

BEREA MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

<p>STATE OF OHIO/CITY OF BROOK PARK <i>Plaintiff,</i></p> <p>v.</p> <p>GINA CRISCIONE <i>Defendant.</i></p>	<p>Case No.: 20CRB01262</p> <p>Judge Mark A. Comstock</p>
<p>DEFENDANT GINA CRISCIONE'S MOTION TO DISMISS</p>	

Defendant Gina Criscione respectfully moves the Court to dismiss the complaints against her. The State is attempting to imprison Ms. Criscione because she gave a local business a bad review. As discussed below, the State's case runs afoul of the First Amendment on multiple theories, so the Court is obligated to end it before it chills any more speech.

TABLE OF CONTENTS

Table of Authorities iii

Issues Presented 1

Facts 1

Legal Standard 3

Law & Argument 3

 I. Because they could be used to punish substantial amounts of protected speech, the statutes charged are overbroad in violation of the First Amendment. 3

 II. Because they fail to provide notice of what conduct is forbidden and invite discriminatory enforcement, the statutes charged are void for vagueness. 11

 III. Because the State is attempting to prosecute Ms. Criscione for the content of her speech, the statutes charged are unconstitutional as applied. 13

 A. Because the State invaded the province of First Amendment protection, the Court must dismiss the charges, regardless of whether the charges are content-based. 13

 B. Because the State’s case is retaliation based on the content of protected speech, the Court must dismiss the charges. 14

 C. The Court must dismiss the case because the State is selectively prosecuting Ms. Criscione based on First Amendment–protected activity. 17

 IV. Because they rely on protected speech to satisfy the elements of the charged offenses, the complaints are not supported by probable cause. 18

Conclusion 19

Certificate of Service 20

TABLE OF AUTHORITIES

Cases

Buddenberg v. Weisdack, No. 2018-1209, 2020 WL 4341889 (Ohio July 29, 2020) 4

Capitol Square Review & Advisory Bd. v. Pinette, 515 U.S. 753 (1995)..... 6

City of Chicago v. Morales, 527 U.S. 41 (1999) 3, 11, 12

City of Houston, Tex. v. Hill, 482 U.S. 451 (1987) 4

Cleveland v. Trzebuckowski, 85 Ohio St. 3d 524 (1999)..... 17

Cohen v. California, 403 U.S. 15 (1971)..... 9, 15, 16

Connick v. Myers, 461 U.S. 138 (1983) 6

Felix v. Young, 536 F.2d 1126 (6th Cir. 1976) 13

Forsyth Cty., Ga. v. Nationalist Movement, 505 U.S. 123 (1992) 16

Giaccio v. State of Pa., 382 U.S. 399 (1966) 11

Gooding v. Wilson, 405 U.S. 518 (1972)..... 4

Hartman v. Moore, 547 U.S. 250 (2006) 14

Hustler Magazine, Inc. v. Falwell, 485 U.S. 46 (1988)..... 4, 5

In re C.W., No. C-180677, 2019 WL 6977924 (Ohio Ct. App. Dec. 20, 2019)..... 7, 10

Lewis v. City of New Orleans, 415 U.S. 130 (1974)..... 4

Nieves v. Bartlett, 139 S. Ct. 1715 (2019)..... 14

Novak v. City of Parma, 932 F.3d 421 (6th Cir. 2019)..... 15

Parma Hts. v. Barber, No. 93005, 2010 WL 2783705 (Ohio Ct. App. July 15, 2010) 10

People v. Cohen, 1 Cal. App. 3d 94 (Cal. Ct. App. 1969) 15

Shadwick v. City of Tampa, 407 U.S. 345 (1972)..... 19

Snyder v. Phelps, 562 U.S. 443 (2011) 5, 8

State v. Davidson, No. CA2009-05-014, 2009 WL 4895668 (Ohio Ct. App. Dec. 21, 2009)..... 10

State v. Ellison, 178 Ohio App. 3d 734 (2008)..... 10

State v. Hersh, 974 N.E.2d 161 (Ohio Ct. App. 2012) 16

State v. Kalman, 84 N.E.3d 1088 (Ohio Ct. App. 2017)..... 3

State v. Moss, No. 2003CA00218, 2003 WL 22672018 (Ohio Ct. App. Nov. 10, 2003) 18

State v. Patel, No. 03 BE 41, 2004 WL 614986 (Ohio Ct. App. Mar. 24, 2004) 10

Street v. New York, 394 U.S. 576 (1969) 11

Terminiello v. City of Chicago, 337 U.S. 1 (1949) 13, 14

Thomas v. Collins, 323 U.S. 516 (1945)..... 6

United Mine Workers of Am., Dist. 12 v. Illinois State Bar Ass'n, 389 U.S. 217 (1967) 6

United States v. Alvarez, 567 U.S. 709 (2012) 8

United States v. P.H.E., Inc., 965 F.2d 848 (10th Cir. 1992)..... 14

United States v. Stevens, 559 U.S. 460 (2010)..... 8

United States v. Williams, 553 U.S. 285 (2008)..... 3

Virginia v. Black, 538 U.S. 343 (2003) 8

Watts v. United States, 394 U.S. 705 (1969) 9

Wayte v. United States, 470 U.S. 598 (1985).....17

Statutes

Ohio Rev. Code § 1.42.....4
Ohio Rev. Code § 2903.211passim
Ohio Rev. Code § 2917.21.....passim
Ohio Rev. Code §§ 2903.22.....10

ISSUES PRESENTED

1. A law's overbreadth violates the First Amendment when it outlaws a substantial amount of protected speech, measured against its plainly legitimate uses. Ohio Rev. Code § 2903.211(A)(2) and § 2917.21(B)(2) outlaw written speech that could cause another person mental distress, but *Snyder v. Phelps* protects that same speech. Are the statutes unconstitutionally overbroad?
2. A law's vagueness violates the First Amendment when it fails to put ordinary people on notice of what it prohibits or when it invites discriminatory enforcement. Ohio Rev. Code § 2903.211(A)(2) and § 2917.21(B)(2) are written so broadly that no lay person can discern their limits, leaving police free to apply them consistent with their own discriminatory predilections. Are the statutes void for vagueness?
3. A law is unconstitutional as applied if it is enforced against a protected activity. The State is enforcing Ohio Rev. Code § 2903.211(A)(2) and § 2917.21(B)(2) to punish Ms. Criscione for speaking about a matter of public concern. Are the statutes unconstitutional as applied to her speech?
4. A trial court's jurisdiction to hear a criminal case requires a complaint, supported by probable cause, approved by a neutral and detached magistrate. The complaints against Ms. Criscione are premised on her speech, leaving them unsupported by probable cause, and they were signed by a member of the police department charged with enforcing the law. Do the complaints satisfy the requirements to invoke the Court's jurisdiction?

FACTS¹

Ms. Criscione's mother, Dorothy Mandanici, was a resident at the East Park Care Center from April 2017 to May 2020.² During that period, Sara Thurmer became the administrator at East Park.³ After her arrival, the quality of Ms. Mandanici's care began to rapidly deteriorate.⁴ The facility's owner, Laura DiVincenzo, admits that after Ms. Thurmer took over, East Park "could no longer provide the level of care required for Ms. Mandanici."⁵ Ms. Mandanici eventually moved out of the facility,⁶ but she had already lost more than 30 pounds in her final weeks at East Park.⁷

¹ Ms. Criscione presents and accepts for purposes of this motion the facts as alleged in Brook Park Police Department incident report #20-077559 and the complaints (attached as Ex. A, Ex. B, and Ex. C).

² Report #20-077669 at DEFT00033.

³ *Id.* at DEFT00032.

⁴ *Id.* at DEFT00042.

⁵ *Id.* at DEFT00033.

⁶ *Id.* at DEFT00033.

⁷ *Id.* at DEFT00042.

Malnourished and still suffering from various wounds East Park claimed to have addressed before her departure, Ms. Mandanici died shortly after leaving the facility.⁸

After her mother's death, Ms. Criscione began posting about Ms. Thurmer's negligence and incompetence on Facebook.⁹ She explained to her friends that under Ms. Thurmer's watch, her mother was left bruised, dehydrated, and injured, and that she rapidly lost more than 30 pounds in her last weeks at East Park.¹⁰ She noted that some staff member's paychecks had bounced, which Ms. Criscione cited as further evidence of a "failing administration" under Ms. Thurmer.¹¹ She said East Park had put her through "drama and despair and pain."¹² She warned her friends to "never put your parents in here" because it is "scum of the earth," and she warned that Ms. Thurmer was a liar and a "bitch."¹³ She left a review for East Park on Google, warning potential customers that her mother's care "went downhill fast with the horrible [new] administration."¹⁴ Amidst this online activity, Ms. Criscione occasionally picketed *outside* East Park, and on September 20, 2020, she actually came on the grounds of East Park, driving on the property on a Sunday morning.¹⁵

Ms. Criscione never directed any comments to her, but Ms. Thurmer reported to police that those Facebook posts caused her "great distress." And although Ms. Criscione never made any threats, Ms. Thurmer reported that she felt "very threatened."¹⁶

Upon receiving this complaint of criminal negativity, the Brook Park Police Department sprang into action, collecting statements, compiling Ms. Criscione's Facebook records, and issuing a

⁸ *Id.* at DEFT00042.

⁹ *Id.* at DEFT00036–48.

¹⁰ *Id.* at DEFT00038.

¹¹ *Id.* at DEFT00039.

¹² *Id.* at DEFT00040.

¹³ *Id.* at DEFT00041.

¹⁴ *Id.* at DEFT00042.

¹⁵ *Id.* at DEFT00034.

¹⁶ *Id.*

pair of first-degree misdemeanor charges, accusing her of menacing by stalking and telecommunications harassment.

LEGAL STANDARD

Crim. R. 12(C) permits a defendant to “raise by motion any defense, objection, evidentiary issue, or request that is capable of determination without the trial of the general issue.” This includes defenses based on “defects in the institution of the prosecution,”¹⁷ defenses based on “defects in the ... complaint,”¹⁸ and motions “involving a constitutional determination.”¹⁹ “The court may adjudicate a motion and dismiss charges based upon briefs, affidavits, the proffer of testimony and exhibits, a hearing, or other appropriate means.”²⁰

LAW & ARGUMENT

I. Because they could be used to punish substantial amounts of protected speech, the statutes charged are overbroad in violation of the First Amendment.

“[T]he overbreadth doctrine permits the facial invalidation of laws that inhibit the exercise of First Amendment rights if the impermissible applications of the law are substantial when ‘judged in relation to the statute’s plainly legitimate sweep.’”²¹ An overbreadth analysis moves in two steps: “The first step ... is to construe the challenged statute.”²² The second step asks whether the statute, as construed, “criminalizes a substantial amount of protected expressive activity.”²³ If it does, it is invalid under the First Amendment.²⁴

¹⁷ Crim. R. 12(C)(1).

¹⁸ Crim. R. 12(C)(2).

¹⁹ *State v. Kalman*, 84 N.E.3d 1088, ¶ 25 (Ohio Ct. App. 2017).

²⁰ Crim. R. 12(F).

²¹ *City of Chicago v. Morales*, 527 U.S. 41, 52 (1999).

²² *United States v. Williams*, 553 U.S. 285, 293 (2008).

²³ *Williams*, 553 U.S. at 297.

²⁴ *Williams*, 553 U.S. at 292 (“According to our First Amendment overbreadth doctrine, a statute is facially invalid if it prohibits a substantial amount of protected speech.”).

For example, the U.S. Supreme Court has identified laws construed to prohibit “opprobrious words or abusive language”²⁵ “obscene or opprobrious language,”²⁶ or any words that “oppose, molest, abuse or interrupt any policeman”²⁷ as criminalizing substantial amounts of protected speech, and therefore struck those laws down as overbroad.

1. Ohio Rev. Code § 2903.211 (Menacing by stalking)

a. Using ordinary rules of grammar and usage, Subsection (A)(2) outlaws any written communication that causes someone emotional distress.

