

Title of UN 2020 Universal Periodic Review of the USA by the Friends of the African Union with Vision Works and the African Diaspora Directorate

1 400 years of African American History in Legal INJUSTICE, a case study in Ohio

Friends of the African Union Background

2 Friends of the African Union (FAU), which is an Ohio non-reporting unincorporated association (2012), has combined operations with the Cincinnati Empowerment Corporation, Inc. (1999) which together will do business as FAU Global Operations Center (2018) and with FAU's affiliated public beneficiary company for the People of African Descent in the African Diaspora FAU EDcorp, Inc. (2016) who accepts the definition by the African Union in 2005 as ““The African Diaspora consists of peoples of African origin living outside the continent, irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and building of the African Union.”, Friends of the African Union smartWISE (2018), and FAU PBFS (2019) are together proposing creating a domestic next-generation innovation team for sustainable change in human rights in the United States of America based on our work in the United Nations and the African Union (AU).

Furthermore, in the AU definition, the diaspora as having the following characteristics: (1) Bloodline and/ or heritage: The Diaspora should consist of people living outside the continent whose ancestral roots or heritage are in Africa; (2) Migration: The Diaspora should be composed of people of African heritage, who migrated from or are living outside the continent. In this context, three trends of migration were identified- pre-slave trade, slave trade, and post-slave trade or modern migration; and, (3) the principle of inclusiveness.

The definition must embrace both ancient and modern Diaspora; and the commitment to the African cause: The Diaspora should be people who are willing to be part of the continent (or the African family) We will work through:

(1) The Economic, Social and Cultural Council (AU/ECOSOCC) is an advisory body of the AU designed to give civil society organizations a voice within the AU institutions and decision-making processes. ECOSOCC is composed of civil society organisations (CSOs) from a wide range of sectors including labour, business and professional groups, service providers and policy think tanks, both from within Africa and the African diaspora. AU/ECOSOCC derives its authority from the Constitutive Act of the AU with the Highest decision-making body of AU/ECOSOCC has been sworn in December 2019 as the Third General Assembly. It is our intention to work through it with all in the African Diaspora.

(2) The Citizens & Diaspora Directorate (CIDO) is the department responsible for leading the AU's engagement with the Diaspora through the AU Mission Offices and civil society through the work of the AU/ ECOSOCC. It derives its authority from the African Union Commission who like AU/ECOSOCC derives its authority from the Constitutive Act of the AU.

Friends of the African Union United Nations work includes the following

- 3 Friends of the African Union (FAU) is proposing creating a domestic next-generation innovation team for sustainable change in human rights in the United States of America based on not only FAU's work in the United Nations but of other CSO's. Our work includes:
- 4 Consultation with the African Diaspora on the African Union (AU) Agenda 2063 October 8-10, 2013 at the AU Mission to the United Nations at the call the African Union Commission hosted by the Office of the Permanent Observer of the African Union to the United Nations
- 5 JS51_UPR22_USA_E_Main - New Future Foundation and Friends of the African Union Joint Venture during the Second Cycle United Nations Universal Periodic Review of the United States of America in 2015 on September 14th, 2014. The theme of our joint venture FAU/NFF Universal Periodic Review program was based on "Money for Main Street, not just Wall Street." In this plan we accepted development of a \$3T USD plan for Africa.
- 6 A Joint Civil Society Submission and Public Release of Joint Venture work at the United Nations Permanent Forum on Indigenous Issues Fifteenth Session. This was held at UN Headquarters under the Special Theme: "Indigenous peoples: conflict, peace and resolution". We held a session May 20th, 2016 entitled "Native Americans and African Americans" co-sponsored by Caddo Assets Services Help Community Development and New Future Foundation in the United Nations HQ NYC in Conference Room 8.
- 7 JS17_upr31_nga_e_main - The Cincinnati Empowerment Zone doing business as Friends of The African Union Global Solutions Centre whose work for the benefit of the people of the African Union (hereinafter "AU") and the African diaspora in their host countries, such as Nigeria, through its Bureau Structure, submitted with the Nigeria Civil Society organization West Pride of Nigeria, as an extension of that answer based on the over adult Nigerian citizens who are external migrants and living in the USA illegally. Furthermore, they are part of the people in the USA of Nigerian heritage who have experienced "Civil Rights, Ethnic, and Racial Discrimination" in the USA as described in the US Governments response to the UNUPR of the USA in 2015. FAU has a Bureau for each country made up of those citizens.
- 8 JS22_UPR31_MEX_E_Main - Review on 07 November 2018 Third Cycle of the Universal Periodic Review of Mexico when we proposed a digital currency around the over \$69 billion dollars people of Mexican Heritage in the USA send back to Mexico each year
- 9 Friends of the African Union submitted a report on the African Week 2017 held at the United Nations HQ NY that was sponsored by the Office of the Special Adviser on Africa (OSAA) who supports the work of African civil society organizations and with its strategic partners, in attendance, including Member States, the Economic Commission for Africa (ECA), the UN Department of Public Information, the African Union, the NEPAD Agency, the African Peer Review Mechanism (APRM) Secretariat, and the African Regional Economic Communities (RECs).

