

IN THE SUPREME COURT OF OHIO

GEORGE DAHER,

Plaintiff/Appellant,

vs.

CUYAHOGA COMMUNITY COLLEGE
DISTRICT, *et al.*,

Defendants/Appellees.

S. CT. CASE NO.: 2021-0986

On Appeal from the Cuyahoga County
Court of Appeals, Eighth Appellate
District

COURT OF APPEALS CASE
NO.: CV-20-109719

**APPELLEES' MEMORANDUM IN OPPOSITION TO APPELLANT'S MOTION FOR
RECONSIDERATION**

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I. INTRODUCTION

Daher's *Motion for Reconsideration* has nothing to do with the facts, legal issues, or parties in this case. Instead, Daher offers a political and emotional appeal based on unrelated, City of Cleveland events. Because Daher relies on a political, emotional appeal against City of Cleveland events – not the facts, issues and parties in this case – jurisdiction should remain denied.

II. FACTS

Daher seeks reconsideration based on: (1) Cleveland citizens voting to create a Community Police Commission; and (2) the retrial and acquittal of Isiah Andrews, who was wrongly convicted in 1974 because now-deceased Cleveland Police failed to disclose evidence they had another suspect. Neither has anything to do with the facts, issues, or parties in this case. Neither is a basis for reconsideration or accepting jurisdiction.

III. LAW & ARGUMENT

Reconsideration and jurisdiction are not warranted here. Daher fails to allege any factual or legal error in this Court's denial of jurisdiction. Instead, he points to a Cleveland popular vote and retrial of a 1974 case. A popular vote is a political matter, not a matter for the Court. The 1974 retrial and acquittal involved the Cleveland Police hiding and destroying exculpatory evidence. *Motion for Reconsideration*, p. 3 (admitting acquittal was based on now-available DNA evidence and the Cleveland Police destroying exculpatory evidence of another suspect). Neither has anything to do with Daher's case. Neither has anything to do with the issue before the Court: Absolute immunity for witnesses and informers who provide statements to prosecutors, so they cannot be threatened with civil liability.

Seeking reconsideration based on a political, emotional plea "police are evil" is improper. It has nothing to do with this case. This case involves: (1) Tri-C (not Cleveland); (2) events in the

2010s (not 1974); (3) statements to prosecutors (not hiding or destroying exculpatory evidence); and (4) immunity for all prosecution witnesses and informants (not just police).

In addition, Daher’s “police are evil” theme ignores Daher’s situation: He was a Tri-C police dispatcher accused of unauthorized access to Ohio’s Law Enforcement Gateway and attending police training under Tri-C auspices without authorization. In other words, Daher was accused of abusing his position with the police. That makes Daher’s case the opposite of Cleveland Issue 24 and the 1974 retrial. Daher’s case involved prosecuting police abuse of the system.

Accordingly, Daher’s request for jurisdiction should remain denied.

IV. CONCLUSION

Daher’s *Motion* reiterates *his case* is not one of public or great general interest. Daher does not address *his facts, his legal issues*, or Tri-C. Daher does not address absolute immunity for prosecution witnesses and informants. Instead, he explains why election-based Cleveland Police reform is of public and great general interest. Instead, he explains why retrial of a man wrongly convicted in 1974, because Cleveland Police withheld and destroyed exculpatory evidence, is of public and great general interest. Neither is a basis to reconsider and accept jurisdiction over Daher’s case.

For all these reasons, the Court should deny Daher’s *Motion* and stand by its decision to deny jurisdiction.

Respectfully Submitted,

/s/ Barry Y. Freeman

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on Appellant's Counsel via email
(peter@pattakoslaw.com and rhazelet@pattakoslaw.com) on November 15, 2021.

/s/ Barry Y. Freeman
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