Under Ohio law, statutory interpretation is to be done with “words and phrases ... read in context and construed according to the rules of grammar and common usage,” and giving “effect to all of the statute’s words.”²⁸ “If the meaning of the statute is unambiguous and definite, it must be applied as written and ... without resorting to subtle and forced constructions.”²⁹

Ohio Rev. Code § 2903.211(A)(2) is clear on its face. It applies only to speech, i.e., “any form of written communication or any electronic method of remotely transferring information” and outlaws any writing that the speaker knows will “cause mental distress to the other person.”³⁰

b. Construed using ordinary rules of grammar and usage, Subsection (A)(2) criminalizes a substantial amount of protected activity.

Based on this plain language, the statute runs head-first into longstanding precedent from the United States Supreme Court. In *Hustler Magazine, Inc. v. Falwell*, a magazine published an article

²⁵ *Gooding v. Wilson*, 405 U.S. 518, 519 (1972)

²⁶ *Lewis v. City of New Orleans*, 415 U.S. 130, 132 (1974)

²⁷ *City of Houston, Tex. v. Hill*, 482 U.S. 451, 455 (1987)

²⁸ *Buddenberg v. Weisdack*, No. 2018-1209, 2020 WL 4341889, at *2 (Ohio July 29, 2020) (quoting Ohio Rev. Code § 1.42, cleaned up).

²⁹ *Buddenberg*, 2020 WL 4341889, at *2.

³⁰ The statute similarly outlaws communications that “cause another person to believe that the offender will cause physical harm to the other person.” Because the complaint only charges Ms. Criscione with acting with a purpose to cause mental distress, the physical-harm provision is not at issue in this case.

purporting to be a first-person account of a televangelist's experience of losing his virginity to his mother. A jury awarded the televangelist hundreds of thousands of dollars in damages for the emotional distress he suffered as a result of the article, but the Supreme Court reversed, holding that the First Amendment protects speech against claims for emotional distress:

“Generally speaking the law does not regard the intent to inflict emotional distress as one which should receive much solicitude, and it is quite understandable that most if not all jurisdictions have chosen to make it civilly culpable where the conduct in question is sufficiently ‘outrageous.’ But in the world of debate about public affairs, many things done with motives that are less than admirable are protected by the First Amendment. ... [W]e think the First Amendment prohibits such a result in the area of public debate about public figures.”³¹

But that rule goes far beyond debate about public figures. In *Snyder v. Phelps*,³² the father of a Marine killed in action brought a claim for intentional infliction of emotional distress against a pastor who picketed the son's funeral with signs saying “Thank God for Dead Soldiers” and “You're Going to Hell.” Again, a jury awarded a verdict based on the emotional distress inflicted by the defendant's writings, and again, the Supreme Court reversed, holding that speech can't be outlawed just because it makes someone very sad: “Given that Westboro's speech was at a public place on a matter of public concern, that speech is entitled to ‘special protection’ under the First Amendment. Such speech cannot be restricted simply because it is upsetting or arouses contempt.”³³

But Subsection (A)(2) makes no allowance for speech about public figures that causes them emotional distress. It makes no allowance for speech about matters of public concern that cause someone emotional distress. It makes no allowance for any protected speech whatsoever.

The statute therefore prohibits any writing that causes anyone any mental distress about anything, including the writings at issue in *Hustler* and *Snyder*, cases where a jury found that the

³¹ *Hustler Magazine, Inc.*, 485 U.S. at 53.

³² 562 U.S. 443 (2011).

³³ *Snyder*, 562 U.S. at 458.

defendants acted not just knowingly but intentionally. And the statute outlaws far more. If the father in *Snyder* received a letter from the Marines informing him of his son's death, the person who wrote it—knowing it would cause him mental distress—could also be convicted under Subsection (A)(2). Therapists who practice via text message³⁴ are likewise in danger, as they know that the questions they need to ask are apt to cause mental distress to their clients. If a failed presidential candidate is having trouble accepting the outcome of an election, Subsection (A)(2) makes it illegal to send him a tweet calling him a loser.

These are only a few of the potential applications that the Court must balance against the applications within the Subsection (A)(2)'s "plainly legitimate sweep." But what is left in that latter category? Very little, given the language limiting the statute to pure speech and excluding any other means of inflicting mental distress. Perhaps the statute could be used to punish written communications between two parties on a matter of purely private concern, but even that application would not be "plainly" legitimate, given the long line of precedent with dicta pointing in the opposite direction.³⁵

Because there are almost no circumstances under which it is "plainly legitimate" to outlaw pure speech based on its potential effect on its recipients, Subsection (A)(2) is unconstitutionally overbroad.

³⁴ See, e.g., Shannon Palus, *What Is Text Therapy, and Does It Work?*, New York Times (May 7, 2018) (<https://www.nytimes.com/wirecutter/blog/text-therapy/>).

³⁵ See, e.g., *Capitol Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 760 (1995) ("[P]rivate religious speech, far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as secular private expression."); *Connick v. Myers*, 461 U.S. 138, 147 (1983) ("We in no sense suggest that speech on private matters falls into one of the narrow and well-defined classes of expression which carries so little social value, such as obscenity, that the State can prohibit and punish such expression by all persons in its jurisdiction."); *United Mine Workers of Am., Dist. 12 v. Illinois State Bar Ass'n*, 389 U.S. 217, 223 (1967) ("[T]he First Amendment does not protect speech and assembly only to the extent it can be characterized as political."); *Thomas v. Collins*, 323 U.S. 516, 531 (1945) ("This conjunction of liberties is not peculiar to religious activity and institutions alone. The First Amendment gives freedom of mind the same security as freedom of conscience. . . . Great secular causes, with small ones, are guarded.").

2. **Ohio Rev. Code § 2917.21 (Telecommunications harassment)**

- a. **Using ordinary rules of grammar and usage, Subsection (B)(2) criminalizes all online speech that is alarming, harmful, or cruel.**

Subsection B(2) is written using plain language:

No person shall knowingly post a text or audio statement or an image on an internet web site or web page for the purpose of abusing, threatening, or harassing another person.

Ohio courts have never struggled to decipher the meaning of these words. Most recently, the First District laid out definitions for “abusing, threatening, or harassing” in *In re C.W.*³⁶ Relying on Black’s Law Dictionary and Webster’s Third New International Dictionary, it held that courts should use the following definitions:

- “Harassment” means that the accused “intended to alarm or to cause substantial emotional distress to the recipient.”³⁷
- “Threaten” means to make “an expression of an intention to inflict evil, injury, or damage on another usually as retribution or punishment for something done or left undone. ... It connotes almost any expression of intent to do an act of harm against another person irrespective of whether that act is criminal.”³⁸
- “Abuse” means “cruel or violent treatment of someone; specifically physical or mental maltreatment, often resulting in mental, emotional, sexual, or physical injury.”³⁹

Subsection (B)(2) therefore imposes criminal liability for all of the following speech, assuming it occurs online:

- Statements intended to “alarm” or “distress” their recipients.
- Statements of an intent to inflict any harm on another, regardless of whether inflicting that harm would be criminal.
- Statements that amount to “cruel ... treatment” of another person.

³⁶ No. C-180677, 2019 WL 6977924, at ¶ 16 (Ohio Ct. App. Dec. 20, 2019).

³⁷ *Id.* (cleaned up).

³⁸ *Id.* (cleaned up).

³⁹ *Id.* (cleaned up).

Subsection (B)(2) therefore criminalizes any online speech that a recipient would find alarming, harmful, or cruel, regardless of whether it otherwise inflicts any legally cognizable harm. In short, it imposes a six-month jail sentence on anyone who uses the Internet to say anything very scary or mean.

b. Construed using ordinary rules of grammar and usage, Subsection (B)(2) criminalizes a substantial amount of protected activity.

Construed using ordinary rules of English language, Subsection (B)(2) is a “a criminal prohibition of alarming breadth.”⁴⁰ It outlaws pure speech on the basis of its content: messages with “harassing, threatening, or abusing” content are forbidden, but messages with content that is reassuring or comforting or encouraging are not. But the government is generally forbidden from imposing such content-based restrictions, which are only permitted “when confined to the few historic and traditional categories of expression long familiar to the bar,” such as defamation, obscenity, and incitement.⁴¹ None of the categories of speech outlawed in Subsection (B)(2) fall into any of those categories:

- The Supreme Court has already held that the government may not impose liability for “harassing” speech—i.e., speech that causes “substantial emotional distress to the recipient”—as it remains protected under the First Amendment.⁴²
- Nor may it broadly prohibit “threatening” speech; while it may outlaw the very narrow category of “true threats,”⁴³ the vast majority of threatening communications—such as threats of a lawsuit, criminal charges, discipline, electoral defeat, or withheld affection—remain fully protected.

⁴⁰ *United States v. Stevens*, 559 U.S. 460, 474 (2010).

⁴¹ *United States v. Alvarez*, 567 U.S. 709, 717 (2012) (cleaned up).

⁴² *Snyder*, 562 U.S. at 460 (“[T]he First Amendment bars Snyder from recovery for intentional infliction of emotional distress.”).

⁴³ *Virginia v. Black*, 538 U.S. 343, 359 (2003) (“‘True threats’ [are] statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.”).

- The same is true of “abusing” speech; while the government may punish “‘fighting words,’ those personally abusive epithets which, when addressed to the ordinary citizen, are, as a matter of common knowledge, inherently likely to provoke violent reaction,”⁴⁴ the First Amendment continues to protect “the language of the political arena, [which] is often vituperative, *abusive*, and inexact.”⁴⁵

None of Subsection (B)(2)’s categories of content-based restrictions are constitutional. It makes no exception for the kinds of harassing and distressing speech the Supreme Court held to be protected in *Hustler* and *Snyder*. Its ban on “threatening” statements is not limited to true threats of violence; it prohibits threats of *any* harm to another, “irrespective of whether that act is criminal.”⁴⁶ And its ban on statements “abusing” another are not limited to fighting words; it includes any “cruel ... treatment” of another.⁴⁷

Indeed, the statute permits only two exceptions: for statements by the press⁴⁸ and for statements made in compliance with the Fair Debt Collection Practices Act and the Telephone Consumer Protection Act.⁴⁹

On one side of the scale then, the Court must place virtually endless applications of the law to fully protected speech. The State could jail a political activist who harasses Senator Portman by calling his office every day to demand a \$2,000 stimulus check. It could jail a car dealer for “threatening” economic injury by cutting his prices so low his competition will go out of business. It could jail divorcing spouses for “abusing” each other by cruelly enumerating each other’s inadequacies. And, come January 20, the police would be free to haul President Trump in front of a judge to account for his Twitter feed, which is rife with statements harassing and abusing people by

⁴⁴ *Cohen v. California*, 403 U.S. 15, 20 (1971).

⁴⁵ *Watts v. United States*, 394 U.S. 705, 708 (1969) (emphasis added).

⁴⁶ *Id.* (cleaned up).

⁴⁷ *Id.* (cleaned up).

⁴⁸ Ohio Rev. Code § 2917.21(F).

⁴⁹ Ohio Rev. Code § 2917.21(H).

calling them “horseface,”⁵⁰ “crazy,”⁵¹ “a stone cold loser,”⁵² “dumb and incompetent,”⁵³ and “extremely unattractive.”⁵⁴

It is tempting to dismiss these possibilities as too far-fetched to merit discussion, but if the State could be trusted to resist the tendency to censorship, this case wouldn’t exist, and we wouldn’t need a First Amendment to put an end to it. Ms. Criscione’s case is hardly unique. Before attempting to shut her up, it targeted many other speakers, using § 2917.21 to convict a girl who warned her Facebook friends about a child molester,⁵⁵ an employer who used profanities while disciplining a subordinate,⁵⁶ a woman who called her ex-husband to discuss their children,⁵⁷ a husband who called his wife to beg her not to divorce him,⁵⁸ and a boy who used Instagram to invite imaginary clowns to his school district.⁵⁹ None of those convictions survived appeal.

What, then, is left to balance out these patently unconstitutional applications? Subsection (B)(2) targets pure speech alone, so there is no harmful conduct to weigh against its infringements on speech. The only thing within the statute’s “legitimate sweep,” then, are true threats and fighting words, which are already outlawed under separate statutes for menacing and incitement.⁶⁰

⁵⁰ @realDonaldTrump, TWITTER (Oct. 16, 2018, 11:04 AM), <https://twitter.com/realDonaldTrump/status/1052213711295930368>.

⁵¹ @realDonaldTrump, TWITTER (Mar. 22, 2018, 6:19 AM), <https://twitter.com/realDonaldTrump/status/976765417908776963>.