The Africa Week (16 - 20 October 2017) Theme for 2017 was: "Supporting an Integrated, Prosperous, People-centred, Peaceful Africa: Towards the Implementation of Agenda 2063 and the 2030 Agenda for Sustainable Development". FAU Chairman Hershel Daniels Junior was part of a Joint Delegation lead by New Future Foundation Chairwoman, Queen Mother Dr. Delois Blakely and sent to the OSAA, NEPAD and AU a follow-up report.

From the to be published book “The CSW63 Friends of the African Union Women’s Manual”, on page 58 we the delegation was, “HONORED to witness New Future Foundation was recognized by the Chairman of Africa Week 2017 on Oct 16th 2017 as representing at this historic event as the African Civil Society representative. New Future Foundation led a delegation that included FAU, FAU EDcorp, FAU USA, Cincinnati Empowerment Corporation/FAU Global Operations Center, Congress of Black Native Americans, Infinity Building Economics/Black Political Action Committee, the FAU Mighty Forefront, Black Methodist for Church Renewal Chapter of Keys of the Kingdom, a United Methodist Church, and CASH Community Development to this meeting. The delegation was led by Queen Mother Dr. Delois Blakely who carries the legacy of Queen Mother Audley Moore representing African Descendants of the TransAtlantic Ocean of the Middle Passage and is an Ashanti Queen Mother.”

- 10 From our beginning 400 years ago on August 25th, 1619 at Old Point Comfort as Africans and then as African Americans (1868) we have played a vital role in the building of the USA and now it is time we rebuild our global community, first in the USA, then in unity with the African Diaspora and then by 2021 in the Nations of the current African Union.

FAU recognizes that becoming Americans did not create economic opportunity, rather the laws and policy decisions passed by local, state, and federal governments actually promoted the discriminatory patterns that continue to this year in the practice of institutionalized racism on Americans of African Descent. The #BlackFolksPlan is to be a solution based on our work presented to the Working Group of Experts on People of African Descent in 2017 based on their 2016 Investigation of the United States. We provided in our report solutions to the practice of institutionalized racism in government and business on the descendant Americans of African heritage from 1868 through today and as important solutions through Community Benefit Agreements to the effects subsequently de jure & de facto of that racial & economic discrimination.

We did so still believing that Obama Administration executive action on a \$5T USD Quantitative Easing debt purchasing program called the #BlackFolksPlan that used The Daniels IDIQ (under license) would be a solution for the fundamental injustice, cruelty, brutality, and inhumanity of 76 years African slavery in the USA and its effects subsequently de jure and de facto of racial and economic discrimination on the descendant Americans of African heritage. In 2016, after spending two years in negotiating the terms of implementation of our solutions to the 2015 UPR of the USA, the US Government, by their inaction, said no.

Based on that work on December 25th, 2018, FAU began to offer global programming in seven focus areas: (1) developing intergenerational community wealth with a focus on veterans; (2) business development that erases the digital divide and builds wealth for economically disadvantaged people; (3) next-generation civic infrastructure with governance at the neighborhood level; (4) comprehensive Internet of Everything based education; (5) healthcare system solutions that effectively serve the entire population; (6) combating racism through economic development; and (7) human rights development using the UN’s Universal Periodic Review process with each country through that countries FAU Bureau.

