

Jury returns not guilty verdicts on all counts for Tolbert, New Era activists

Ideastream Public Media | By [Matthew Richmond](#)

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New Era members Antoine Tolbert, Austreeia Everson and Rameer Askew hug after the verdict is read on Aug. 11, 2025.

After more than a month of witness testimony and disputes over admissible evidence, the jury in the trial of three New Era Cleveland activists returned a not guilty verdict on all counts Monday afternoon.

As the 15 not guilty verdicts in the trial of Antoine Tolbert, Austreeia Everson and Rameer Askew were read to a court packed with their supporters, some audience members began sobbing quietly.

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Tolbert, who faced eight felony charges and years in prison, described hearing the verdict read as an out-of-body experience.

“Oh man, this is my first real breath in over 365 days. I’ve been holding my breath since Aug. 14 of last year,” Tolbert said.

Tolbert was arrested one year ago during a dispute with gas station owners on Cleveland’s East Side and was charged with several felonies, including extortion and aggravated menacing. Jurors agreed with the defense argument that the dispute was the basis of a boycott and not the prosecution’s description of extortion.

“Just ask yourselves, go back there and ask yourselves — is there anyone who believes the state proved its case beyond a reasonable doubt?” lead defense attorney Peter Pattakos said during closing arguments on Aug. 7. “[Did they] prove that Tolbert and Everson and Askew actually had criminal intent as opposed to the legitimate, lawful intent to take the actions that they took in pursuit of their mission?”

Tolbert was charged with extortion, aggravated robbery, aggravated riot, breaking and entering, aggravated menacing and intimidation. Several of the charges included gun specifications which add years to prison sentences.

Askew was charged with aggravated robbery and kidnapping for attempting a citizen’s arrest with Tolbert of an alleged drug dealer who was selling marijuana to a 13-year-old.

Everson was charged with extortion, intimidation of a victim or witness and aggravated menacing for attempting to reach an agreement with the station owners immediately after Tolbert’s arrest.

Everson is Tolbert’s domestic partner and the president of New Era. Askew will start his second year at Cleveland State University later this month, where he’s studying organizational leadership. This case will not change their tactics, Askew said.

“It just gave me a glimpse of this side of the work and how the system works against us and not for us,” Askew said. “I didn’t know what to expect, especially how they tried to paint a picture of us, calling us ‘masterminds’ and ‘gangbangers.’”

The jury took about a day of deliberations to return not guilty verdicts on all counts.

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a couple of jurors stopped to chat with Askew, Everson and Tolbert on their way home.

“To me, it says the people saw what we saw,” Everson said about the verdict. “The focus wasn’t figuring out if these things actually happened. It was what information can we hide or not provide or twist to make us seem like we were a gang, and just a racially motivated narrative that they had about us.”

Cleveland police filed charges against Tolbert on Aug. 14, 2024. The charges were based on an accusation by owners of Race Fuel gas stations and by Rubin Swift, whose exact affiliation with the stations remains murky, alleging that Tolbert demanded payment for security and threatened the gas stations.

Tolbert and other members of New Era Cleveland launched a boycott shortly before his arrest, following a dispute at the station at the corner of Lee Road and Harvard Avenue in Cleveland.

According to Tolbert, he and his group first went to the station on the night of Aug. 3 during one of the group’s regular, armed community engagement walks.

They returned to break up a fight among teenagers outside the station. The owners and the lead detective in the case, Timothy Hannon, denied there was a fight until video was played during trial supporting Tolbert’s claim.

Tolbert went inside the station and, according to police reports, threatened the clerk and made demands about hiring New Era as security. Tolbert maintained all along that the clerk made racist, dismissive comments, and that led New Era to the dispute.

Initially, according to those police reports, there was surveillance video backing up the station owners’ claims and an alleged three-hour armed shutdown of the business. The prosecution only produced 30 minutes of surveillance footage from that night.

“They had surveillance footage inside the store that would have showed exactly what Tolbert said. Oops. Gone. Gone. What happened to it?” Pattakos said during closing arguments. “No testimony from a single person that was actually inside the gas station that day. They couldn't get a single one of their employees, not even a subpoena. The state could have compelled those people if they thought their testimony would be helpful.”

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There were several moments with prosecution witnesses on the stand that seemed to expose gaping holes in the case, starting with the testimony of Swift.

Swift described himself as a co-owner of the gas station in charge of security. Other co-owners, including the lead owner, Ibrahim Shehadeh, testified that he was not an owner. Swift testified he was not paid between 2023 and 2024 because he had received a large insurance payout after his \$80,000 house burned down.

“That’s because he knew, you can infer reasonably, he knew that there was no record of payment because he wasn’t an employee of the gas stations,” said Pattakos about Swift during closing arguments. “He was somebody who had played a very dubious role in these events as an agent provocateur, I submit.”

