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cally lose his law license.

Davila, 46, still was entitled to defend himself against charges brought by the Supreme Court's disciplinary counsel, Jonathan E. Coughlan, a prosecutorlike attorney who investigates judges and lawyers.

Gutierrez, 69, would have told the three-member panel about his role in a jailhouse deal he arranged between Davila and one of Davila's former clients last year.

The client asked Gutierrez to help him recover a $60,000 settlement he said Davila owed him. However, before Davila would agree to pay back the client in installments, he required the client essentially to withdraw an accusation that Davila had forged the client's signature so Davila could cash the settlement check, according to the disciplinary counsel.

The deal was suspect and generated an additional charge supporting Davila's disbarment.

Conley denied that Davila bought the client's silence on the forgery charge and claimed Gutierrez violated attorney-client privilege when he revealed details of the agreement to the disciplinary counsel.

Such a violation would have been possible only if Gutierrez was acting as Davila's attorney during the deal – a claim that Gutierrez and the disciplinary counsel rejected as absurd.

Gutierrez said he had always represented Davila's former client and had asked Davila several times if he had a lawyer.

"(Davila) would grin and say, . . . 'I've got a license,' " Gutierrez said. "He gave me this spiel about representing himself."

Conley submitted prison documents that appeared to bolster Davila's claim.

"The only alternative explanation is that Attorney Gutierrez made, under severe penalties of Federal law, repeated material misrepresentations to the Federal Bureau of Prisons," Conley wrote in an argument submitted to the disciplinary board.

Gutierrez said he may have misunderstood sign-in instructions during his visits to the minimum-security federal prison camp in Elkton, Ohio, but he never was Davila's attorney.

He said he initially visited Davila because he heard the inmate wanted to see his old courthouse buddies.

The two met in Cleveland in 1982 at the state Democratic convention. Davila was beginning his law career; Gutierrez, who has practiced law since 1961, had just been elected chairman of the Stark Democratic Party. Gutierrez said they were not close friends, but Davila sometimes came to the elder lawyer for advice.

Davila's accusations emerged publicly this summer shortly before Canton Democrats chose Joseph Martuccio over Gutierrez to succeed Thomas Bernabei as Canton's law director.

"I didn't think it was anything political. I just felt (Davila) was grasping at his freedom at my expense," Gutierrez said.

John Higgins can be reached at 330-478-8000 (ext. 12) or 1-800-478-5445 or jhiggins@thebeaconjournal.com

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"We're looking for people who saw what happened," Chester said.

For security reasons, Eagle's family asked that the name of the hospital where Eagle is being treated be withheld.

Anyone with information about the incident is asked to call sheriff's detectives at 330-643-2131.

The incident Saturday night is the second in eight days in which a customer at the Pelican Cove allegedly was beaten.

In a lawsuit filed last week, a Cincinnati man accused Pelican Cove bouncers of an unprovoked attack in which they knocked him down and punched him in the face and body.

Kevin Knouf says in his suit he suffered a broken nose, bruises and cuts at the Pelican Cove on Sept. 16.

Dennis McEnaney can be reached at 330-996-3735 or dmcenaney@thebeacon journal.com

Akron man's widow sues cabbie over fatal shooting

Russell Dossie, freed from prison in July, accused of negligence

By Stephanie Warsmith
Beacon Journal staff writer

An Akron cabdriver's problems didn't end with his early release from prison in July.

Now, Russell Dossie is being sued by the widow of the man he shot and killed after a road rage incident more than a year ago.

Barbara Russell, the wife of Mark Russell, filed a lawsuit Friday in Summit County Common Pleas Court against Dossie and City Yellow Cab Co., the company Dossie was working for at the time of the shooting.

Summit County Common Pleas Judge John Adams freed Dossie in July after he had served only seven months of a three-year prison sentence.

Dossie was charged with murder after the shooting. A jury, however, decided he had acted in self-defense and acquitted him on that charge.

But the jury did find Dossie – who had an earlier criminal record – guilty of having a weapon. Convicted felons aren't allowed to carry weapons. Jurors also found Dossie guilty of trying to hide the gun after the shooting.

Dossie was tearful after being freed and apologized to the Russell family.

But his tears and words apparently were not enough for Barbara Russell, who, along with her four children, watched her husband die.

The family's lawsuit continues a saga that began with Russell's shooting a year ago on the Fourth of July.

His death sparked much debate in the community. Some sided with Dossie, saying he had justification for defending himself after Russell punched in his taxi window as the two were trapped in traffic after downtown Akron's fireworks show. Others said Dossie overreacted when he shot Russell once in the chest, killing him.

Mark Russell's family claimed he got upset after Dossie cut their van off, nearly hitting them.

In the lawsuit, the family says Dossie acted in a "negligent, reckless and wanton" manner.

The suit also contends that City Yellow Cab Co. should be held liable for hiring Dossie and failing to properly train and supervise him.

The family is seeking compensation for Russell's funeral and burial expenses and "whatever other relief is available under law," according to the suit.

Neither Patrick Hart, Barbara Russell's attorney, nor Kirk Migdal, Dossie's lawyer, could be reached for comment yesterday.

Derek McClenathen, president of City Yellow Cab Co., declined to comment because he has not had a chance to read the lawsuit.

As a condition of Dossie's release, Adams placed him on probation for five years and ordered that he not drive a cab.

The family's lawsuit was randomly assigned to Adams.

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Cheney was accompanied on his trip to Ohio by his wife, Lynne, and daughter, Mary. The campaign went on yesterday to tour another factory in Springfield, near Dayton.

Cheney was White House chief of staff under Gerald Ford; secretary of defense during the Persian Gulf War, when George Bush was president; and a Wyoming congressman. He left after eight years as executive at an oil services company to run for vice president.

John Morrison, 39, of Streetsboro was one of the workers Cheney stopped to talk to during the brief plant tour. Morrison described himself as an independent voter.

Tonight, millions can SLEEP BETTER because...

THIS SWEDISH SCIENTIST WENT UNDERCOVER AND MADE YOUR MATTRESS OBSOLETE

He used NASA research to invent Tempur-Pedic Weightless Sleep System

A round here, Anne Kristiansen is a heroine the

Browns
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By Maria Rickmyer
Beacon Journal staff writer

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