

IN THE WARREN MUNICIPAL COURT WARREN, OHIO

JUDGEMENT ENTRY

CASE NO: 00CVG0030801

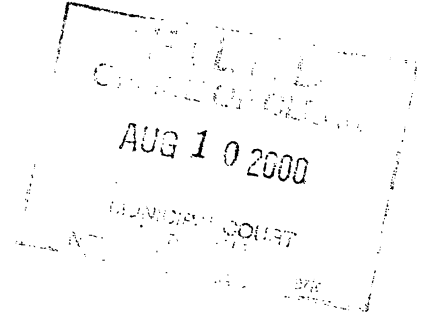
Trumbull Metro Housing Auth
1977 Niles Rd Se
Warren, OH 44484

PLAINTIFF

VS.

Ebony Edmonds
1950 Benton St Se
Warren, OH 44484

DEFENDANT



This matter came before the Court on 4/5/00 upon Objections to Magistrate's Decision filed by Plaintiff T.M.H.A. The Court finds that both attorneys for the parties presented numerous authorities that substantiated their respective positions.

This Court finds that it possesses equitable authority, and, due to the fact that extensive, credible testimony was presented, that this Defendant did not nor could not have any knowledge of the drug activity at the leased premises and should not be evicted.

Under these particular facts as applied to this unique and special situation, the Court, under its equity principles, Adopts and Affirms the Findings under the Magistrate's Decision and Orders the Eviction by T.M.H.A. denied, and the Case Dismissed at Plaintiff's costs.

JUDGE TERRY F. IVANCHAK

John E. King
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OH 44481

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IN THE MUNICIPAL COURT OF WARREN

TRUMBULL COUNTY, OHIO

CASE NO. 00CVG 308

FILED
OFFICE OF CLERK
FEB 17 2000

TMHA)

PLAINTIFF)

-vs-)

EBONY EDMONDS)

DEFENDANT)

JUDGMENT ENTRY

Case called. Plaintiff present represented by Attorney King. Defendant present represented by Attorney Nader.

Plaintiff filed an eviction action alleging Defendant violated the lease; the drug policy and the "First Strike You're Out pledge."

The facts related were that various drug sales were made from Defendant's residence by her brother on 10/21/99; 11/5/99; and 11/8/99. It was admitted by all parties that Defendant did not make any of these sales; nor was she even present when the sales were made. Defendant testified that she was at school and had her brother baby-sit when these incidents occurred.

Defendant admitted she was aware her brother had previously been convicted on a drug offense but was unaware that he was doing anything from her residence.

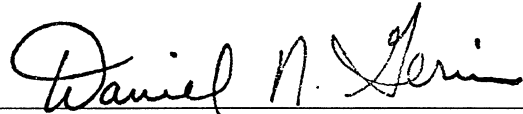
Plaintiff has argued under the "One Strike You're Out" policy, Defendant should be evicted.

Defendant has argued the Court should use its equity power and allow Defendant and her children to remain in the premises.

Plaintiff did not indicate any other problems with Defendant, although they do want her removed.


After reviewing the evidence, I find that the writ should be denied. Clearly the "First Strike You're Out" Policy does apply, in that the policy is applicable to the family and any and all guests. But, I find the results to be too harsh in this instance. Defendant, however, is on notice that any further problem will result in her removal from the housing unit.

Magistrate denies the writ of restitution and orders the case be dismissed.



MAGISTRATE DANIEL GERIN

APPROVED:



JUDGE TERRY F. IVANCHAK