Swift testified that he found out about the incident when he got a call from Shehadeh, Cleveland City Councilman Joe Jones and an unnamed city employee two or three days after the Aug. 3 incident. Shehadeh told Swift to “take care of it,” Swift testified.

“So, I found out what happened, I basically called the news media,” Swift said.

On Aug. 8, Fox 8 in Cleveland ran a news story headlined, “Like Russia was taking over; Business owner concerned after armed suspects surround store.”

[Swift is identified as an owner and quoted in the article](#) as saying, “They stopped you from coming in and out with machine guns.”

Footage played during trial showed customers entering and leaving the store that night while New Era was outside. The article on Fox 8 also combined the incident involving New Era with an unrelated shootout outside another nearby gas station, creating the impression, according to defendants, that they were responsible for the shooting incident.

Tolbert and Askew filed a lawsuit in Cuyahoga County Common Pleas court on Aug. 8, the first day of jury deliberations, against the station owners, reporter Margaret “Peggy” Gallek and Fox 8’s parent company, Nexstar, based on that story. It is pending in former Cleveland City Council President Kevin Kelley’s courtroom.

Everson went in and met with gas stations after Tolbert was arrested and was joined by

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largely bolstered the argument that the conversations were about reaching an agreement, not extortion or intimidation, as alleged by the prosecution.

She recorded their conversations on Aug. 14 and Aug. 15, and lengthy excerpts were played for the jury.

“Yeah, y'all should drop the charges because, you know, if what y'all said actually happened, we wouldn't even be here right now, you know, like, if y'all would've just told the truth about what actually happened,” Everson testified about her conversation with the gas station owners. “And so the bulk of the conversation wasn't about me trying to force them into dropping charges, it was addressing the fact that why we were there and that there would've never been any issue if that Fox 8 article would've never came out.”

After the article appeared, confrontations at the gas station grew more heated. During one encounter on Aug. 9, a group of New Era members were met at the station by several owners. Multiple people on both sides were armed. New Era began protesting outside the station and calling on people not to buy gas there.

“Tolbert and Askew and their followers went back to this gas station, always armed, always with almost like militia gear,” said Assistant Prosecuting Attorney Mary Grace Tokmenko during her opening arguments. “You will hear how intimidated all those gas stations employees were.”

During each day of trial, including after resting their case, prosecutors brought to the courtroom the two AR-style rifles confiscated from Tolbert and Askew, as well as several handguns, and either placed them on the prosecution table in front of the jury or on a cart between their table and the jury.

None of the defendants were charged with firing a weapon or have ever been suspected of firing a weapon in public or threatening anyone with a firearm. All were legally allowed to carry firearms. Askew and Tolbert were carrying the AR-style rifles during several of the incidents in the trial. Open carry is legal in Ohio.

Throughout the trial and in her closing argument, Tokmenko brought up the implied threat represented by these firearms in Tolbert and Askew's hands.

“Everything about them is aggressive,” said Tokmenko. “Everything about their whole look. This is an assault rifle. This is deliberate and unapologetic and intentional. When somebody is carrying this in a public space, there's no way they don't know the message they're sending.”

During the Aug. 9 incident, shortly after police were called, someone fired a gunshot at the gas station. During cross examination of Anne Reynolds, one of the officers who responded that day, Pattakos played surveillance footage that showed Shehadeh, who was armed at the time, go around the side of the gas station, to a place outside the view of the surveillance cameras, right before the gunshot.

Pattakos points out what looks like muzzle flashes coming from the area Shehadeh walked to.

“You didn't notice that when you viewed this video the first time, did you?” Pattakos read from the transcript during his closing argument.

“No,” Reynolds responded, according to the transcript.

“Had you noticed that, what would you have done?”

“I would have gone to the gas station owners and asked if they had firearms on them, would have conducted an investigation.”

“If you determined that the man in black was one of the gas stations owners, you would have taken his gun and inspected it, wouldn't you, ma'am?”

“If I was aware of it? Yeah.”

The defense was also able to poke holes into the allegation that Tolbert demanded payment from the gas station owners and made threats.

“You told the police, straight up, that Tolbert said he was going to shoot you with the gun pointed at you and it was on [surveillance] tape, correct?” Pattakos asked one of the owners, Dahoud Hamidah, during cross examination.

“Yep,” Hamidah said.

“That came out wrong,” Hamidah said.

Hamidah said the way rifles were slung over Tolbert’s and Askew’s shoulders made it seem like, if the guns went off, he could have been shot, even though neither had their hands on the rifles.

Shehadeh later testified that Tolbert made a demand to be hired for security over the phone, with Councilman Jones on the line.

But even that was less than clear.

“We heard from Ibrahim [Shehadeh] that he specifically was given the belief that Mr. Tolbert wanted to provide security services,” said Assistant Prosecuting Attorney Brandon Piteo during closing arguments. “Ibrahim was told that they would need him, that he would be in need of services from Mr. Tolbert.”

