

# Disciplinary Counsel

THE SUPREME COURT OF OHIO

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March 17, 2023

CONFIDENTIAL  
VIA EMAIL ONLY

Kimberly Vanover Riley, Esq.  
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**Re: Our File No. C2-1261J**

Dear Ms. Riley:

We have completed our investigation into the decision of your client, Judge Eugene Andrew Lucci, to revise the sentence imposed on Manson Bryant in Case No. 18CR000732 due to Bryant's courtroom outburst. After reviewing the evidence, we determined that further disciplinary action is not warranted due to the lack of substantial, credible evidence of misconduct.

We understand Judge Lucci's position that Bryant showed weak remorse during the sentencing. Judge Lucci initially considered it a mitigating factor. When Bryant interrupted the sentencing by yelling and jumping out of his seat, Judge Lucci determined that Bryant was not actually remorseful. Judge Lucci remained calm and professional and reassessed Bryant's remorse.

After reviewing the record of the proceedings, we agree that Judge Lucci remained calm and professional in light of Bryant's outburst. Judge Lucci did not use an angry tone in response to Bryant's continued interruption, which could be characterized as protracted and threatening. The law enforcement officers present physically restrained Bryant. Judge Lucci responded to Bryant's behavior by stating, "Remember when I said that you had some remorse?" This indicates Judge Lucci's justification for increasing Bryant's sentence was not pretext but was based on the course of the proceedings. The evidence does not prove he increased Bryant's sentence out of a desire to punish Bryant for his behavior.

Our investigation did not reveal substantial, credible evidence that Judge Lucci failed to comply with the law or perform his duties fairly and impartially without bias or prejudice; accordingly, we dismissed this investigation and closed our file.

Kimberly Vanover Riley, Esq.  
March 17, 2023  
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Sincerely,

A handwritten signature in black ink, appearing to read "Audrey E. Varwig". The signature is fluid and cursive, with the first name "Audrey" and last name "Varwig" clearly distinguishable.

Audrey E. Varwig  
Assistant Disciplinary Counsel

AEV/ks