⁵² @realDonaldTrump, TWITTER (Jun. 3, 2019, 3:51 AM), <https://twitter.com/realDonaldTrump/status/1135453891326238721>.

⁵³ @realDonaldTrump, TWITTER (Jun. 3, 2019, 3:51 AM), <https://twitter.com/realDonaldTrump/status/1135453895277203458>.

⁵⁴ @realDonaldTrump, TWITTER (Oct. 28, 2012, 11:59 AM), <https://twitter.com/realDonaldTrump/status/262584296081068033>.

⁵⁵ *State v. Ellison*, 178 Ohio App. 3d 734 (2008)

⁵⁶ *State v. Patel*, No. 03 BE 41, 2004 WL 614986 (Ohio Ct. App. Mar. 24, 2004)

⁵⁷ *State v. Davidson*, No. CA2009-05-014, 2009 WL 4895668 (Ohio Ct. App. Dec. 21, 2009)

⁵⁸ *Parma Hts. v. Barber*, No. 93005, 2010 WL 2783705 (Ohio Ct. App. July 15, 2010)

⁵⁹ *In re C.W.*, 2019 WL 6977924

⁶⁰ Ohio Rev. Code §§ 2903.22 and 2917.01.

Judged in relation to the statute’s plainly legitimate sweep, then, the unconstitutional applications of Subsection (B)(2) are not just substantial, they are virtually limitless. While the Supreme Court warns that American courts “are unable to sustain a conviction that may have rested on a form of expression, however distasteful, which the Constitution tolerates and protects,”⁶¹ that is just the sort of conviction the State is asking for here. The Court should find Subsection (B)(2) overbroad and dismiss the charge.

Because both subsections target pure speech, leave no exceptions for speech that is categorically protected under the First Amendment, and have few—if any—plainly legitimate applications, they Court should find that they are overbroad.

II. Because they fail to provide notice of what conduct is forbidden and invite discriminatory enforcement, the statutes charged are void for vagueness.

“Vagueness may invalidate a criminal law for either of two independent reasons. First, it may fail to provide the kind of notice that will enable ordinary people to understand what conduct it prohibits; second, it may authorize and even encourage arbitrary and discriminatory enforcement.”⁶² A law is void for vagueness if “it leaves the public uncertain as to the conduct it prohibits or leaves judges and jurors free to decide, without any legally fixed standards, what is prohibited and what is not in each particular case.”⁶³

This case highlights the danger of such vague criminal laws. The General Assembly’s draftsmanship created a pair of statutes that broadly criminalize any electronic communication that bothers anyone else. Ordinary people have no way to know what speech they must censor to avoid legal peril. A Twitter user who wants to avoid criminal prosecution in Brook Park, for instance, is responsible for censoring herself to ensure she says not only nothing that any of the platform’s 340

⁶¹ *Street v. New York*, 394 U.S. 576, 594 (1969).

⁶² *Morales*, 527 U.S. at 56.

⁶³ *Giaccio v. State of Pa.*, 382 U.S. 399, 402–03 (1966).

million users will find distressing, abusing, threatening, or harassing, but nothing that the Brook Park Police Department decides meets its low bar for probable cause to believe her speech was distressing, abusing, threatening, or harassing. There is no way for users to meet that standard, and even if there were, there is no way the First Amendment would allow it.

Given the State's aggressive interpretation of the statute in this case, it takes only a moment's exposure to social media to realize that virtually anyone could be the State's next victim. The Brook Park Police Department, for instance, serves up a bounty of potentially criminal speech on its Facebook page. When a mother responded to a post about a warrant being issued for her son, Bryan L. Morris, the police permitted a digital lynch mob to attack and harass her, expressing their hope that "he gets his ass beat and those pretty teeth knocked out of his head,"⁶⁴ blaming her for "how you raised this little thug POS,"⁶⁵ and offering their predictions about how fellow prisoners will "[m]ake him kill himself."⁶⁶ After Mr. Morris turned himself in, the sister of a Brook Park Police Department officer told a man who criticized the police that he was a "little b****."⁶⁷

Of course, no criminal charges were forthcoming for causing the mother mental distress, nor for abusing, threatening, or harassing critics of the police, because Ohio Rev. Code §§ 2903.211 and 2917.21 "encourage arbitrary and discriminatory enforcement."⁶⁸ If speech undermines Sara Thurmer's reputation and business interests, the police will investigate and bring charges; if it supports their agenda, the police are on the sidelines with popcorn.

But if the First Amendment is to have any value, the government may not enact sweeping restrictions on speech and leave the rest of us to hope the police don't take offense to anything we

⁶⁴ Ex. D at DEFT00051.

⁶⁵ *Id.*

⁶⁶ *Id.* at DEFT00054.

⁶⁷ Ex. E at DEFT00057.

⁶⁸ *Morales*, 527 U.S. at 56.

say, but that is what these two sections do. Because they fail to provide notice of what conduct is criminalized and because they encourage discriminatory enforcement, Ohio Rev. Code §§ 2903.211 and 2917.21 are void for vagueness.

III. Because the State is attempting to prosecute Ms. Criscione for the content of her speech, the statutes charged are unconstitutional as applied.

“An ordinance which is not overbroad on its face may nevertheless be unconstitutional as applied if it is enforced against a protected activity.” *Felix v. Young*.⁶⁹

A. Because the State invaded the province of First Amendment protection, the Court must dismiss the charges, regardless of whether the charges are content-based.

More than simply sorting different types of speech into protected and unprotected categories, the First Amendment provides robust protection against the use of government power to suppress speech based on the State’s assessment of its effects.

In *Terminiello v. City of Chicago*,⁷⁰ for instance, Chicago police charged a man with disorderly conduct for giving a speech that “vigorously, if not viciously, criticized various political and racial groups whose activities he denounced as inimical to the nation’s welfare.”⁷¹ State courts upheld his conviction after determining his speech consisted of unprotected “fighting words,” but the Supreme Court reversed, holding that their analysis skipped over the threshold question of whether the government “invaded the province” of protected speech by predicating criminal charges on speech that “stirs the public to anger, invites dispute, brings about a condition of unrest, or creates a disturbance.”⁷² Police and prosecutors may not round up citizens who say things that upset their neighbors, the Court held, because the entire point of the First Amendment is to “invite dispute”:

⁶⁹ 536 F.2d 1126, 1134 (6th Cir. 1976).

⁷⁰ 337 U.S. 1 (1949).

⁷¹ *Terminiello*, 337 U.S. at 3.

⁷² *Terminiello*, 337 U.S. at 4.

It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech, though not absolute ... is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest.⁷³

But inconvenience, annoyance, and unrest are just the conditions the State relies on here. It alleges Ms. Criscione caused “distress” and “annoy[ed]” someone, but it does not allege that her speech poses a clear and present danger of some serious substantive evil. The police report leading to the charges suggests reputational damage to the State’s alleged victim, but damaging the reputation of a negligent and incompetent nursing-home administrator is not a substantive evil, let alone one that rises “far above” annoyance and unrest.

Because the State is attempting to procure a conviction based on the tendency of pure speech to cause unrest, the content of that speech is immaterial to the question of First Amendment protection; the charges against Ms. Criscione invaded the province of First Amendment protection, so the Court must dismiss the charges.

B. Because the State’s case is retaliation based on the content of protected speech, the Court must dismiss the charges.

“[T]he First Amendment prohibits government officials from subjecting an individual to retaliatory actions for engaging in protected speech.”⁷⁴ “[A] prosecution motivated by a desire to discourage expression protected by the First Amendment is barred and must be enjoined or dismissed, irrespective of whether the challenged action could possibly be found to be unlawful.”⁷⁵

⁷³ *Terminiello*, 337 U.S. at 4.

⁷⁴ *Nieves v. Bartlett*, 139 S. Ct. 1715, 1722 (2019) (quoting *Hartman v. Moore*, 547 U.S. 250, 256 (2006)).

⁷⁵ *United States v. P.H.E., Inc.*, 965 F.2d 848, 853 (10th Cir. 1992).

Establishing a retaliatory arrest moves in two steps: First, the arrestee must establish that retaliation was a substantial or motivating factor for her arrest, then the government may overcome the presumption of retaliation by proving that it would have arrested her even without that motive.⁷⁶

For instance, in *Cohen*, 403 U.S. 15, police charged a defendant with disturbing the peace because he walked into a courthouse wearing a jacket that said “Fuck the Draft.” State courts affirmed the conviction, reasoning that even if the words on his jacket were protected speech, his “premeditated intent of attracting the attention of others to the message on his jacket” was unprotected conduct.⁷⁷ The Supreme Court reversed and vacated the conviction; because inciting lawlessness is the only intent that can independently strip words of First Amendment protection,⁷⁸ there was nothing left for the state to rely on to justify the prosecution: “The conviction quite clearly rests upon the asserted offensiveness of the words Cohen used to convey his message to the public. The only ‘conduct’ which the State sought to punish is the fact of communication. Thus, we deal here with a conviction resting solely upon ‘speech.’”⁷⁹

1. Because the complaints admit they are based on Ms. Criscione’s speech, First Amendment retaliation is a substantial factor motivating her arrest.

Here, the complaints make no secret about the reason the State wants to put Ms. Criscione in jail. The telecommunications-harassment complaint relies exclusively on speech, saying only that Ms. Criscione “did knowingly post several text and video/audio messages to a social media website.” The menacing complaint makes the same admission. It explicitly acknowledges that the State is

⁷⁶ *Novak v. City of Parma*, 932 F.3d 421 (6th Cir. 2019).

⁷⁷ *People v. Cohen*, 1 Cal. App. 3d 94, 103 (Cal. Ct. App. 1969), *rev’d sub nom. Cohen v. California*, 403 U.S. 15 (1971).

⁷⁸ *Cohen*, 403 U.S. at 18 (“At least so long as there is no showing of an intent to incite disobedience to or disruption of the draft, Cohen could not, consistently with the First and Fourteenth Amendments, be punished for asserting the evident position on the inutility or immorality of the draft his jacket reflected.”).

⁷⁹ *Cohen*, 403 U.S. at 18.

seeking to jail Ms. Criscione because of her speech, saying she violated the law by engaging in a “pattern of conduct” consisting of “posting multiple negative messages to a website” and “trespassing.” Law enforcement’s desire to punish speech is therefore a substantial factor motivating Ms. Criscione’s prosecution.

2. Because the complaints allege only one act other than speaking as a basis for the charges, the State cannot establish that it would have prosecuted Ms. Criscione for some reason other than her speech.

There is nothing that the State could rely on to demonstrate that it would prosecute Ms. Criscione for telecommunications harassment regardless of her speech, as Subsection (B)(2) applies to nothing other than communications through statements and images.

The menacing charge, meanwhile, alleges a “pattern of conduct,” most of which consists of posting “negative messages.” But as in *Cohen*, negative messages are speech, not conduct, so the state cannot rely on them to make out a *pattern* of conduct. The only thing left, then, is the allegation that Ms. Criscione trespassed on September 20, but a single act is legally insufficient to establish a pattern of conduct.⁸⁰ The State may not conjure up more conduct using Ms. Criscione’s alleged mental state at the time of her speech, as *Cohen* bars it from relying on any mental state other than an “intent to incite,”⁸¹ which is neither an element of the offense nor alleged in the complaints. Even if the State spun the charges as criminalizing the conduct of inflicting mental distress through speech, it would still fail, because the First Amendment likewise forbids outlawing speech based on its effect on those who hear it: “Listeners’ reaction to speech is not a content-neutral basis for regulation. ... This Court has held time and again: ‘Regulations which permit the Government to discriminate on the basis of the content of the message cannot be tolerated under the First Amendment.’”⁸²

⁸⁰ *State v. Hersb*, 974 N.E.2d 161, 164 (Ohio Ct. App. 2012) (“‘Pattern of conduct’ is defined as ‘two or more actions or incidents closely related in time...’”).

⁸¹ *Cohen*, 403 U.S. at 18.

⁸² *Forsyth Cty., Ga. v. Nationalist Movement*, 505 U.S. 123, 134–35 (1992).

