

VINCENT M. NATHAN

December 20, 2005

Honorable David D. Dowd
United States District Court
402 United States Courthouse
2 South Main Street
Akron, Ohio 44308

Dear Judge Dowd:

I filed my fourth report in *Roberts v. County of Mahoning* on August 10, 2005. In that report I made the following comment about a meeting I attended with the three members of the Youngstown Municipal Court:

Without question, the Municipal Court judges feel that they have been ignored during this process and that the operation of the emergency release mechanism has left them powerless to operate an effective court. They complained that they see defendants who have been released pursuant to that mechanism repeatedly following their multiple releases and that these persons treat the court with overt contempt.

Report at 15.

There continues to be no provision in the emergency release mechanism under which the jail is operating to accommodate misdemeanants guilty of direct contempt of court. Although one or more of the Municipal Court judges are endorsing their orders of incarceration "Do Not Release," Sheriff Wellington finds himself in a difficult position. The emergency release criteria and the "Do Not Release" orders by Municipal Court judges are in direct conflict.

I bring this matter to your attention because it continues to create confusion and difficulty, both for the Municipal Court judges and for the Sheriff. Particularly in the case of defendants guilty of direct contempt of court, I believe that clarification to the sheriff would be helpful.

Sincerely yours,

/s/ Vincent M. Nathan

Vincent M. Nathan
Special Master