme Court of Ohio denies the disqualification. Case returns to the docket; the capias remains.
11 May 2022	Three motions: a third request for counsel; to hold Prosecutor O’Shea in contempt for malicious prosecution ; and to hold Patrolman DiMatteo in contempt for perjury.
21 Jun 2022	Both contempt motions called. The prosecutor appears. The defendant fails to appear.
1 Jul 2022	His request for clarification of the charges is treated as a request for a bill of particulars and granted.
1–2 Aug 2023	Defendant requests a Zoom hearing. Denied — all parties to appear in person.
22 Aug 2023	Defendant fails to appear. Capias remains.
22 Feb 2024	Bond posted by a suretor. Capias recalled after two years and four months.
16 Jul 2024	Jury demand filed.
23 Aug 2024	The prosecutor moves to dismiss.
26 Aug 2024	Case dismissed at city / state costs, costs suspended.

THE REFILING — CRB 2401716

6 Nov 2024	Same charge, same offence date, same officer. Case initiated ten weeks after the dismissal . Warrant issued the same day.
20 Nov 2024	Five motions e-filed by counsel, including a bill of particulars and preservation of evidence.
12 Dec 2024	Warrant served. Defendant in custody. Released on a not-guilty plea. Transferred to Judge Hagan because of the companion case, 24 CRB 1647.
13 Dec 2024	Released on own recognisance.
23 Jan 2025	Defendant excused from attending the pretrial; counsel to appear.
25 Mar 2025	Final pretrial. Passed for sentencing.
23 Apr 2025	Pleads no contest to the original charge. Found guilty.

CRB 2100337 — dismissed on the prosecutor’s own motion, 26 August 2024. No conviction. CRB 2401716 — guilty, 23 April 2025. Basic community control (active probation) ordered, supervised by probation officer Colleen Eynon. Fine \$250, costs \$353, at \$75 a month.

The disposition record on the refiled case shows jail time of 180 days. As at the last entry retrieved, \$603.00 remained wholly unpaid on it — no payment recorded. The two cases charge the same offence, on the same date, on the complaint of the same officer.

WARRANTS, ARRESTS AND NON-APPEARANCES

WARRANTS AND CAPIASES ISSUED

1 Mar 2021	CRB 2100337 — warrant issued on the day the case was filed.
20 Oct 2021	CRB 2100337 — capias issued, \$2,500 / 10% bond , recorded as a no-show trial capias. Warrant block the same day.
6 Nov 2024	CRB 2401716 — warrant issued on the day the refiled case was filed.

WARRANTS SERVED, AND CUSTODY

5 Mar 2021	CRB 2100337 — warrant served. Released on own recognisance.
12 Dec 2024	CRB 2401716 — warrant served; the docket records “defendant in custody” and then “prisoner released.” Own-recognisance bond the next day.

FAILURES TO APPEAR

11 Jan 2022	Oral hearing on his own request for clarification. “Capias remains. Defendant did not appear.” Six weeks earlier he had filed a written refusal of the in-person hearing, by certified mail.
21 Jun 2022	Hearing on his own two motions — to hold the prosecutor in contempt for malicious prosecution, and Patrolman DiMatteo in contempt for perjury. The prosecutor appeared. “Defendant failed to appear.”
22 Aug 2023	Hearing on his own motion to show cause. “All parties were required to appear. Defendant notified by mail and email. Defendant failed to appear. Capias remains.” His request to attend by Zoom had been denied three weeks before.

WARRANTS LIFTED

22 Feb 2024	Bond posted by a suretor. Recognisance issued, warrant/capias recall form issued, and the no-show trial capias cancelled. The capias had been outstanding since 20 October 2021 — two years and four months.
26 Aug 2024	Warrant block released and cancelled on dismissal of the case.

Compiled from the Rocky River Municipal Court’s public case-information and docket records. Charges, section numbers, degrees, dates, dollar figures and dispositions appear as they do there; ledger entries, cost codes and routine scheduling are left out, and nothing

has been added. Look any of it up yourself at caselook.rrcourt.net/search/1830