Because the State relies on the content of Ms. Criscione’s speech to justify its prosecution, it cannot avoid dismissal for retaliation unless it can demonstrate that it would have charged her regardless of that content. But because it cannot rely on either her motives or her audience’s reaction to make that showing, and because a single act of alleged trespassing is neither a “pattern of conduct” under Ohio Rev. Code § 2903.211 nor a “text or audio statement” under Ohio Rev. Code § 2917.21, it has no way of satisfying its burden. The prosecution is First Amendment retaliation, and the Court may not allow it go any further.

C. The Court must dismiss the case because the State is selectively prosecuting Ms. Criscione based on First Amendment–protected activity.

“Although prosecutorial discretion is broad, it is not unfettered. Selectivity in the enforcement of criminal laws is ... subject to constitutional constraints. In particular, the decision to prosecute may not be deliberately based upon an unjustifiable standard such as race, religion, or other arbitrary classification ... including the exercise of protected statutory and constitutional rights.”⁸³

A selective-prosecution defense requires a defendant to make a *prima facie* showing “(1) that, while others similarly situated have not generally been proceeded against because of conduct of the type forming the basis of the charge against him, he has been singled out for prosecution, and (2) that the government’s discriminatory selection of him for prosecution has been invidious or in bad faith, i.e., based upon such impermissible considerations as race, religion, or the desire to prevent his exercise of constitutional rights.”⁸⁴

Here, the Bryan Morris case discussed above—along with even the most cursory peek at the Internet—demonstrates that the City routinely tolerates comments like those Ms. Criscione is

⁸³ *Wayte v. United States*, 470 U.S. 598, 608 (1985) (cleaned up).

⁸⁴ *Cleveland v. Trzebuckowski*, 85 Ohio St. 3d 524 (1999).

alleged to have made, yet the State does not bring charges against those who cause “mental distress” to people other than Sara Thurmer, nor does it charge those who post comments “abusing, threatening, or harassing” people other than Sara Thurmer. Ms. Criscione has therefore been “singled out for prosecution,” satisfying the first element, and the State admits in the complaints that it has selected her for prosecution based on her speech, which is protected by the First Amendment and therefore an exercise of her constitutional rights.

The charges thus constitute selective prosecution in violation of Ms. Criscione’s rights to free speech and equal protection.

IV. Because they rely on protected speech to satisfy the elements of the charged offenses, the complaints are not supported by probable cause.

Under Crim.R. 4, the case may not proceed unless it is based on a complaint supported by probable cause, as determined by a neutral and detached magistrate. The defendant’s right to “an independent interpretation of probable cause by the judge, magistrate, clerk of court, or officer of the court designated by the judge ... is separate and apart from the responsibility of the executive branch (city prosecutor’s office) to prosecute violations of the law.”⁸⁵

Here, the complaints are not supported by probable cause. As discussed above, the menacing complaint relies on protected speech to establish a pattern of conduct, but the First Amendment bars it from doing so. Because the only actual conduct alleged is a single incident of trespassing, there is no probable cause to believe Ms. Criscione engaged in a “pattern of conduct,” and thus no probable cause to believe she committed menacing by stalking. Likewise, the telecommunications-harassment complaint relies on nothing but protected speech to satisfy the elements of the offense, and there is therefore no probable cause to believe Ms. Criscione violated that statute, either.

⁸⁵ *State v. Moss*, No. 2003CA00218, 2003 WL 22672018, at *2 (Ohio Ct. App. Nov. 10, 2003).

Further, neither the complaints nor the summonses were approved by a neutral and detached magistrate. Instead, both were signed by the alleged victim and notarized by a member of the police department. But they must be approved by a neutral and detached magistrate, which requires “severance and disengagement from activities of law enforcement.”⁸⁶ Because the investigating officer is fully involved and engaged in the activities of law enforcement, the complaints and summonses are invalid and insufficient to trigger the Court’s jurisdiction.

Because the complaints and summonses were neither supported by probable cause nor approved by a neutral and detached magistrate, the Court must dismiss the charges against Ms. Criscione.

CONCLUSION

The State has launched an ill-conceived effort to criminalize saying mean things on the Internet. But it has targeted protected speech and charged it as an offense under facially unconstitutional laws. The case must be dismissed immediately to avoid any further chill on Ms. Criscione’s protected speech.

⁸⁶ *Shadwick v. City of Tampa*, 407 U.S. 345, 350 (1972).

Respectfully submitted,

THE CHANDRA LAW FIRM LLC

/s/ Brian D. Bardwell

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Cleveland, OH 44113-1326
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Brian.Bardwell@ChandraLaw.com

Attorney for Defendant Gina Criscione

CERTIFICATE OF SERVICE

I certify that on January 6, 2021, this document was served on opposing counsel as provided by Civ. R. 5(B)(2)(b)(i).

/s/ Brian D. Bardwell

Attorney for Defendant Gina Criscione

BROOK PARK POLICE

17401 HOLLAND ROAD 216-433-1234

Incident Number

20-077559

Incident / Offense Report

Offense	Method Received	Time Received	Time Dispatched	Time Arrived	Time Cleared:
	R	09/30/2020 12:29:10	09/30/2020 12:29:10	09/29/2020 12:29:10	09/30/2020 12:29:52

Report Date / Time	Incident Occurred From	Incident Occured To
Date Time	Date Time	Date Time
Wednesday 09/30/2020 12:29:52	Wednesday 09/30/2020 12:29:10	Wednesday 09/30/2020 12:29:10

Location of the Incident (Street #, Street, Apt. #, City, State, Zip) Zone
6360 ELMDALE RD BROOK PARK OH 44142 EAST PARK RETIREMENT COMMUNITY **2**

Persons Involved:	GINA MARIE CRISCIONE - ARA SARA ANN THURMER - VIC LAURA DIVINCENZO - OIV - - -	Property:	
		Amount:	
		Type:	DEPARTMENTAL INFORMATION

Units:	Officers:	
1st: 2114	HAROLD DUNCAN	
2nd:		
3rd:		
4th:		
5th:		Photos:

Codes:	Descriptions:	OFFENSES	
1398B	MENACING BY STALKING		2903.211
5309B	TELECOMMUNICATION HARASSMENT		2917.21

Weapons Used:	Trade Marks:	Hate Bias
UNKNOWN	Familiar With Premises	
Entry:	Location Type:	
	Other Residential Facility	

Refer to Arrest: _____ Incident #: _____ Tow#: _____ Dispatcher: **RMN** Officer in Charge: **2111** Entry Id: **RM**

Case Status: _____ Cleared Date: **09/30/2020** Cleared By: _____

Narrative: 20-077559 Page: 1

Title to Read: Menacing by Stalking/ Telecommunications Harassment/ Named Suspect/ No Arrest

An adult female has engaged in a pattern of conduct by making numerous harassing postings on social media.



HAROLD DUNCAN Bureau St **SGT HAROLD DUNCAN**
 Reviewing Supervisor: _____ Officer: _____ DEFT00028

BROOK PARK POLICE

Incident Number

20-077559

Page # 2

Persons Involved with Incident

Incident #: 20077559 **Relation:** ARA **Arrest #:** **CAD #:** **Date of Contact:** 10/15/2020 **Phone:**

First Name: GINA **Middle:** MARIE **Last Name:** CRISCIONE **Til:** **DOB:** 01/23/1956 **SSN:** **Pager:**

Street #: 6093 **Street Name:** CREEKSIDE DR **Apt:** **City:** PARMA HEIGHTS **St:** OH **Zip:** 44130 **Cell Phone:** **Employer Phone:**

Hgt: 501 **Wgt:** 130 **Hair:** BRO **Eyes:** BRO **Race:** W **Sex:** F **Physical Marks:**

Offenses:

Resident Class: Other **Suspected of using:** / **Victim Type:**

Incident #: 20077559 **Relation:** VIC **Arrest #:** **CAD #:** **Date of Contact:** 09/30/2020 **Phone:**

First Name: SARA **Middle:** ANN **Last Name:** THURMER **Til:** **DOB:** 08/28/1958 **SSN:** **Pager:**

Street #: 15428 **Street Name:** SHORE ACRES **Apt:** **City:** CLEVELAND **St:** OH **Zip:** 44110 **Cell Phone:** **Employer Phone:**

Hgt: 503 **Wgt:** 125 **Hair:** BRO **Eyes:** BRO **Race:** W **Sex:** F **Physical Marks:**

Offenses:

Resident Class: Other **Suspected of using:** / **Victim Type:** Individual

Incident #: 20077559 **Relation:** OIV **Arrest #:** **CAD #:** **Date of Contact:** 09/30/2020 **Phone:**

First Name: LAURA **Middle:** **Last Name:** DIVINCENZO **Til:** **DOB:** **SSN:** **Pager:**

Street #: **Street Name:** **Apt:** **City:** **St:** **Zip:** **Cell Phone:** **Employer Phone:**

Hgt: **Wgt:** **Hair:** **Eyes:** **Race:** W **Sex:** F **Physical Marks:**

Offenses:

Resident Class: Unknow **Suspected of using:** / **Victim Type:**

Reviewing Supervisor:

Bureau Supervisor:

SGT HAROLD DUNCAN

Officer: DEFT00029

BROOK PARK POLICE

Incident Number

20-077559

Investigative Report

Title / Subject:

On Friday, September 25th, 2020, Laura DiVincenzo contacted me in regards to harassing telecommunications against one of her employees, Sara Thurmer. DiVincenzo owns the East Park Retirement/ Assisted Living/ Nursing Home Center. Thurmer is the Administrator for the Care Center. The person sending the harassing communications is Gina Marie Criscione.

Criscione's mother, Dorothy Mandanici, was a former resident of the Care Center and was discharged from East Park on May 23rd, 2020 to the Mt. Alverna Skilled Nursing Facility where she reportedly passed away several weeks later.

DiVincenzo provided me with several social media postings and videos that were posted by Criscione that were directed at Thurmer and the East Park Center. In the text postings, Criscione describes the residents of East Park as being kept in isolation with the shades closed and denied the opportunity to communicate with family. Criscione states that her mother suffered from dehydration and bruising while in the care of East Park under the watch of Thurmer. Criscione also refers to the facility as the "East Puke Care Center" and labels it "the scum of the earth" and advises the readers of this public post to not put their parents into this facility. Criscione refers to Thurmer as a "lying bitch" and stated that she ruined her communication with her mother.

Two videos were provided to me from DiVincenzo with one of them showing Criscione outside of East Park on Elmdale Road with picket signs. The other video shows her and her mother inside of the Care Center with Criscione coaching her mother in what to say leading the people watching the video on social media to believe that all of the residents in the Care Center are sick and unable to come to the cafeteria for their meals.

On October 1st, 2020 at 1120 hours, I spoke with Criscione via telephone and advised her of the complaint. Criscione stated that she has said her peace on Facebook and she is done. Criscione stated that she has filed complaints with the Department of Health and waiting to see the outcome of their investigation. Criscione stated that she has not been on East Park's property within the past several months and has no intention of going anywhere near the facility. Criscione further states that anything that is posted now is on her private page.

I met with Thurmer at the East Park Care Center on October 1st, 2020. Thurmer stated that this situation with Criscione has caused her stress both professionally and personally. Thurmer stated that she is constantly being contacted by her colleagues from other nursing homes advising her of the negative postings online. Thurmer stated that she has been advised by other employees that Criscione has been seen on the property and she now fears for her own safety.

This report will be forwarded to the prosecutor for his review and recommendation on charges.

Statements and Social Media Postings attached.

By: SGT HAROLD DUNCAN

Badge# 2114

Date: 10/01/2020 Time: 08:58:1 No. 001 Page #: 3

Reviewing Supervisor: _____

Date: _____

DEFT00030

BROOK PARK POLICE

Incident Number

20-077559

Investigative Report

Title / Subject: UPDATE

On Thursday, October 15th Thurmer arrived on station to sign the charges against Criscione. Criscione was then contacted and she arrived later and received her copies of the charges, given her court date and released.

