

- JOE POWEY / ^{SMALL} CLAIMS

- WRITT'S

- YVE 1096 PA

- VICK RUBASTINE

- CRIMINAL / CIVIL

- STACKING JUDGE

- ATT. RON MARY

724-742-4800

EX 214

JUSTICE
DEPT.

HEAD
SERIALS

ATT. GEN.

good relationship between the law enforcement and fire service communities in the City.

I look forward to hearing from you both regarding your availability to meet within the next two weeks.

Very truly yours,



DAVID C. COMSTOCK, JR.

DCJ/tjr

cc: Raymond W. Wells, Board of Trustees Chairman

General Inquiry



New Search...

Summary Parties Events Dockets Fields Notes Disposition Costs

CV - Civil - Summary

2010 CV 02594 KRLICH, GARRICK -VS- TAKASH, JOE WWM

PLAINTIFF(s)

KRLICH, GARRICK

DEFENDANT(s)

TAKASH, JOE

Attorney(s)

Full Name HENKIN, ROBERT A.
Address 6 FEDERAL PLAZA CENTRAL

City/State/Zip YOUNGSTOWN OH 44503
Phone (330)746-8491

Attorney(s)

Full Name ADLER, JEFFREY D
Address 154 YOUNGSTOWN HUBBARD
RD
SUITE D

City/State/Zip HUBBARD OH 44425
Phone (330)534-8257

CVS

CIVIL STALKING ACTION

Additional Fields

Case Attributes

Number 2010 CV 02594
Status OPEN
Filed 09/29/2010
Incomplete

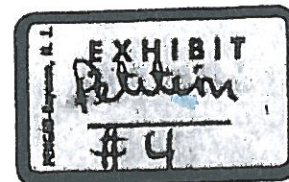
CITY OF HUBBARD

MARTIN C. KANETSKY
CHIEF OF POLICE



POLICE DEPARTMENT

33 WEST LIBERTY STREET
HUBBARD, OHIO 44425
PHONE: 330-534-1133
FAX: 330-534-6294



March 17, 2009

TO : The CLEMENTE family c/o 208 East Water and 723 East Liberty Street

FROM : Sergeant FISHER c/o Hubbard City Police Department

RE : Allegation of Violation of City Ordinance of Disorderly Conduct (To wit...blowing
of horns).

March 08 and again on March 13, and again on March 16 Garrick KRLICH filed a complaint with the Hubbard City Police Department that "different persons of the CLEMENTE family are blowing their cars' horns while driving by his residence". About a month ago, KRLICH called to see an Officer at his home and reporting Sergeant went there to receive a complaint from KRLICH "about the CLEMENTE's horn blowing starting up again". No complaint was taken that day as I urged KRLICH to "see if things quiet down again".

The most recent allegation was filed with KRLICH's demeanor as "very upset" and wondering out loud why nothing was being done with his reports and allegations. As a direct result of this, I contacted the Law Director Jeff ADLER and communicated the entire matter to him. ADLER directed me to write and deliver a written letter advising "any allegation from here on forward, a complaint will be taken and a charge of Disorderly Conduct will be filed".

In closing, respectfully, if my neighbor was "blowing his horn all the time", it would not be acceptable to me.

THANK YOU - Sgt Bill FISHER

We know that emotions can run high in cases like these. Typically because of the current or past relationship between you and the victim there can be feelings of anger, betrayal, and even sadness that the relationship has come to this point.

We have handled cases like these and are interested in hearing about yours. We know that no two cases are the same but want to apply our experience and expertise to help guarantee that your rights are protected and will fight on your behalf for the best possible results.

Please contact us today for a free consultation on Ohio stalking/menacing laws & penalties.

Ohio Stalking & Menacing Laws

Menacing – Penalties

If you are being accused of menacing that means that the prosecution believes it can prove that you led someone to believe you would **cause harm** to them, their property, or a family member. Menacing is typically considered a **4th Degree Misdemeanor** which carries a potential sentence of 30 days in jail and fines of up to \$250.

Ref: ORC 2903.22

Aggravated Menacing – Penalties

Aggravated menacing is slightly more serious than menacing and involves the alleged victim believing that you would **cause serious harm** to them, their property, or a family member. Aggravated menacing is typically a **1st degree misdemeanor** and carries a potential sentence of up to 6 months in jail and up to \$1,000 in fines.