Now in 2019, we are creating a next-generation innovation team for sustainable change that supports these seven global programming focus areas and is focused on Ohio as the first

state of over 30 states to be targeted through 2021. This comes under the heading of **combating racism through economic development** as the Hamilton County Juvenile Court determines the future lives of the youth under its charge,

Summary

11 With the US Federal Government passage of the 400 Year African American Commission Act which became Public Law No: 115-102 January 8th, 2018 we use that as the official start of the history of Africans in what became the United States of America (USA) on March 4th, 1789. In it, the US Government has recognized, for the first time, as when the start of Africans in the British Colonies that became the USA, August 25th, 1619 at British Colony at Old Point Comfort i.e. in the present-day state of Virginia. We celebrated that day in 2019 by laying out a plan of action to combating racism through economic development.

12 While it costs an average of \$202,502 annually to house an adjudicated juvenile. With nearly 1,500 incarcerated children in the system in 2010, this equated to over \$303,753,000 in revenues for the confinement of black children, mostly boys. Educating a juvenile on average costs about \$9,518 annually (Ohio Department of Education, 2015). This means a child is worth more to the criminal justice system than providing them with an education.

Money is made from adults in the system by making them work (or produce goods and services) for slave wages. Since children cannot work, they earn their equivalent through the tax system which provides vouchers to house them. This produces an entire economy, and the people who benefit the most in this type of an economy are lawyers and judges, and the investor and corporations which provide goods and services to the court and to prisons in a privatized prison situations.

Background

13 On July 22, 2019, Judge Tracie Hunter made national news when she was dragged out of the courtroom by a sheriff's deputy in Cincinnati, Ohio. Judge Hunter is the first and only African-American and Democrat to become a juvenile court judge in the courts 110-year history. Hunter, who is the pastor of a church in Cincinnati, and the sole caregiver for her aging mother is currently serving a six-month jail sentence.

14 Hunter was convicted of securing a public contract. No evidence was ever presented at her trial, and no contract was ever produced to substantiate the charges. The circumstances surrounding the conviction and the composition of the jury pool also raises considerable suspicion that the jury was fixed, and that several judges and the prosecutor colluded to convict Hunter of crimes she did not commit.

15 In the September 2014 criminal trial, Hunter faced a jury composed of best friends of the judge who lost the election to her, the Court Administrator that refused to work for her, the best friend of Assistant Prosecutor, Katie Pridemore, the prosecution's key witness. The jury also consisted of the neighbor of a peer Common Pleas Judge, who leaked the verdict to the

judge prior to it being announced in open court. Hunter also faced a jury of the neighbors, personal attorneys and wives of her political foes.

- 16 In an effort to taint the jury, three days prior to the start of her criminal trial, Prosecutor Joe Deters accused Hunter of murder because she didn't sentence a teen to five years detention, after he appeared in her courtroom on a marijuana charge. The charge carried a maximum sentence of only six months. That teen died in a double homicide in an unrelated incident over a year after he appeared in Hunter's court. During voir dire, four potential jurors said that they had already determined that Hunter was guilty prior to the start of the trial, based on what they'd seen in the media. Judge Nadel, the trial court judge allowed them to serve on Hunter's jury.
- 17 The city's only major newspaper, the Cincinnati Enquirer, and WCPO TV filed lawsuits against Hunter, after she barred media from publishing the names and faces of accused children, after a white supremacist group threatened the 12-year old's and their families and showed up at their elementary school. One of the jurors on Hunters trial worked for WCPO TV. An attorney from the law firm that represented WCPO in that lawsuit was in the jury pool, and the spouse of one of the firm's attorneys became the jury foreperson. As a result of the tensions that developed between Hunter and the media, her case was not reported fairly.
- 18 After the trial, there is controversy, as the court judge refused to poll the jury on the day of sentencing rather he used a method that took the vote of the jury on the only charge they agreed on that Friday and sent them back into deliberations on the other charges. Then when they agreed that they could not reach a agreement on those charges he read out in court what they had agreed upon that past Friday.
- 19 The only three black jurors on Hunter's trial came forward and signed sworn affidavits saying that, "Guilty was not their verdict, and if they had been polled, they would have said so".
- 20 The egregiousness of Judge Hunter's trial did not end with the fixed jury. Hunter was denied evidence in violation of the Brady Rule (Amicus Brief In Support Of Appellant Tracie M. Hunter's in Support of Jurisdiction, 2016) and her appeals attorney found over 51 instances where the special prosecutors violated her right to a fair trial (Hunter v. Ohio Attorney General of Ohio, 2016).
- 21 In total, Hunter was charged with 10 felony charges and exposed to a criminal court process completely surrounding her administrative duties as judge. Her accusers were all employees of the Prosecutor's office, which statutorily represented the board of elections in her landmark case, Hunter v. Board of Elections (BOE), when she sued the BOE to count more than 800 votes from majority Democratic and disenfranchised black precincts. When Hunter learned that the votes were disqualified after poll workers sent voters to the wrong precinct, she filed a lawsuit to have those votes counted. Hunter won her seat after an 18-month heated court battle and numerous appeals by the Hamilton County Board of Elections.
- 22 While Hunter waited 18-months as the election lawsuit pended, Republican Juvenile Court Judge, Karla Grady stepped down three years before her term expired and Ohio governor