By: SGT RYAN WALSH

Badge# 2109

Date: 10/15/2020 Time: 18:50:2 No. 002 Page #: 1

Reviewing Supervisor: _____

Date: _____

DEFT00031

BROOK PARK POLICE DEPARTMENT

17401 HOLLAND ROAD
BROOK PARK, OH 44142
216-433-1234 / FAX 216-362-3222

I, SARA A. THURMER DO HEREBY MAKE THE FOLLOWING
(PRINT NAME)

STATEMENT OF MY OWN FREE WILL AND ACCORD CONCERNING Gina Criscione

WHICH OCCURRED ON/AT East Park Care Center + Social Media

ON THE _____ DAY OF 2020 AT _____ A.M. _____ P.M.
(MONTH/YEAR)

I have been working as the Administrator of East Park Care Center since September 2018. Dorothy Mandanici was a resident at East Park Care Center. Gina Criscione is her daughter. During the entire residency of Dorothy Mandanici at EPCC, I made myself completely available to Gina, by providing her with my cell #, as I did for any resident, family member or loved ones. Gina did take advantage of this and would call me excessively. I would address & resolve her issues/concerns right away to ensure her that her mother's care was in place & alleviate those anxieties for her. The recent actions from Gina have caused great distress in my life, both personally and professionally. Her actions are harassment. I believe she is determined to cause me harm and I feel very threatened by her.

SIGNED: Sara C. Thurmer
ADDRESS: 15428 Shore Acres Drive
HOME PHONE #: 216-224-4428
SSN# OR DRIVER'S LICENSE #: RF347212

DATE OF BIRTH: 8/25/1958

CELL #: same as home #

DATE: 10/1/2020 TIME: _____

OFFICER: D. [Signature]

ACCIDENT/COMPLAINT #: 20-077559

East Park Retirement Community

Laura DiVincenzo <ldivincenzo@epretire.com>

Mon 9/28/2020 5:32 PM

To: Harold Duncan <hduncan@cityofbrookpark.com>

Cc: Thomas Sensel <tsensel@cityofbrookpark.com>

 13 attachments (3 MB)

IMG_2624.jpg; IMG_2626.jpg; IMG_2625.jpg; IMG_2769.jpg; IMG_2818.jpg; image0000.jpg; image0000 (1).jpg; IMG_3225.jpg; IMG_2590.jpg; Screen Sh.jpg; Resized_2.jpg; Resized_2 (1).jpg; Resized_2 (2).jpg;

Hello Sergeant Duncan,

I have attached social media posts by Gina Criscione displaying telecommunication harassment and a pattern of conduct intended to inflict mental distress on East Park employee Sara Thurmer, our nursing home administrator.

To provide you with some background, Ms. Criscione's mother, Dorothy Mandanici, was a resident at East Park Care Center from April 2017 to May 2020. Contrary to Ms. Criscione's assertions in her posts, the decision to move her mother was not made by Ms. Criscione. On May 23, 2020, Mrs. Mandanici was discharged from East Park Care Center to Mt. Alverna skilled nursing facility after a hearing conducted by the Ohio Department of Health. The hearing officer found in favor of East Park's determination that it could no longer provide the level of care required for Mrs. Mandanici. Ms. Criscione did not appeal that decision. According to the posts of Ms. Criscione, her mother passed away at Mt. Alverna several weeks later.

Also, in multiple posts, assertions that medical records were not provided to Ms. Criscione are also false.

Ms. Criscione was her mother's legal guardian. During the three year period of her mother's residence, Ms. Criscione complained constantly about her mother's care. She was told repeatedly that she was free to move her mother any time, but never did. Before the lockdown of nursing homes due to Covid 19, Ms. Criscione was at the facility on almost

a daily basis, and then also called repeatedly during the day and night to inquire about her mother. Sometimes calling ten or more times per day (a copy of phone records is available).

Sara Thurmer became the Licensed Nursing Home Administrator in September 2018. Because of the attention sought by Ms. Criscione, Ms. Thurmer provided her with her personal cell phone number, which resulted in Ms. Criscione texting her at all hours of the day and night, including when Ms. Thurmer was in Europe on vacation.

Ms. Thurmer holds a state license and has worked as an administrator in several facilities in the Cleveland area. She has been contacted by several people in the industry who have seen these posts. Ms. Criscione is blatant in her harassment attacking Ms. Thurmer's reputation and professional standing, causing Ms. Thurmer mental distress.

In addition to online harassment, Ms. Criscione has been seen picketing outside of the facility on Elmdale on several occasions. One of the attachments is one of her picket signs mentioning Ms. Thurmer, which she also posted online.

On the morning of Sunday, September 20, 2020, at approximately 9:00 am, employees witnessed Ms. Criscione driving on the grounds of East Park Retirement Community, where "No Trespassing" signs are posted.

The attachments and videos show fifteen separate acts thus far, establishing Ms. Criscione's pattern of conduct which she herself describes as a crusade where she has nothing to lose.

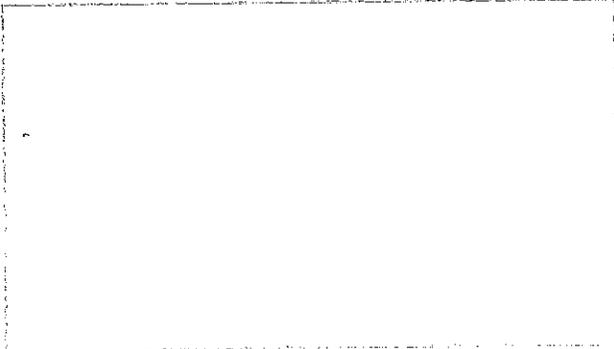
East Park has approximately 120 elderly residents on the property. Having Ms. Criscione escalating her behavior by coming onto the property is a major concern, since it is unknown what else she is capable of.

Please contact me for any further information or with any questions you might have.

You can reach Sara Thurmer at (216) 267-7229, and she is available to speak to you at the facility during normal business hours and on some weekends.

[https://www.facebook.com/1170794577/videos/10224350384605149/?
extid=jX8FRdJ1GC1zUkZj](https://www.facebook.com/1170794577/videos/10224350384605149/?extid=jX8FRdJ1GC1zUkZj)

[https://www.facebook.com/1170794577/videos/10224314333983906/?
extid=9qURh6mPJLzgAgMU](https://www.facebook.com/1170794577/videos/10224314333983906/?extid=9qURh6mPJLzgAgMU)

	<p>Gina</p> <p>I miss her and I will never stop exposing East Park Care Center.</p> <p>www.facebook.com</p>
--	---

Thank you,

Laura DiVincenzo, President
East Park Retirement Community



2:09

Jennifer Thompson English

Active Now



WHAT ARE
 YOU
 HIDING EAST?
 PARK?

SARA
 MORE
 FLAN
 STUFF?

Gina Marie Mandanici Criscione

4 HOURS AGO

1

1 Comment



Share



DEFT00036

Done

Edit



Gina Marie Mandanici Criscione



3h •

Lunch on Mondays and Thursdays. I'll be walking now, for lunch for the people at East Park in hope they feed them...



Gina Marie Mandanici Criscione



Jul 6 •



More



Replies



Gina Marie Mandanici
Criscione

Aut

· 1h



Thank you so much, my sweet mother died on June 20th I managed to move her. She arrived at Mount Alverna on State road on May22, bruised and dehydrated and with injuries that East Park told me were healed. She went from 130 pounds to 97 pounds, because of East Park. She died peacefully too soon with loving people around her at MT Alverna. Thank God. But for three months EP would not let me talk on the phone to my mother, they actually told staff if they called me for mom, they would be fired. we watched her decline rapidly through a dirty window....Yes the sweet little Administrator Sara Thurmer. She better run she better hid the ODH is on her ars right now...



Like



Reply

2 🥲



Write a reply...



Done

Edit



Gina Marie Mandanici Criscione



4h • 🌐

Good morning
Life with Me Gina Marie's fight for moms rights.
God I miss this lady more than I ever thought I
could miss anyone ❤️

I will find justice for mom and all the others in
East Park Care Center that are not being cared
for with a failing Administration.

Did I tell you they had to ask certain staff to hold
their pay checks and some checks bounced. I
heard it from a horses mouth. Sounds like a
failing administration to me.



👍❤️😭 4

5 Comments • 1 Share • 62 Views

👍 Like

➦ Share



Gina Marie Mandanici Criscione



More

X Gina Marie Mandanici Criscione

teeling hopeful with **Grace Miziker** and 5 others.

6d • 🌐

Good morning

Life With Me Gina Marie's morning thoughts:

Good morning Covid is still in the air folks ❤️ Wake us up from this bad dream. Lord give us the stamina to survive in this world today.

When mom passed away and went to a way better place on Saturday, June 20th, 2020, at 6:05 pm, I then had no time to even think about Covid and what was really going on out there in this world.

now...

I had to come back to the real world after we lost mom, and out of the nursing home drama and despair and pain we were being put through by East Park Care Center. That's over now. I pray the Lord is handling them right now as I pray for them. God knows the system is shot.

Normal? No one really talks about normal anymore.

😞 This is normal now. 😊

I guess I am taking this Covid Crisis day by day like everyone else. Making the best of shopping and wearing your facial covers and standing back from who you would normally run up to and hug, and limiting trips and places to go to... boo hoo.

Having that glass of wine at home at 9 pm maybe

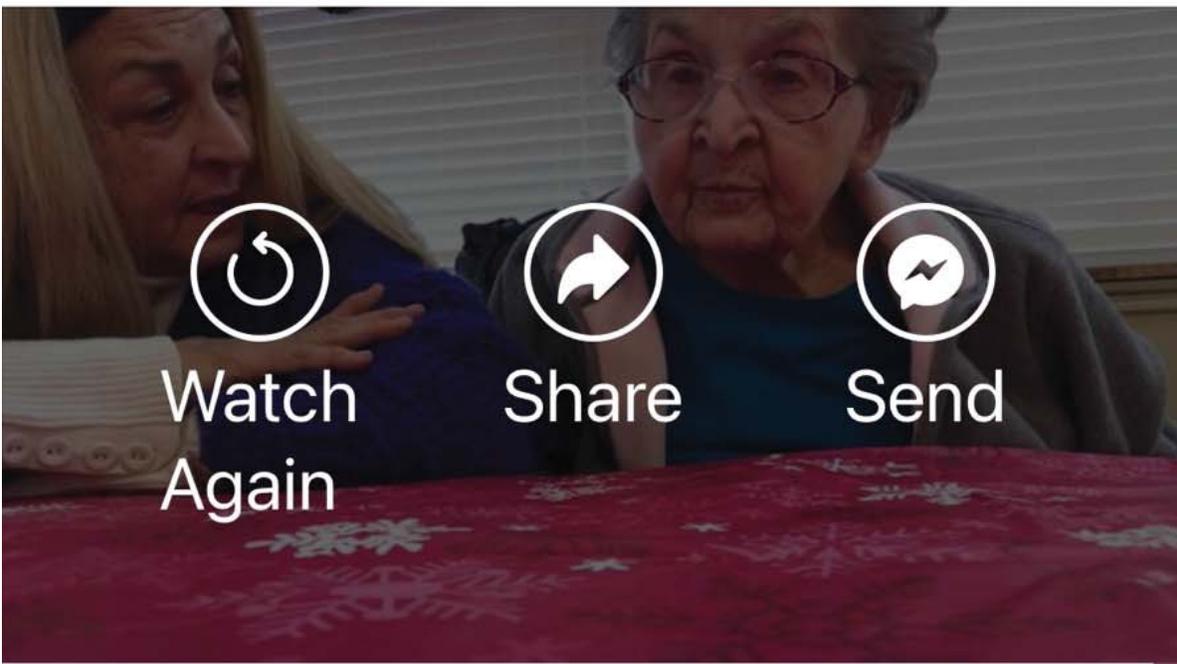


Gina Marie Mandanici Criscione



Friday at 8:05 AM · 🌐

Just another day at E. Puke Care Center, in Park Ohio. Never put your parents in here it is scum of the earth. I couldn't get my mother out of here fast enough. The name of the place is E. Park Care Center in Brook Park Ohio administrator Sara Thurmer she sucks. She ruined communication between me and my mother she's lying a bitch. There I said it I'm still waiting for results from the ODH, thanks for listening to the vent.