Ref: ORC 2903.21

Menacing by Stalking – Laws & Penalties

Menacing by stalking involves a *repeated pattern of menacing behavior*. If you are accused of stalking in Ohio, the prosecution will have to prove that you **engaged in a pattern of conduct that knowingly**

Ohio Menacing Laws - OH Stalking Penalties - Ohio Menacing Defense Lawyer | www.... Page 3 of 4

caused another person to fear physical harm or mental distress.

In most cases, menacing by stalking is a 1st degree misdemeanor which carries a potential 6 months jail sentence and fines up to \$1,000.

However, the stalking charge may be elevated to a **4th degree felony** if the victim is a minor, this is not your first conviction for stalking, you commit the offense in direct violation of a protection order, you were in possession of a deadly weapon at the time of offense, or you have a history of violence.

Felonies in the **4th degree** carry a potential sentence of 6-18 months in prison and fines reaching up to \$5,000.

Ref: ORC 2903.211

Get The Legal Help you Need in a Free Criminal Defense

- (i) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.
- (j) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (ORC 4513.20)

337.19 HORN, SIREN AND THEFT ALARM SIGNAL.

(a) Every motor vehicle when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

(b) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Ohio Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof. (ORC 4513.21)

(c) No person shall use the horn of a motor vehicle except to give warning to other drivers or pedestrians.

(d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (ORC 4513.21)

337.20 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE.

(a) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

(b) No person shall own, operate or have in the person's possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

ATIVE SUPPLEMENT

Investigative Narrative..... <input type="checkbox"/>	INCIDENT NUMBER 09-0004925
OFFENSE DISORDERLY CONDUCT - MAKE UNREAS	INCIDENT DATE/TIME 07-10-2009 19:57

KRLICH, GARRICK G

Off and on for the past year Victim Rick KRLICH has complained to the police it seemed he was the target of a "horn blowing campaign" targeting him and his wife...KRLICH alleged this started immediately after a property dispute with the CLEMENTE's over a house next door at 719 East Liberty.

KRLICH reports this "horn blowing" sometimes 5-10 seconds long at all hours of the morning, noon, and night...KRLICH has kept a log of these events...most upsetting to KRLICH are the occasions when he would be backing in or out of his driveway and cars would blare their horn...allegedly some cars would drive by and blow the horn 10 plus times.

On Monday March 16 KRLICH was pulling into his driveway when Jared CLEMENTE and Suspect Joseph MARANDO drove by KRLICH who had just pulled in, blowing the horn...KRLICH backed out and followed CLEMENTE allegedly to "get the license plate number to report to the police"...2 days later CLEMENTE came in to file a police report alleging KRLICH' actions "menaced him".

CLEMENTE admitted "blowing the horn at my sister and brothers house"...even though no one was outside...CLEMENTE and MARANDO were warned then "not to blow the horn" because KRLICH is reporting this as harassment and it is causing him annoyance, inconvenience, and alarm.

KRLICH was upset at what he felt was "nothing being done". The issue was mentioned to Law Director ADLER and Girard Court prosecutor Bob JOHNSON. Both felt a warning letter should be sent to the CLEMENTE's advising them of the complaint...this was done.

KRLICH alleged "the horn blowing settled down during the week but was non stop on the weekends." KRLICH advised he was fed up and set up a surveillance camera w/ audio.

On May 31, 2009 at 4:34 PM Suspect Joseph MARANDO drove by KRLICH's blowing the horn 10 - 11 times (captured on the video / audio tape) causing annoyance, inconvenience, and alarm. The DVD tape was submitted to the police department and forwarded to Prosecutor JOHNSON.

After consulting with ADLER, and Prosecutor JOHNSON, the summons was sent in the mail to MARANDO who was cited into court on Tuesady July 21 at 9 AM.

