

Court reprimands Judge Gaul

He gets a stayed suspension for threatening to jail defendant

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The Ohio Supreme Court has suspended Cuyahoga County Common Pleas Judge Daniel Gaul from practicing law for six months — stayed, pending good behavior — for threatening to jail a defendant he thought was intimidating an elderly witness.

In a 4-2 decision, with Chief Justice Eric Brown not participating, the high court agreed with the decision of its Board of Commissioners on Grievances and Discipline that Gaul violated judicial canons that require judges to promote public confidence in the judicial system and require them to refrain from making public comments that might affect the fairness of a case.

But the board recommended a one-year stayed license suspen-

sion. Justices Maureen O'Connor and Judith Ann Lanziger also favored the stronger punishment. They dissented from the ruling for that reason.

The high court ruled that it was improper for Gaul to try to issue an Amber Alert when Emma Ingram, an 83-year-old victim, did not show up to testify at the start of Jeffrey Robinson's assault trial in 2007. And the judge crossed the line, the court said, when he threatened to have Robinson "bound and gagged" and accused him of crimes that had not yet been proven, including obstruction of justice, kidnapping and smoking crack.

"Justice may be blind," Gaul told Robinson during a hearing in November 2007, just before the judge declared a mistrial without the star witness. "But it has a heart, and it has a soul, and it has common sense. And I

would bet my life on the fact that you, sir, have been involved in obstruction of justice."

He added, over objections from Robinson's attorney: "And I also would bet my life, if I had to right now, that you have been involved in a technical kidnapping."

The judge later learned that Ingram had turned up at a kidney dialysis center.

The sanction, which allows Gaul to remain on the bench, amounts to a public reprimand and a blemish on his record. But Gaul's attorney, Richard Alkire, said Thursday that while the judge respects the court's ruling, it could have a chilling effect on other judges who follow their instincts to keep victims safe.

"Judge Gaul found himself in a very uncomfortable position where he was convinced in his own mind, and was genuinely concerned, that the victim was

exposed to potential harm," Alkire said. "I think judges throughout the state will take this ruling very seriously and become more circumspect about what they say in open court and on the record," Alkire said.

As it turned out, Gaul's hunch about Robinson was correct.

Robinson and another defendant in the assault case, Mozelle Taylor, who was Ingram's caretaker, both pleaded guilty in April on charges that they indeed tried to intimidate Ingram before the 2007 case.

Cuyahoga County Common Pleas Judge Dick Ambrose sentenced both to a year of probation. Robinson violated the terms of his probation in August, but was allowed to remain free on stricter terms.

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