👍 6

1 Share 114 Views



OVERVIEW

REVIEWS

All

administration 3



Gina Criscione

7 reviews



★★★★★ 2 weeks ago

Words can not express...East Park Care Center
8 East Park Circle...my mother was dehydrated
and severely bruised during Covid quarantine. She
went downhill fast with the horrible
administration and care givers at this broken
down dump. I moved mom to a WAY BETTER
PLACE and my mother died with wounds on her
that East park told me were healed. Much more to
expose but there is not enough room here to tell
you the entire report. I'll be back after the ODH
gives me their reports! My mother weighed 130
on March 11th, and by May 22, the day I moved
her, she was only 100 pounds and dehydrated.
This place is bad...the worst of the worst!~ as you
can see one thing was did not know how to put
compression socks on my mother, EVER. This
was nothing to the restrained leg bruises.I never
got the medical records I had asked for Sara.

👍 3



Discover



Snapshot



Search



Collections



More

2:09

Jennifer Thompson English



Search



Gina Marie Mandanici Criscione

...

7h · 🌐

Good morning

Life with me Gina Marie and Dorothy's voice:

<https://www.facebook.com/groups/CriesInTheNight/>

Please join me, I am on a crusade to expose East Park Care Center, in Brook Park Ohio. They are doing wrong behind closed doors. If you or a family member or a friend want to voice this along with my Group, please join our Group to PROTECT the sick, and dementia , and Alzheimer Residents locked up in Quarantine right now. WE know not what goes on behind East Park, in Brook Park's closed doors...They never answered my calls for over a month, they with held her medical records form me.

Power is in numbers, I need people to walk the walk with me. Now, with this Covid, I hear more Cries In The Night than ever, coming from my friends here who experienced this with their families...Who's game. I will be taking this to another level. Hold on folks East Park is in for a RIDE, I HAVE NOTHING BUT TIME ON MY HANDS. In the name of my good mother and with all the prayer I have in me..... I want "Dorothy's LAW":

For nursing homes to provide information and medical records to the families in DUE TIME, when Requested by fax, as East Park, I

More

Edit

2:09

Jennifer Thompson English



Search

another level. Hold on folks East Park is in for a RIDE, I HAVE NOTHING BUT TIME ON MY HANDS. In the name of my good mother and with all the prayer I have in me..... I want "Dorothy's LAW":

For nursing homes to provide information and medical records to the families in DUE TIME, when Requested by fax, as East Park, I requested this over and over again. They gave me NONE. It's too late now, mom had passed. I know now she was over drugged and abused by negligence. I will voice this until someone listens!

God bless every one of the poor people in that place now, we need to act fast, who's gonna walk this with me?

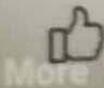
Just sayin'

Good Lord Jesus Christ, take away the fear and the pain of all the sick and injured in nursing homes today that do not provide adequate care and communication for our loved ones and respect for the families. Amen ❤️



This content isn't available right now

When this happens, it's usually because the owner only shared it with a small group of people, changed who can see it or it's been deleted.



Like



Comment



Share

Edit

DEF00044



← Gina Marie Mandanici Cris...



Gina Marie Mandanici Criscione



11m • 🌐

Sara Thurmer do you have bed bugs, your nursing home does?... Please take some home with you and dehydrate yourself like to did to my mother three times during Covid! Just sayin a passing thought. Pass it on Brook Parkers, and keep your parents home out of East Park and safe right now ❤️ I have a investigation going on right now! yes I do. And if your parent is suffering and your family gets no medical records, lots of things, one being compression sock never put on properly by Yolanda her shower girl even. She sucked too. Then you better report them to the ODH NOW! Thank you for listening to my rant, my mother suffered, our family suffered During Covid and even before at this rat hole. and I won't let go. I miss you mom, they escalated your passing of dementia, by not knowing how to handle dementia. So sorry momma, I will expose them as best I can. here va go>>>> biggest thing



Write a comment...



them to the ODH NOW! Thank you for listening to my rant, my mother suffered, our family suffered During Covid and even before at this rat hole. and I won't let go.

I miss you mom, they escalated your passing of dementia, by not knowing how to handle dementia. So sorry momma, I will expose them as best I can, here ya go>>>> biggest thing going there right now is Poor Care. Ask my friends with parents still in there.

 18

19 Comments

 Like

 Comment



Gina Marie Mandanici Criscione Author

Thank you for listening, we need to vote that rat hole to be torn down. they are torturing people like me and mom. I am not alone here, I am just not afraid to talk!

Like · Reply · 9h

 2



Debby Henderson

My heart is breaking for you 

Like · Reply · 8h

 1



Gina Marie Mandanici Criscione Author

aw ty, my poor momma , i cry 

Like · Reply · 4h



Write a reply...





Like



Share



Gina Marie Mandanici Criscione



9h • 🌐

It's time to expose the nasty people in the business of warehousing people in nursing homes. Speaking now for the folks that can not speak. For my mother, who tried to tell me, to get her out of there, as I watched through a dirty window her decline daily with poor care during Covid Quarantine. The isolated Demented and Alzheimer patients and residence in poorly Administrated facilities, locked down with shades closed and not communicating with families of the residence.. That's East Park Care Center in Brook Park.

Please join Cries in the Night * Tell us your nursing home experience



Done

Edit



Photos



Music



Gina Marie Mandanici Criscione



1h •

Read my Google review and tell me what you think of this place?

5 Comments



Like



Share



Gina Marie Mandanici Criscione



3h •

Sara Thurmer, I hope your watching, I am going to slowing expose you for what you really are. You should have never treated us like that shame on you. I have nothing to loose, but your job you have already ruined your reputation. How do you sleep?

2

2 Comments



Like



Share



Gina Marie Mandanici Criscione



3h •

More

Complaint # 20-077559

**BEREA MUNICIPAL COURT
BEREA, CUYAHOGA COUNTY, OHIO**

State of Ohio
/City of Brook Park

v.

Gina Marie Criscione

6093 Creekside Dr.
Parma Heights, Ohio 44130

DOB 01/23/1956 SS# [REDACTED]
Phone (440)503-4326

) NO. _____
)
) COMPLAINT BY INDIVIDUAL
)
) (Rule 4)
) **FORM I**
)
)

Complainant being duly sworn states that Gina M. Criscione

at Brook Park, Cuyahoga County, Ohio on or about May 23rd, 2020 to present,

No person, through the use of any form of written communication or any electronic method of remotely transferring information shall post a message or use any intentionally written or verbal graphic gesture with purpose to cause mental distress;

To Wit:

Gina Criscione did knowingly engage in a pattern of conduct with purpose to cause mental distress by posting multiple negative messages to a website in regards to the Administrator of the East Park Nursing Home Care Center (Sara Thurmer) and trespassing on the property of the East Park Nursing Home

in violation of Menacing by Stalking, 2903.211 (A)2, M1

[Signature]
Complainant : Sara Thurmer

6360 Elmdale Road
Brook Park, Ohio 44142

DOB 08/28/1958
[REDACTED]

Sworn to and subscribed before me by Sara Thurmer
on 6/15/2020

/ Judge / Clerk / Deputy Clerk /
Municipal Court
or

Notary Public, /Cuyahoga County /
State of Ohio /
My Commission expires _____,



GEORGE SAKELLAKIS
Attorney At Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.



SCANNED

Complaint # 20-077559

State of Ohio

/City of Brook Park/

vs.

) **BEREA MUNICIPAL COURT**
) **CUYAHOGA COUNTY, OHIO**
) No. _____
) **WARRANT ON COMPLAINT**
) (Rule 4)
) **FORM VII**
)

Gina Marie Criscione

6093 Creekside Dr.

Parma Heights, Ohio 44130

DOB 01/23/1956 SS# xxx-xx-8707

Phone (440)503-4326

TO Any Police Officer

A complaint, a copy of which is attached hereto, has been filed in this court charging Gina Marie Criscione with Menacing by Stalking, 2903.211(A)2, a first degree misdemeanor.

You are ordered to arrest Gina Criscione and bring / him/her / before this court without unnecessary delay. You may issue summons in lieu of arrest under Rule 4(A)(2) or issue summons after arrest under Rule 4 (F) because Gina Marie Criscione is charged with a misdemeanor.

Special instructions to executing officer:

Judge / Officer designated by Judge(s) /
/ Deputy Clerk /Municipal Court

SUMMONS ENDORSEMENT
See NOTE: Use only in appropriate case

This warrant was executed by issuing the following summons:

TO Gina Marie Criscione

You are hereby summoned and ordered to appear at 9:00 a.m. on October 29th, 2020.

Berea Municipal Court, 11 Berea Commons, Berea, Ohio 44017

If you fail to appear at the time and place stated above you may be arrested.

Issuing Officer, Title
See Rule 4(A)(2), Rule 4(F) and Return Forms

NOTICE TO DEFENDANT: For information regarding your duty to appear call (440) 826-5862
The address of the Court is: 11 Berea Commons, Berea, Ohio 44017

X _____
Gina M. Criscione

Complaint # 20-077559

**BEREA MUNICIPAL COURT
BEREA, CUYAHOGA COUNTY, OHIO**

State of Ohio
/City of Brook Park

v.

Gina Marie Criscione

6093 Creekside Dr.
Parma Heights, Ohio 44130

DOB 01/23/1956 SS# [REDACTED]
Phone (440)503-4326

) NO. _____
)
) COMPLAINT BY INDIVIDUAL
)
) (Rule 4)
) **FORM I**
)
)

Complainant being duly sworn states that Gina M. Criscione
at Brook Park, Cuyahoga County, Ohio on or about May 23, 2020 to present,

No person shall knowingly post a text or audio statement or an image on an internet web site or
web page for the purpose of abusing, threatening, or harassing another person;

To Wit:

Gina Criscione did knowingly post several text and video/audio messages to a social media
website with the purpose to harass and annoy Sara Thurmer

in violation of Telecommunications Harassment, 2917.21 B(2), M1


Complainant : Sara Thurmer

6360 Elmdale Road
Brook Park, Ohio 44142

DOB 08/28/1958
[REDACTED]

Sworn to and subscribed before me by *Sara Thurmer*
on 10/15/2020

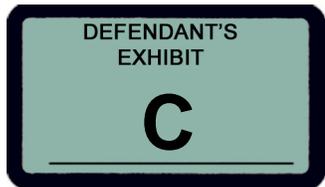
/ Judge / Clerk / Deputy Clerk /
Municipal Court

or


Notary Public, Cuyahoga County /
State of Ohio /
My Commission expires _____,



GEORGE SAKELLAKIS
Attorney At Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.



Complaint # 20-077559

State of Ohio

/City of Brook Park/

vs.

Gina Marie Criscione

6093 Creekside Dr.

Parma Heights, Ohio 44130

DOB 01/23/1956 SS# [REDACTED]

Phone (440)503-4326

) **BEREA MUNICIPAL COURT**
) **CUYAHOGA COUNTY, OHIO**
) No. _____
) **WARRANT ON COMPLAINT**
) (Rule 4)
) **FORM VII**
)

SCANNED

TO Any Police Officer

A complaint, a copy of which is attached hereto, has been filed in this court charging Gina Marie Criscione with Telecommunications Harassment, 2917.21(B)2, a first degree misdemeanor.

You are ordered to arrest Gina Criscione and bring / him/her / before this court without unnecessary delay. You may issue summons in lieu of arrest under Rule 4(A)(2) or issue summons after arrest under Rule 4 (F) because Gina Marie Criscione is charged with a misdemeanor.

Special instructions to executing officer:

 Judge / Officer designated by Judge(s) /
 / Deputy Clerk /Municipal Court

SUMMONS ENDORSEMENT
See NOTE: Use only in appropriate case

This warrant was executed by issuing the following summons:

TO Gina Marie Criscione

You are hereby summoned and ordered to appear at 9:00 a.m. on October 29th, 2020.

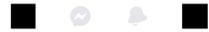
Berea Municipal Court, 11 Berea Commons, Berea, Ohio 44017

If you fail to appear at the time and place stated above you may be arrested. ~~X (F)~~

 Issuing Officer, Title
See Rule 4(A)(2), Rule 4(F) and Return Forms

NOTICE TO DEFENDANT: For information regarding your duty to appear call (440) 826-5862
The address of the Court is: 11 Berea Commons, Berea, Ohio 44017


 Gina M. Criscione



Brook Park Police Department

Police Station

Send Message



Brook Park Police Department

February 11, 2020

The Brook Park Police Department is requesting the public's assistance in locating Bryan L. Morris who has a warrant for his arrest for Felony Child Endangerment. He is 23 years old, 6'5", 180 pounds, green eyes, and brown hair. Below is a recent picture. He is believed to be in the Smith and Snow area of Brook Park or the west side of Cleveland. If you know his whereabouts, please contact Detective Ben Scharte with the Brook Park Police at 216-433-1234.