John Kasich appointed John Williams to Grady's seat. Upon Williams taking the seat on the bench, the Ohio Supreme Court changed the rules of Superintendence, giving Williams, who lost the election to Hunter, administrative authority over the court. Williams was a former prosecutor and the past director of the Hamilton County Board of Elections. As the senior judge and the only judge elected by the people, Hunter would have been the administrative Judge over the courts \$30,000,000 budget with the power to award contracts, and hiring authority, but the rules changes effectively gave Williams unilateral control of the Juvenile Court.

- 23 Within five months of Hunter's swearing in, her political adversaries began filing suits against her. Many consider these were random and frivolous suites. An unprecedented 30 lawsuits were filed against her by the Prosecutors friends and associates in less than nine months on the bench.
- 24 The Prosecutor, Joe Deters, who had been fighting her in the election lawsuit began representing her at the same time, as the statutory attorney of the county. He refused to allow her to have independent counsel, and Hunter eventually filed ethics charges against him for conflict of interest. During Hunter's criminal trial, Assistant Prosecutor Jim Harper said that when Hunter filed ethics complaints against him and his colleagues in the prosecutor's office, it was the worst thing that could happen to an attorney, and Hunter had to pay for that (State of Ohio v. Tracie M. Hunter, Transcript of Proceedings, 2014). Deters' office subsequently brought the criminal allegations against Hunter in retaliation.
- 25 Pursuant her complaints, Deters formally removing himself from her case. However, he indirectly controlled the entire case. The county paid two attorneys approximately \$80,000 that were handpicked by Deters to represent Hunter in the cases filed by his friends against Hunter's court, but neither attorney had experience in juvenile law, and never filed answers in the cases, allowing all of them to go to default judgements.
- 26 Three of the criminal charges against Hunter were associated with the business use of her judicial credit card in the amount of \$1100 that was used to respond to those cases. Prior to the start of the second trial, Hunter's attorneys presented evidence demonstrating that the charges were falsely brought, because the county did not actually pay the credit card charges. They also ascertained that as the statutory representative of the Juvenile Court, Hunter had the legal authority to use her credit card to transact any business of the court, including defending lawsuits against the court.
- 27 Special Prosecutors Merlyn Shiverdecker and Scott Croswell, III were recommended by Deters to prosecute Hunter in a million dollar no bid contract. At the time, Croswell's law firm was also representing Deters in his personal divorce case, and they had previously represented Deters against criminal allegations when he served as State Treasurer, after his office was tainted by a campaign-finance scandal.
- 28 Among the several charges, Hunter was also accused of backdating court documents. During the first trial, Proware software expert, Don Flishel testified that she was not the one who backdated court documents. Three of the charges were associated with this accusation. According to Flishel, prior to charging her with crimes for backdating the Prosecutors office

was privy to the information that Hunter was not the one who backdated the court documents. He testified that the Prosecutor advised him not to state those facts in his affidavit (State of Ohio v. Tracie M. Hunter, Transcript of Proceedings, 2014).