MARANDO 3-16-09 CLEMENTE MARANDO
 5-31-09 MARANDO
 8-16-09 FINE LETTER
 7-13-10 HORN 2X

REASON CLEARED	<input type="checkbox"/> DEATH OF OFFENDER	<input type="checkbox"/> VICTIM REFUSED TO COORP.	<input type="checkbox"/> ARREST - JUVENILE	<input type="checkbox"/> CLOSED	DATE CLEARED
	<input type="checkbox"/> PROSECUTION DECLINED	<input type="checkbox"/> JUVENILE/NO CUSTODY	<input type="checkbox"/> WARRANT ISSUED	<input type="checkbox"/> UNFOUNDED	07-14-2009
	<input type="checkbox"/> EXTRADITION DENIED	<input checked="" type="checkbox"/> ARREST - ADULT	<input type="checkbox"/> INVEST. PENDING	<input type="checkbox"/> INVEST. PENDING	
REPORTING OFFICER	FISHER, SGT. WILLIAM			BADGE NO.	DATE
					07-14-2009
APPROVING OFFICER	FISHER, SGT. WILLIAM			BADGE NO.	DATE
				020	07-14-2009

COMSTOCK, SPRINGER & WILSON CO., LPA

Attorneys at Law
City Centre One Building
Suite 926
100 Federal Plaza East
Youngstown, Ohio 44503-1811

THOMAS J. WILSON
MARSHALL D. BUCK
WM. SCOTT FOWLER
DAVID C. COMSTOCK, JR.
MARGO STOFFEL MEOLA

Area Code 330
Telephone 746-5643
Fax 746-4925
www.csandw.com

DAVID C. COMSTOCK
Retired

LAWRENCE R. SPRINGER
(1936 - 2007)

BOBBIE L. FLYNT
MEGAN M. GRAFF

Writer's E-Mail
Dej@csandw.com
Writer's Voice Mail:
Extension 109

9-3-09

September 30, 2009

Eagle Joint Fire District
All Firefighters
33 West Liberty Street
Hubbard, Ohio 44425

Dear Eagle Joint Fire District Employee:

As you may be aware, several employees of the Department have been charged with disorderly conduct as a result of blowing their horns in front of the residence owned by Rick Krlich who resides at 713 East Liberty Street in Hubbard. At a pretrial hearing before the Girard Municipal Court Prosecutor, the State of Ohio agreed to dismiss the disorderly conduct charges against the employee based upon several issues, including a lack of notice. However, charges can be refiled against the employee at any time should any horn blowing occur in the future. The allegation against these defendants by Mr. Krlich is that Chief Clemente has been urging firefighters to participate in a conspiracy against Mr. Krlich through the use of horn blowing and other activities. This allegation is not true, and has been expressly denied on repeated occasions by Chief Clemente. Nonetheless, I am providing this letter to you as the District legal counsel to advise every employee that should any similar conduct occur in the future in front of or near 713 East Liberty Street, the Prosecutor is likely to proceed with charges against you. Based upon this warning, it is unlikely that the charges will be dismissed. You should make every effort to avoid contact with Mr. Krlich, and should he

COMSTOCK, SPRINGER & WILSON CO., LPA

Attorneys at Law
City Centre One Building
Suite 926
100 Federal Plaza East
Youngstown, Ohio 44503-1811

THOMAS J. WILSON
MARSHALL D. BUCK
WM. SCOTT FOWLER
DAVID C. COMSTOCK, JR.
MARGO STOFFEL MEOLA

Area Code 330
Telephone 746-5643
Fax 746-4925
www.csandw.com

DAVID C. COMSTOCK
Retired

LAWRENCE R. SPRINGER
(1936 - 2007)

Writer's E-Mail
Dcj@csandw.com
Writer's Voice Mail:
Extension 109

BOBBIE L. FLYNT
MEGAN M. GRAFF

September 30, 2009

Jeffrey D. Adler, Esq., City of Hubbard Law Director
John D. Battisti, City of Hubbard Safety Director
220 West Liberty Street
P.O. Box 307
Hubbard Ohio, 44425-0307

JAN BOLCHAKIC

Dear Attorney Adler and Mr. Battisti:

On September 16, 2009, I appeared in the Girard Municipal Court to address issues which had been raised in the matter of *State v. Joseph Marando*. This criminal case was initiated by complaining witness Rick Krlich, and formally filed by your officer, Sergeant William Fisher. I had the opportunity to review all of the facts in this case, and I had several concerns which were addressed with the Prosecutor. I am hopeful that the issues between Mr. Krlich, Chief Clemente, and members of the fire department have been resolved.

Other issues have arisen that involve the police department, however. The Board of Trustees has asked that I arrange a meeting with you, the Fire District Board of Trustees Chairman, and me. You may wish to have the Police Chief present. I do not intend, however, to have Chief Clemente present. The purpose of this meeting is to be able to address issues which have arisen, in an informal setting, in order to prevent deterioration of a relatively