*****UPDATE*****

Bryan Morris was taken into custody today. The Brook Park Police Department would like to thank the public for all their help.



57

95 Comments 617 Shares

Like

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DEFENDANT'S EXHIBIT

D

All Comments

Write a comment...

Kay Deeken Diulus

I am truly shocked at the... about the felony child



DEFT00049



Like · Reply · 4/w

Jeff Muir
Worried about getting some D

Like · Reply · 47w

Bri Stephen Burton
Kay Deeken Diulus I don't beat children. And my comment about an officer's last name is not hindering investigation. Go out and find him then, Kay. Child endangerment isn't shocking without knowing what the charge was for. It could've been because he w... See More

Like · Reply · 46w · Edited

Britton Anderson
Kay Deeken Diulus Right What Retards...Perfect in no way.

Like · Reply · 47w

Marie Lucas Neff
Kay Deeken Diulus he's a bad ass. Their stupid comments won't bother him. He's a great man.

Like · Reply · 46w

Marie Lucas Neff
Jeff Muir real classy way to talk to ladies, dumb dumb

Like · Reply · 46w

Write a reply...

Jo Waken Rhome
Idk when he was first wanted, but I seen him in the rite aid parking lot last week. I prbly wouldn't have even paid attention however he was by the garbage can and my daughter said hi to him and he ignored her and she was upset.

Like · Reply · 47w

Robert Calton
Since he might be staying around my area, I'll for sure be on the lookout for him. If he did do the crime (which he's looking pretty guilty right about now), how could he call himself a man ever again? Bet he thinks he's a tough guy too being 6'5"...at... See More

Like · Reply · 46w

Florisha Kurtz
This is my SON ! I'll be the first to say that anyone who harms children deserves to be dealt with ... however in the great Country we live in we are innocent until otherwise proven differently. I will pray for each and every one of you who have ... See More

Like · Reply · 46w

Hide 27 Replies

Kaylee Anne Downing
I hope they catch him and someone beats his ass in Prison the way he beat that 4 year old. I hope they throw the book at him HARD and that they hold him without bail.

Like · Reply · 46w

Jess Pietravoia
Florisha Kurtz if your son is innocent then why not just handle the situation? Hiding from it only makes himself look guilty. Praying for you both, hope everything turns out as it should.

Like · Reply · 46w

Matthew Ryan
Florisha Kurtz he should turn himself in. It will be better off in the long run.

Like · Reply · 46w

Kyle Cassidy
THEY ARE STILL LOOKING FOR HIM.....SEEMS PRETTY DAMN GUILTY TO ME?...

Like · Reply · 46w

Marie Lucas Neff
Florisha Kurtz did you get him counsel yet? It's been days and lawyers don't take that long. From the paper today, sounds like your son and the Mom beat this child. It's only going to get more publicity if he doesn't turn himself in.

Like · Reply · 46w

Sondra Hutchinson-Philo
Florisha Kurtz if he beat a 4 yr old then I'd say you failed as his mother. Turn him in!

Like · Reply · 46w

Florisha Kurtz
Jess Pietravoia he is .. council needed to be obtained first .. thank you for your prayers .

Like · Reply · 46w





Like · Reply · 46w



Monica Baker
Obstruction of Justice will only get you in trouble too!

5

Like · Reply · 46w



Dev Johnson
Florisha Kurtz I know as a mother you are hurting... you are in my prayers

3

Like · Reply · 46w



Beverly Allen
Monica Baker First of all I assume you made that comment in response to the comment from the woman who says she's the offender mother, and I no everyone has their own opinion and interpet things differently from my understanding of her message that as... See More

4

Like · Reply · 46w



Chris Maddaluno
Hope your son like prison food

3

Like · Reply · 46w



Samantha Whidden
If he's not guilty, why not turn himself in? You don't need council first, and if you believe that, then I'm pretty sure you know he's guilty as well.

3

Like · Reply · 46w



Darian Andrew
Florisha Kurtz you can only help him by advising him to turn himself in.

1

Like · Reply · 46w



Brendon Gentry
God can't even help him. If hell is real that's where he'll be.

1

Like · Reply · 46w



Misty Caudill
Florisha Kurtz you need to pray for the 4 yr old that your son kicked the crap out of. Js

2

Like · Reply · 46w



Florisha Kurtz
Misty Caudill I will continue to pray for everyone involved . Even you . Because that's what we are suppose to do .

Like · Reply · 46w



Isaiah Mackin
I ANIT NOSESY BUT I KNOW WHAT I KNOW wish yaw could say the same 🤔

Like · Reply · 46w



Trisha Shirels
Florisha Kurtz. Praying for you. As a mother I feel for you.

1

Like · Reply · 46w



Karen Valentin
Your poor grandson. How is he?

1

Like · Reply · 46w



Isaiah Mackin
You have no right to judge on your own behave little miss perfect wouldn't be talking about someone else's well being without knowing the facts.

Like · Reply · 46w



Valeri Sandell
Well someone beat that innocent 4 year old child, unless the story was made up!
Moms in jail and Dads on the run, perfect pillars of society.
Sorry Mom, if your Son is found guilty I hope he gets his ass beat and those pretty teeth knocked out of his h... See More

Like · Reply · 46w



Nataley Lewis
The mom is in jail because she didn't report the abuse. She is pregnant with this monsters kid. Not an excuse for me, but still. She didn't beat her child. He beat this boy and his "mother" has the nerve to get on here defending him. Prayers to the lit... See More

5

Like · Reply · 46w



Florisha Kurtz
Nataley Lewis first off I "defended" no one. Please read again . I'll also pray for you . Good day

Like · Reply · 46w



Rella Bella
Your Son is a POS..
So...take a look at yourself first on how you raised this little thug POS.
And, I hope they catch him soon. We don't need anymore lunatics on the street. ... See More

Like · Reply · 46w · Edited





Florisha Kurtz
 Rella Bella hey ! Good morning . Have you said your prayers today ? Did you wake up and thank the man upstairs for waking you up ? Did you pray for your eyesight back or your ability to read or keep up with the worlds ONLY TRUTH ... SOCIAL MEDIA ! He ... See More

Like · Reply · 46w

Florisha Kurtz
 Rella Bella take a look at yourself .

Like · Reply · 46w

Write a reply...

Evelyn Tomlinson
 That picture was taken at the Howard Johnson hotel. On Snow Road, I used to work there. I know the colors of the rooms in the pictures on the walls. And that usually where all. of the. junkies and idiots and assholes stay

Like · Reply · 46w · Edited

Hide 17 Replies

Florisha Kurtz
 Evelyn Tomlinson no ma'am it wasn't . But thank you so much for assuming my SON is any of the things mentioned .

Like · Reply · 46w 3

Isaiah Mackin
 Evelyn you look like a junkie .. I got about 2.5 ounces of baby powder hward you hadda strange addiction...🤔

Like · Reply · 46w 1

Isaiah Mackin
 Evelyn backpage told me u could suck a football threw a garden hose is this true?

Like · Reply · 46w 2

Jacqueline Orozco
 Tiffany Kristin

Like · Reply · 46w

Chris Maddaluno
 Florisha Kurtz Anyone who hangs out with Jessica Jordan is a junkie. Sorry to break the news to you.

Like · Reply · 46w 1

Laura Prochaska
 Evelyn Tomlinson airport hojo lol

Like · Reply · 46w 1

Evelyn Tomlinson
 Isaiah Mackin yep lol

Like · Reply · 46w

Evelyn Tomlinson
 The one who wants to Make accusations towards other people is probably the ones that's hiding this child beater. So You know, there was no reason for her to attack me like that unless she's the one that's helping hiding that at the hotel.

Like · Reply · 46w 3

Evelyn Tomlinson
 Laura Prochaska Oh and my bad. This was a guy I didn't see his name very well. So sorry he was probably sucking his dick to hiding in the Howard Johnson or something. I had to block him.

Like · Reply · 46w 1

Laura Prochaska
 Evelyn Tomlinson you're good. I was making a joke about the Howard Johnson it's from this old movie where people acted like the hotel was something great and coined it the "airport hojo" lmao

Like · Reply · 46w

Evelyn Tomlinson
 Laura Prochaska z Ho Jo perfect name

Like · Reply · 46w 1

Jennifer Jordan
 Chris Maddaluno Jessica is my daughter. Did you ever think to ask of the well-being of my grandson?

Like · Reply · 45w

Marie Lucas Neff
 Evelyn Tomlinson you are correct and I think they had a bed bug problem. All the people we'd get in jail from there had bed bugs. Hope you don't work there anymore

1





 Maria Svizzero Mathews
 Kay Deeken Diulus even regarding the suspect. Ummmm, anyone who endangers children in any way is not cute, nor laughable, nor should pro create sorry not sorry!

Like · Reply · 47w

 Write a reply...

 Kimberly Carey
 Jeff Carey  1

Like · Reply · 46w

 Samantha Walling
 Katie Hader

Like · Reply · 46w

 Katie Hader
 Samantha Walling ugh! This makes me so fricken mad! I can't wait til they catch his ass 🤬

Like · Reply · 46w

 Samantha Walling
 Katie Hader same!

Like · Reply · 46w

 Write a reply...

 Melissa Lahowe
 Vickie Miller

Like · Reply · 46w

 Alyssa Lee
 Alyssa Turner ????

Like · Reply · 47w

 Matthew Ryan
 He beat a 4 year old. No wonder he's running. People like him won't do well in prison. They'll beat him worse or kill him.

Like · Reply · 46w · Edited

 Dustin Snow
 Matthew Ryan they will exploit him, for his mommas money, and if she don't have any trading him out for other goods. Make him kill himself before any of them would actually kill him.

Like · Reply · 46w

 Write a reply...

 Stephanie Batelaan
<https://www.cleveland.com/.../warrant-issued-for-brook...>



CLEVELAND.COM
 Warrant issued for Brook Park man accused of beating 4-year-old boy, police say

Like · Reply · 46w

 Aaron Thomas
 I'll contact Mr. shart if I know anything

Like · Reply · 46w

 Shannon Kachur
 Smh I hope if this is true this piece of garbage gets lots of jail time

Like · Reply · 46w

 Marty Healy
 GET EM BEN  1

Like · Reply · 47w

 Heather Knoll Rohde
 Marty Healy he's been found guilty. Got 6 years.

Like · Reply · 10w

 Write a reply...

Write a comment...

OTHER POSTS





Brook Park Police Department

Police Station

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Brook Park Police Department
February 15, 2020

UPDATE FROM PREVIOUS POST

Bryan Morris was taken into custody today. The Brook Park Police Department would like to thank the public for all their help.

277

133 Comments 58 Shares

Like Comment Share

Most Relevant



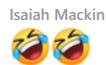
Write a comment...



Joan Gentile

Brook Park Police are the very best.. I live in Brook Park, and feel very safe in my town...

Like · Reply · 46w



Like · Reply · 46w



Write a reply...

Social Fixer can prevent Enter from submitting comments & replies!
[Fix Enter Options](#) [Don't show this](#)



Margarita Lopez

Great job. I think Brookpark police officers are awesome. Handsome too. They went above and beyond for my best friend last year and year before. TY!

Like · Reply · 46w



Joel Wise

Great job !!! We don't need someone like this monster out on the streets , I'm glad he got caught and I'm pretty sure he is getting his ass kicked as we speak at this moment !!!

Like · Reply · 46w

Hide 16 Replies

Most Relevant is selected, s



DEFT00055





Joel Wise
 Isaiah Mackin no way I'm dumb enough to beat my kid , even tho I don't have I would know better not to him or her ! Never been to fucking jail because I wanna go somewhere in life and not be a deadbeat with record that could ruin my life , I don't care what you have to say I am aloud to have my own opinion and I'm aloud to say what I want , if you have an issue with you can go ahead and report it to Facebook and or just simply block my name so u can't see what comments I post. Another then that have a nice day because no one has time to sit here and argue with someone who wants to act like a child !!!! There is a better way to address this situation.