- 29 Hunter was denied the constitutional right to judicial immunity and a speedy trial when she faced a retrial on nine charges after the jury was hung on all but one of the charges. Shiverdecker and Croswell dropped all remaining charges against Hunter on the day that the second trial was set to begin. This announcement came after a forensics expert discovered that the prosecution had destroyed Hunter's computer and evidence that would have exonerated her prior to ever charging her with crimes.
- 30 Many believe that the Special Prosecutors were aware that Hunter had not violated any laws, but brought the charges against her with the intent to remove her from the bench. When they dropped the remaining nine charges, they said that they were satisfied with the one conviction, because it served their goal of keeping her off the bench for the remainder of her six-year term. Which many believe was the goal all along.
- 31 The one charge, for which Hunter was convicted, was appealed to the First District in the court where Prosecutor Deters' Mother-in-law, Sylvia Hendon served as presiding judge. Hendon was also simultaneously presiding over Hunter's cases as a visiting judge in Juvenile Court, which was a gross abuse of power and a conflict of interest. After Hendon aged out of the court system, the Prosecutors brother, Dennis Deters was appointed to the First District Court of Appeals, after he lost his bid for re-election as County Commissioner.
- 32 The Ohio Attorney General could have prosecuted the case against Hunter at no cost, but to date the county has spent upwards of \$10,000,000.00 persecuting and prosecuting Judge Hunter.
- 33 The second trial was expected to cost over \$500,000, and after being appointed to the County Commissioners seat the Prosecutors brother voted to allocate funds for the no bid contract for Joe's friends to convict Hunter, despite the other two Commissioners expressing that they thought this to be a conflict of interest.
- 34 During Hunter's trial, Assistant Prosecutor, Katie Pridemore testified that Supreme Court Chief Justice Maureen O'Connor sent her to spy on Judge Hunter (State of Ohio v. Tracie M. Hunter, Transcript of Proceedings, 2014). The Ohio Supreme Court refused to hear Judge Hunter's appeal.
- 35 Although Hunter's removal from the bench is the most egregious with the filing of criminal charges, that 9 of 10 were later dropped when 1 got the desired result.

The Ohio Constitution sets forth provisions for impeachment and removal of a sitting judge

- 36 The Ohio Constitution sets forth provisions for impeachment and removal of a sitting judge. Judges may only be removed from office, by concurrent resolution of both houses of the general assembly, by a two-thirds vote, only after the judges have had an opportunity to be

heard. Even in cases of impeachment, judgment shall not extend further than removal from office, and disqualification to hold any office under the authority of the State (The 1851 Ohio Constitution with Amendments to 2015). This was not the case for Stokes, Squire and Hunter, who were strategically removed. None of the three went through the constitutionally prescribed process for removal, instead they were subjected to the disciplinary counsel and the criminal process, which acted as hidden power structures and stop gap measures that removed the three judges in an undemocratic manner (Enoch, 2017). These processes have the power to destroy a judge's career, without regard to the basic rights afforded them as judges and as citizens under both the U.S. and Ohio Constitution's. This process effectively circumvents the constitutionally prescribed removal process, which gives sole power of removal of a sitting judge to the General Assembly.

- 37 The lack of substantive representation on the bench and the denial of the right of black female democratic judges to serve on the courts across Ohio are crucial to understanding mass incarceration, the school-to-prison pipeline, and the growth of privatization of prisons and detention facilities. In 2010, when Hunter arrived on the bench, 85% of all children and families served in the Hamilton County juvenile court system were African American. 92.2% of children from Hamilton County serving sentences with the State of Ohio's juvenile detention facilities were Black, and 97% of them were Black males (DYS Bureau of Subsidies and Grants Staff, February 2009). This was an issue that tremendously concerned Hunter and she immediately began to address those inequities as a judge, but Hunter's win upset the status quo, and her win meant the end to the Republican dynasty that had controlled the court for over 110 years.

Judge Hunter's experiences and subsequent removal aren't unique.