Councilman Jones, who was on that call with Shehadeh and Tolbert, testified he did not hear Tolbert make any threats. The case came down to how all this made the gas station owners feel, even if there weren’t clear threats being made, according to Piteo.

“Consider what they reasonably felt like,” said Piteo. “In addition to their testimony, having armed men appear over and over again, not just on the evening of Aug. 3, remaining on Aug. 4, returning and returning. Consider that you heard testimony from Rubin Swift, Dahoud [Hamidah], Fasaul [al Najada, a co-owner], Jack [Hamamra, another co-owner], Ibrahim [Shehadeh], all indicating their fear, not just the statements that were made.”

The defense countered the prosecution’s perception of Tolbert and New Era with testimony from members of the public, sometimes while cross-examining prosecution witnesses. Robert Render, a longtime Buckeye neighborhood resident and activist; Timothy Tramble, the president and CEO of the St. Luke’s Foundation, which awarded a grant to New Era after charges were filed against Tolbert; and prosecution witness Shereen Naser, who was present at the conversation with Everson and gas station owners on Aug. 15 that led to charges against Everson, all spoke positively about New Era’s work.

“Tramble said on the stand here before you that he considered the charges that had

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Luke's decision to award New Era a grant. "And he must not have thought there was much to them. He said, 'Even MLK was prosecuted.' Martin Luther King, which I think is a very telling testimony."

Askew was charged, along with Tolbert, for a July 27 attempted citizen's arrest of Tyrone Sims, an alleged marijuana dealer. According to testimony and footage on Instagram, Tolbert and Askew set up a sting with a 13-year-old Cleveland resident who had previously allegedly purchased marijuana from Sims.

When the deal was about to occur, Tolbert and Askew came out, armed, and told the alleged dealer to lie down on the ground. Instead he ran away. Tolbert and Askew called the police, who impounded the car and thanked Tolbert and Askew.

A warrant was issued to compel Sims to testify. When he was brought to the stand, he pleaded the fifth. Sims did not say whether it was him on the video of the incident. Cuyahoga County Prosecutor Michael O'Malley was in the audience during Sims' testimony, and spent much of it with his eyes closed and head tilted back, in apparent dismay over the testimony.

The defense also turned its focus on the lead detective in the case, Timothy Hannon, and the way he handled the case.

"You heard Det. Hannon on the videos and the interviews with the witnesses wherein he repeatedly tries to convince witnesses that Tolbert is just out for himself," Pattakos said during closing arguments. "Hannon told multiple witnesses in this case that Tolbert is basically a cult leader who thinks he's Jesus or Muhammad, and that he's brainwashed his followers."

In a recording played for the jury, Hannon is heard bringing up the [2022 arrest of Tolbert by Cleveland police for openly carrying firearms](#). A grand jury declined to indict Tolbert, and the officer who ordered his arrest and transport to jail, Sgt. Lance Henderson, was suspended for 13 days. Tolbert settled a lawsuit with the city for \$85,000.

Hannon is heard on a body camera recording saying Tolbert tried to get Henderson fired.

"The previous lawsuit is brought up: 'Oh, this is the Henderson guy,'" Pattakos said to the

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to investigate. “This is the guy, oh, and he won a nice lawsuit. Oh, great, now we have something on him.”

Based on this evidence, the defense included in the instructions that went to the jury right before their deliberations a section about police retaliation and bias. It included instructions on police immunity and how to weigh allegations of police misconduct against assumptions about an officer’s fear of civil liability.

Prosecutors objected to that part of the jury instructions and, just before closing arguments, requested a mistrial. Judge William Vodrey denied the motion. They then requested a mistrial with the Ohio Supreme Court and a stay of the proceedings.

“For the past five weeks, Judge Vodrey has presided over a circus in his courtroom,” a spokesperson for the prosecutor’s office wrote in a statement to media. “That, combined with repeated improper legal rulings, has caused the State of Ohio to seek a mistrial.”

In an affidavit filed with the motion for a mistrial, the prosecutor’s office criticized Vodrey for allowing the discussion of constitutional protections that might apply to the case; for allowing defense to ask for witnesses’ opinions of whether any crimes were committed; and for allowing Tolbert’s supporters to wear shirts in the courtroom calling for charges against him to be dropped.

The Supreme Court declined to stay closing arguments and jury deliberations. The day after the “not guilty” verdicts were reached, the Supreme Court dismissed the case as “moot” without issuing an opinion.

After the verdict, Tolbert said he thought about facing years of prison time every day during the trial and, as he walked out the Justice Center to chants of “Ain’t no power like the power of the people...” turned and smiled.

“Yeah, they can’t stop us,” he said. “They can’t stop us.”

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This story was updated to include additional details about the trial.

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