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COURTS AND JUSTICE

Judge allows Cleveland activist to keep his lawyers, despite prosecutors' attempt to remove them

Published: May. 07, 2025, 9:41 a.m.



Antoine "Fahiem" Tolbert stands with attorney Maryam Assar in court. Judge William Vodrey ordered evidence to be turned over "expeditiously" to Tolbert's defense team after denying prosecutors' attempt to disqualify Assar and members of the Pattakos Law Firm. David Gambino



By [David Gambino, cleveland.com](https://www.cleveland.com/author/david-gambino/)

CLEVELAND, Ohio - A judge has rejected a request by Cuyahoga County prosecutors to disqualify the law firm representing a Cleveland activist accused of extortion.

The decision came after prosecutors argued Maryam Assar, a member of the Pattakos Law Firm, inappropriately met with victims of her client, Antoine "Fahiem" Tolbert, the day after he was arrested.

Tolbert leads a group called New Era Cleveland that claims to stage armed street patrols in crime-laden neighborhoods to deter violence. He was charged with extortion and intimidation. Authorities said he threatened the staff of Race Fuel gas station, in the Lee-Harvard neighborhood, who declined to purchase protection services from his group in August.

Tolbert's attorneys say he merely exercised his constitutionally protected right to boycott the store after staff refused to help him break up a fight between youths.

Following his arrest, his wife, Austreeia Everson, Assar and others met with some of the gas station employees to discuss a 90-day "cooling off" period and dropping the charges. In a superseding indictment against Tolbert, prosecutors named Everson and charged her with extortion for the Aug. 15 meeting.

During the meeting, prosecutors said, Everson said one of the gas station owners who didn't want to participate needed to change his mind or he would "lose everything."

"Your business is going to be over. Every single one. And then the relationship between the Black and brown community will never be able to be healed. And I don't want that," she said, according to a partial recording of the meeting.

Tasha Forchione, an assistant county prosecutor, asked Common Pleas Judge William Vodrey to disqualify Assar and any other attorney from the firm in late March.

"Even if no criminal charges are brought against Assar, the appearance of impropriety — that a defense attorney was present when a defendant's spouse extorted and intimidated witnesses — raises serious concerns," she said in a motion.

While Vodrey weighed the decision, prosecutors also fought against turning over evidence to Tolbert's defense team. Vodrey on April 25 ruled he was "not persuaded" that Tolbert should be deprived of his right to choose his attorney and ordered prosecutors to "expeditiously" hand over evidence.

"We're grateful that Judge Vodrey denied the prosecution's baseless abusive motion to disqualify our law firm and upheld our clients' right to be represented by attorneys of their choosing," Peter Pattakos said in a statement.

"We look forward to further exposing the prosecutors' and police's shockingly abusive and unconstitutional conduct toward our clients at the jury trial."

The county prosecutor's office declined to comment.

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The superseding indictment that named Everson also added charges against Tolbert and New Era member Rameer Askew, 19, for a July 27 incident.

According to Tolbert's attorneys, a video posted on the group's Instagram profile shows the incident. The footage appears to show Tolbert and another man, both armed, attempting to detain a man accused of selling marijuana to children. The man runs away and leaves behind his vehicle.

Tolbert, Askew and Everson are all represented by Assar, and all have pleaded not guilty. They are set for trial on May 20.

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