- 38 Evidence presented during the disciplinary hearings of Judge Angela Stokes of Cleveland and Judge Carol Squire of Columbus, Ohio, suggests that the Ohio Supreme Court also participated in the take down and subsequent removal from the bench of the two other black female judges in Ohio over the past decade.
- 39 We believe that there is significant evidence that sustains that Stokes and Squire, were removed through the disciplinary counsel under false allegations and peculiar circumstances (Enoch, 2017). The political takedown of Stokes, Squire and Hunter required the cooperation of various government entities throughout the state and in Hunter's case, all the way up to the federal courts. In the case of all three black female judges, the strategic removal was orchestrated along party lines. The denial of the right of black women to serve as judges in Ohio has been pervasive over the past decade and raises considerable concerns surrounding the intersectionality of political orientation, race and gender composition of the bench.
- 40 The strategic removal of the three Black female judges through hidden power structures and stop gaps, incorporated in the design of the judicial system in Ohio, interferes with the right of the people (the electorate) to elect judges of their choosing, and leaves judges susceptible

to removal by their political adversaries (Enoch, 2017). Considering the historical nature of politically and judicially sanctioned racism in the US, and because of ongoing efforts by conservative political forces to use the power of the judiciary to overturn civil rights legislation by the U.S. Congress, the composition of the bench is especially important. The removal of the three judges from the bench effectively nullified the combined votes of 305,000 electors in Ohio. Essentially, the actions taken to prevent these three judges the ability to act independently, in the capacity for which they were elected, raises the question of the legitimacy and fairness of the courts and denies the constitutional right of equal protection for black female judges.

Future actions as a result of the Judge Hunter's experiences

- 41 We act based on Friends of the African Union response in 2014 as a UN Authorized Civil Society Joint venture with New Future Foundation, (UN Documents JS51_UPR22_USA_E_Main) that was directed to one of the ten areas to be commented on as subject headings detailed by the US State Dept. in response to the 2015 UPR - (1) civil rights, ethnic, and racial discrimination; **(2) criminal justice issues**; (3) indigenous issues; (4) national security; (5) immigration; (6) labor and trafficking; (7) economic, social and cultural rights and measures; (8) the environment; (9) domestic implementation of human rights, and; (10) treaties and international human rights mechanisms. We have now updated that action by proposing a #BlackFolksPlan based on over 4 years' experience with \$90B in bank based Community Benefit Agreements.
- 41 We will hold weekly conference calls that will encourage civic participation by fellow members of the US Human Rights Network along with other human rights organizations, civil society organizations that will with civil rights, patriotic, historical, educational, artistic, religious, anti-racism, and economic justice organizations to organize and take part in solutions around this experience, education/support vs incarceration/disengagement, to be included in the #BlackFolksPlan for People of African Descent in the African Diaspora in the USA.
- 42 At the state level, we will create solutions for people of African Descent based on the model created on the sidelines as part of our participation in the National Community Reinvestment Coalition Reinvest Ohio Summit, September 23rd, 2019. The Summit brought together community leaders, health care leaders, advocacy groups and public officials to discover ways to reinvest in communities across Ohio. We discussed strategies to combat disinvestment and displacement and to increase access to affordable housing and credit using tools like the Community Reinvestment Act. Financial institutions with over \$50B USD in established bank based Community Benefit Agreements (CBA) discussed how they worked and the next steps in their use. Now we add to that agenda a in-depth look at solutions to the aforementioned problem of spending \$202,502 annually to house an adjudicated juvenile vs educating a juvenile on average costs about \$9,518 annually (Ohio Department of Education, 2015).
- 43 It is our intention to hold over the next 4 years at least 30 such statewide Summit per year expanded from the current one day to three days, with a day focused on this problem with statewide solutions to the problem using repurposing county based Comprehensive

Economic Development Strategies that address the problem, CBA's and public private partnerships as tools. The 2020 states, starting with Ohio, include Alaska, Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia along with Washington, D.C and Puerto Rico.

- 44 In those state at the local level, we will replicate our actions in Hamilton County, Ohio where we submitted the county for review, as ground zero for the status of people of African descent and what changes we can make in their status going forward. We did this in Friends of the African Union Concept Note for the 24th Session of The Working Group of Experts on People of African Descent which took place 25-29 March 2019 in Geneva at UNHRC HQ. that created the concept of an overarching organization for People of African Descent in the African Diaspora called the African Diaspora Directorate.

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