

## PROSECUTION WITHOUT EVIDENCE

AMANDA GARRETT AND JOHN CANIGLIA | PLAIN DEALER REPORTERS

**B**ill Mason has repeatedly neglected his No. 1 duty as prosecutor: to seek justice for the people of Cuyahoga County.

A nine-month investigation by The Plain Dealer has revealed Mason's office has pursued criminal charges against hundreds of people over the past decade despite having little or no evidence against them.

Almost anyone arrested in Cuyahoga County can be indicted, jailed and taken to trial whether guilty or not because Mason runs the prosecutor's office like a factory, the newspaper found.

Prosecutors pump out hundreds of cases for trial every year without always considering their flaws, the newspaper has learned.

That flies in the face of what a prosecutor is elected to do.

Unlike a defense attorney — whose sole job is to serve a client's interests — a prosecutor has a broad responsibility to seek justice for crime victims, the community and defendants.

Because Mason's office does not always fulfill that duty, some Common Pleas judges say they are left to sort out the mess.

A Plain Dealer analysis of court records from the past 10 years revealed that in the 6,891 trials between 2000 and 2009, Common Pleas judges acquitted 364 defendants in midtrial, usually without waiting for the defense to present its case.

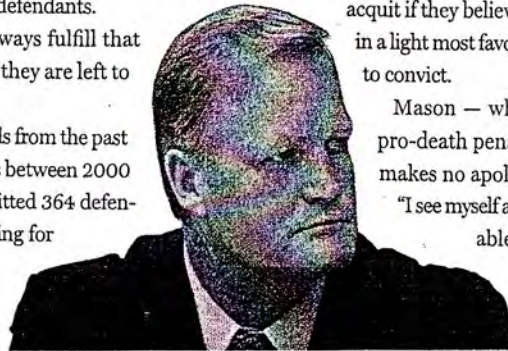
That means one out of every 19 people who went to trial on felony charges walked away free because prosecutors didn't present the most basic evidence.

Judges relied on Rule 29 of the Ohio Rules of Criminal Procedure to throw out the cases. The provision allows judges to acquit if they believe the evidence, even when viewed in a light most favorable to prosecutors, is insufficient to convict.

Mason — who built his political career as a pro-death penalty, law-and-order Democrat — makes no apologies.

"I see myself as someone holding people accountable for their actions," Mason said.

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## Cuyahoga County Prosecutor Bill Mason Expected to Resign;

## Rumored to be Target of Federal Investigation

By [Leader Staff](#). Published on 09/22/2010 - 12:48pm

People from all areas of county government have been taken down by the on-going, two-year federal investigation into corruption within Cuyahoga County. One of the few county services that has remained untouched by the probe is the Prosecutor's Office, but that may not be the case for much longer. The Cleveland Scene is reporting that sources with close ties to county politics have told them that county prosecutor Bill Mason is expected to resign by the second week of October, and that federal charges against him are also expected within the next two months.

The Scene writes that one source revealed:

“There’s a reason why they’re not included [in the federal indictments] at this point. They’re collecting more information.”

When questioned about Auditor Frank Russo and Commissioner Jimmy Dimora, both of whom were handed charges by the Feds last week, Mason said he knew nothing of the corruption. The Scene's sources, however, reveal that Mason had his own little game going on, using his political strength to obtain support for himself and his favorite candidates, as well as keeping shadow employees on the payroll and making hiring decisions based on volunteer efforts.

Sources say that unlike the disgraced former County Sheriff Gerald McFaul, Mason operated a bit more smartly, conducting efforts off of county resources. But those who were so-called "team players" got the on-the-job perks, say their sources. Volunteerism often influenced pay raises and promotions.

At this point, neither Mason's office nor the local branch of the FBI is commenting on the Scene's speculation. It will be interesting to see what plays out in the next few weeks, and who else will be cleaned out of Cuyahoga County government.