Like · Reply · 46w

Isaiah Mackin
 And nah I'd rather get on your ass and tell u what it is COMING FROM A GUY thAT LOOKS LIKE HES SPONOSORED BY "MAKE AMERICA GREAT CO. Imfao

Like · Reply · 46w · Edited

Jeff Groves
 what you workin with though? Weber? Nexgrill? Charcoal?!

Like · Reply · 46w

Christina Marie Harrison
 Joel Wise try having him be over off your child's friends and actually had him in your home a few times. Way before this incident he came to visit my daughter when she was on house arrest. Never thought he'd be capable of doing such a heinous thing to an innocent child

Like · Reply · 46w

Joel Wise
 Christina Marie Harrison I agree with you my 2 sisters went to school with him didn't really talk to him but both said he didn't seem like the type of guy to do something like this.

Like · Reply · 46w

Christina Marie Harrison
 Well soon he will meet his maker because I'm sure where he's going he will have to answer to others.

Like · Reply · 46w

Jim Conley
 David Lewis I'm a little late to the party but why is she pathetic? Not really hip on the story but he has a point. You alright innocent till proven guilty. Regardless of what you may hear. We have a constitution in this country for a reason and if you don't like it you should move to a different country

Like · Reply · 11w

Isaiah Mackin
 He anit beat his kid u inbreeds

Like · Reply · 46w

Isaiah Mackin
 I'm sure your son's an ex pediphile since u anit whoop his ass when he got in trouble.

Like · Reply · 46w

Isaiah Mackin
 Well for all u pathetic ass inbreeds.. your innocent till proven guilty so keep preaching cause when church bells ring yaw not going to heaven 🎵🙏🙏🙏

Like · Reply · 46w

Jeff Groves
 Sick grill douche 🙄🙄🙄🙄

Like · Reply · 46w

Joel Wise
 Jeff Groves seems like you must be on his side huh ? Y'all got nothing better to do ?

Like · Reply · 46w

Jeff Groves
 This isn't all about you Joel

Like · Reply · 46w

Joel Wise
 Jeff Groves okay ! I wasn't to sure , I am not able to see isaiah mackins comments , I blocked him because he wants be a child !

Like · Reply · 46w

David Lewis
 Isaiah Mackin he's a baby beating Mfr ass

Like · Reply · 46w

David Lewis
 Isaiah Mackin f u he didn't beat his cuz it's not born yet he beat Jessica kid to a pulp asshole

Like · Reply · 46w



Write a reply...

Florisha Kurtz
 First of all I am in no way against the men in blue .. I also do not condone breaking any laws ... the FACTS are THIS IS MY SON . I'm not sure how many of you perfect , 100% law abiding, God fearing citizens that are threatening my son with beatings and such are aware of cyber bullying.. as well as verbal assault .. threats are threats RIGHT Brookpark Police? Better yet are you aware that you are being judged by someone much greater than ourselves .. read the article since everyone believes social media .. it clearly states HE WALKED INTO THE BROOKPARK POLICE DEPT. He walked in . Not because he is guilty but because it was the right thing to do .. He has been father to this child for over 2 years, loves this baby with his whole heart as well as his daughter and his son that is on the way . since MEDIA doesn't seem to know the "relationship " between anyone but damn sure think they know everything else . So unless YOU are the person that was there and seen with your own eyes 🙄🙄🙄🙄🙄🙄

Like · Reply · 46w 3

Florisha Kurtz
 Julia Feckley did you go to church today ?

Like · Reply · 46w

Rella Bella
 Florisha Kurtz ...Yes by all means defend your boy. You raised him to be a POS right? Okay...I hope he rots in prison.

Like · Reply · 46w 1

Florisha Kurtz
 Rella Bella Dear Heavenly Father I come to you this morning asking forgiveness for this woman . Place your hands over her heart so that it may feel again . Show her that your are our loving father and that through you all things are possible . Place compassion in her heart . Please forgive her mother for not instilling in her the fear of you . Please watch over her and her family as in this day anyone is subject to false or misleading allegations. Show her your love is for all of your children . Amen

Like · Reply · 46w

Write a reply...

Denise Marie Caruso
 Great job officers !!!

Like · Reply · 43w

Kim Kort
 AWESOME!!!! GOOD JOB BROOKPARK POLICE DEPARTMENT!!!!!!!

Like · Reply · 46w 6

Pinky Kurtz
 Kim Kort he turned himself in. BPPD didn't 'find' him or 'take him into custody"

Like · Reply · 46w 1

Erin Michelle
 But they did get the word out, and let social media put the pressure on to where he didn't have much choice. Sometimes it's not how you do it, but how efficiently and cost effective.

Like · Reply · 46w 2

Write a reply...

Ginger Cartwright
 I was trying to put the one comment into context that tough internet bully had written and I do believe its somethin to the fact he is a Custodian at the local mall 🙄 then wants to talk about the police for when you come face to face with those s same officers I would guess its a Yes Sir No Sir!! #OnlineWannaBe #WehaveAPoliceHater

Like · Reply · 46w 2

Deidre Hurosky
 Good job guys. Proud to call one of Brookpark's finest my brother

Like · Reply · 46w 3

Isaiah Mackin
 Your brothers a bitch...

Like · Reply · 46w

Deidre Hurosky
 Isaiah Mackin after looking at your profile seems like you're the little b**** that you've bullied people and how chicks just use their pussy's I think you need to grow up I take a long hard look at reality before you call anybody a b**** especially somebody of authority

Like · Reply · 46w 1

Write a reply...





- Like · Reply · 46w**

Michelle Hlawati Schultz
Great news
- Like · Reply · 46w**

Kristie Osadciw
I'm sure he feels safer behind bars then on the street at this point! Hope someone tags his ass!

Like · Reply · 46w 3

1 Reply
- Kim Hlavacek Dachtler
Great news!!!

Like · Reply · 46w
- Therese Kocab Harrison
Wonderful. Good job guys

Like · Reply · 46w
- Donna Sulak Miles
Good work BPPD!

Like · Reply · 46w 1
- DeLourde Cummings Shepard
Good news

Like · Reply · 46w
- Julia Feckley
So happy this low life is off the street

Like · Reply · 46w
- Chris Murphy- Case
Nice job!

Like · Reply · 46w
- Caroline McCloud
Thank you..

Like · Reply · 46w
- Maureen Kelly
Awesome

Like · Reply · 46w
- Kyle Cassidy

Like · Reply · 46w
- Lamar Kurtz
Alright for those of you who think they know everything let me fill you in. Brook Park Police did absolutely nothing they didnt find him on the run they didnt send out anyone looking for him. He walked into the station just like he gonna walk out. Yall brainwashed to believe everything you read on any media outlets

Like · Reply · 46w 2
- Deidre Hurosly
Lamar Kurtz well seeing as all you did was write this post you didn't do much. Maybe show some respect to those who risk never seeing their families again on every call. When you need them they are always there

Like · Reply · 46w 2
- Lamar Kurtz
Deidre Edmond i risk my life everyday when i leave my home same difference we all do everyday

Like · Reply · 46w 1
- Dan Surmitis
Buy the ticket, take the ride. It's not like they're doing it for free...

Like · Reply · 46w
- Write a reply...
- Isaiah Mackin
Your own brookpark residents be the first to suck dick when it's time for the ball to drop...

Like · Reply · 46w
- Jennifer Jordan
You know what is really sad about all off these posts? Not one person has even inquired if my grandson is ok.

Like · Reply · 45w 1
- Lauren Elizabeth
Everyone on these posts are more concerned for your grandson than his mother was.

Like · Reply · 45w 1





April Thomas
Vince Smithburger I think he missed the dumb part you know children only hear the last thing you say 🤔

Like · Reply · 46w 1

Vince Smithburger
April Davidson Thomas
Me being a white guy I'm not allowed to call another white guy a dumbass 🤔

Like · Reply · 46w 2

Most Relevant is selected, so some replies may have been filtered out.

Write a reply...

Isaiah Mackin
Yaw sum POS knowing damn well turned himself in ya anit take ahit into custodian and the amount of harrasment that's came because of your post lol everyones innocent till proven guilty and everyone that's been this dick riding your kids get bullied in school and your grandmas a whore
#JusticeForB
#BROKEPARKPOLICESTATION

Like · Reply · 46w

Hide 41 Replies

Most Relevant is selected, so some replies may have been filtered out.

Noelle Nash
He's a scrub. 2

Like · Reply · 46w

Isaiah Mackin
I'm a high rise window cleaner I'm not worried about anything u losers think

Like · Reply · 46w 1

Isaiah Mackin
I think I offended noelles family career of being whores... I'm sorry how much do u get tipped 10 ..20... cents.. lol

Like · Reply · 46w · Edited

Isaiah Mackin
My teeth spot on ❤️ try mouth wash your breathe smells... I smell it from here..

Like · Reply · 46w

Isaiah Mackin
I swear I see you on theDirty.com you got drd...



Like · Reply · 46w

Noelle Nash



GIPHY

Like · Reply · 46w

Isaiah Mackin
The Dirty dun dunnnnnn

Like · Reply · 46w

Isaiah Mackin
*Great one

Like · Reply · 46w

Noelle Nash





THE DIRTY.COM
The Dirty

Like · Reply · 46w

Isaiah Mackin
Your mouth can hold up to 3 cucumbers and 130 jelly beans your a Star baby girl ❤️

Like · Reply · 46w

Noelle Nash
Isaiah Mackin zzz

Like · Reply · 46w

Isaiah Mackin
😂😂😂 sleeping on the Job while your children run around the house thata bad parenting I'm calling cps

Like · Reply · 46w · Edited

Noelle Nash
Isaiah Mackin zzz

Like · Reply · 46w

Noelle Nash
Isaiah Mackin zzz zzz zzz

Like · Reply · 46w

Isaiah Mackin
Damn I wish I could post pictures.... on here

Like · Reply · 46w

Isaiah Mackin
Awhhhh is someone upset???

Like · Reply · 46w

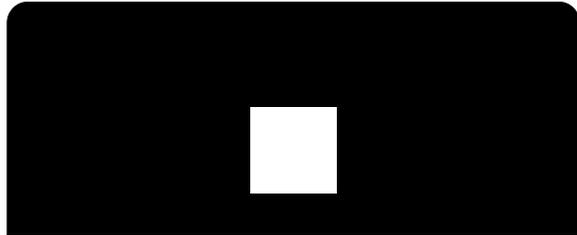
Noelle Nash
Isaiah Mackin zzz zzz

Like · Reply · 46w

Isaiah Mackin
Going up their bouta hour wanna meet me their so u could suck me off ?...

Like · Reply · 46w

Rich Patty Jr



GIPHY

Like · Reply · 46w

Noelle Nash
Isaiah Mackin you need to go to school, or a dentist, and get out of your grandmother's basement. Dick ridin BITCH. That's the only type of person to stand up for someone like your boy. 🤡👊👊

Like · Reply · 46w

Noelle Nash
Kay Deeken Diulus

Like · Reply · 46w

Isaiah Mackin
Go head report it again freedom of speech and police officers u mean pussys with badges 🤡👊👊

Like · Reply · 46w

Noelle Nash
Isaiah Mackin that's what you come with?! 🤡 lame. I shouldn't have expected anything more from your Jake ass window cleaner. Take some windex to your teeth scrub 🙄

Like · Reply · 46w

Isaiah Mackin
Lmfao take sum alcohol to your pussy whore.

Like · Reply · 46w

Noelle Nash





Like · Reply · 46w

Isaiah Mackin
Awhhh did someone get bullied in highschool?...

Like · Reply · 46w

Isaiah Mackin
And you dont know the story lol you guys will follow anything the media says your brain washed my guy. This is a brother of mine I wouldn't defend nobody if that was the case my mother whooped me all the time growing up if ya realize hes charged for child endangerment because they have no physical evidence to charge him for child abuse which their claiming is Mark's all over but they haven't leaked on pictures so what's really sounding fishy ? If they had the evidence their claiming hed be charged with child abuse no endangerment. They charged him just to get him with something .

Like · Reply · 46w

James Vanvalkenburgh
Ian-Anthony Rudnitskas-Estrada

Like · Reply · 46w

James Vanvalkenburgh
Isaiah Mackin no lol but this dude hits little ass kids

Like · Reply · 46w

OTHER POSTS Write a reply...

Most Relevant is selected, so some comments may have been filtered out.

