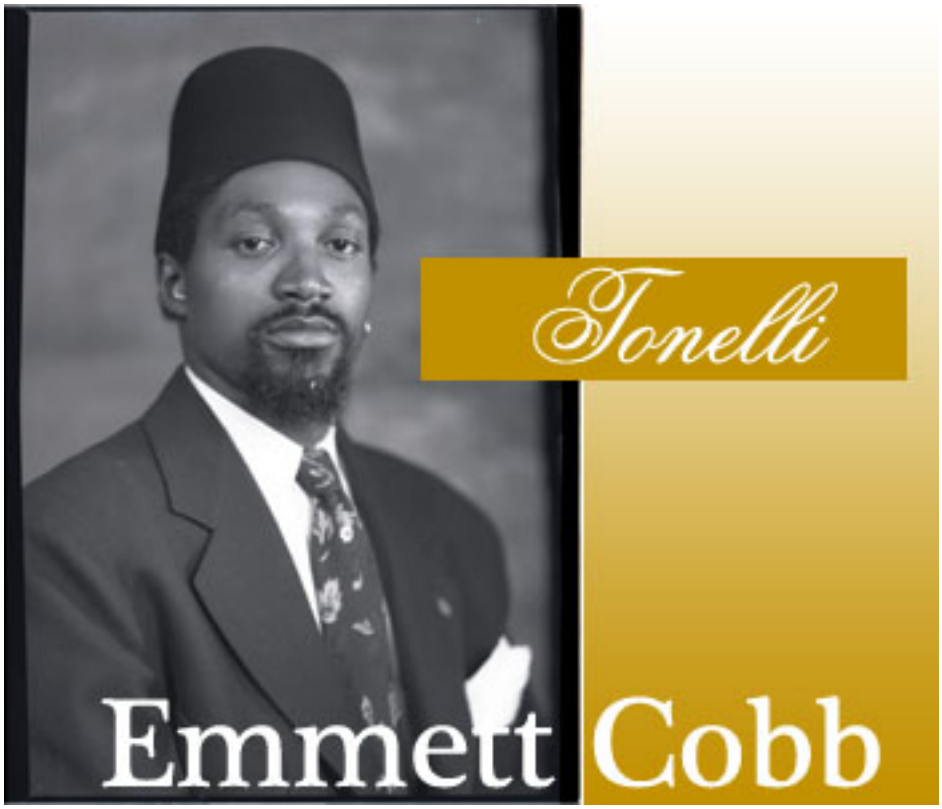

Cobb was released quietly in the late 1980s. He stayed with his closet friend, John Drake, at Drake's house on Imperial Avenue but it only lasted two weeks. Cobb could not function; his mental condition was unstable,

By Ryan Miday

Contributing Writer

In Part IV of the Call and Post series on Emmett "Tonelli" Cobb, writer Ryan Miday explores the sensational 1954 trial of Cobb, who is now referring to himself by his Moorish American/Muslim name Ahmed El. The trial begins with an astonishing legal assertion by Cobb and his refusal to remove his famed red fez.

Ahmed El Goes to Trial: On May 6, 1954, the judge resumed the trial of State of Ohio vs. Emmett Cobb. The trial might have begun May 3, but Cobb refused to remove his fez as he pontificated on the science and law of Islam as reason for his disobedience. The judge called it a hat and instructed the deputies to forcibly remove it. He further infuriated the judge by claiming that he was unfair, biased, and prejudicial toward him. Cobb was ordered to have a psychological evaluation by the court's clinic to determine if he was competent to stand trial.

In court this day, May 6, Cobb was wearing his fez, again. The judge, Arthur Day, immediately inquired as to why he was not complying with the court's order. Cobb explained, "Your Judgeship, I am in the science of Islam; I am not a Christian; and it is my understanding that I am under my constitutional right … the fez represents the height of wisdom and knowledge based upon the twelve signs of the zodiac, the seven planets and geometry, which is in harmony with my school of thought." The prosecution informed the court that it did not object to the fez. The judge acquiesced, declaring Cobb could wear the fez.

The judge moved onto to the psychiatric evaluation. The judge read, "It is our opinion that while this person (Cobb) presents an unusual personality, which sets him apart from his social group, he is not suffering from a mental illness." The judge adjourned for the day.

On the next day, May 7, the jury was picked and sworn in, and the trial commenced with the prosecution's opening statement. The prosecution called seven witnesses that included the three women, who testified before the grand jury. Cobb did not cross examine the State's witnesses. He had subpoenaed 41 witnesses but never called anyone to the stand. With the exception of giving an opening statement, Cobb refused to participate in his defense. Cobb accosted the judge throughout the trial, insisting that the judge rule on his change of venue motion. He was held in contempt of court and fined, twice.

With Cobb not furnishing a defense, the trial only lasted three days. On May 12, after deliberating for two and a half hours, the jury returned its verdict. Cobb was found guilty of all 11 counts. "I was there that day when he was sentenced," said Cleveland Attorney James Willis, who still practices today. Willis was right out of law school, but is clear about what he witnessed 57 years ago: "The trial was a farce – he got railroaded."

Willis has dug back into the case, trying to understand how Cobb ended up in an insane asylum with no eligibility for parole. After the jury rendered its guilty verdicts, the judge sentenced Cobb to 14 to 68 years to be served at Ohio State Penitentiary in Columbus. But the judge ordered

another psychiatric evaluation of Cobb based upon his behavior during the trial. On May 25, 1954, the court found Cobb to be a "Psychopathic Personality." The judge ordered him sent to the Ohio State Hospital for the Criminally Insane in Lima for an indefinite period of time. The judge made clear that his time spent in Lima would not count toward his prison sentence. Willis remarked that if the diagnosis was warranted, it seems that he should never have been allowed to represent himself.

The drama continued while Cobb waited to be transferred to the Lima hospital for the criminally insane. Call & Post's Woody Taylor delivered a note to Cobb in the county jail. The reporter had visited the Westside housewife, who testified against him at trial, at the county jail cell two days earlier. She had been arrested prior to trial and charged with passing phony checks. She wrote in the note that she would do anything to help free him.

A month after trial, both White women, who testified against Cobb before the grand jury and at trial, publicly recanted their statements, claiming they were promised no jail time by police on their check cashing cases. The Westside housewife told the Call & Post, "I was double crossed by the prosecution after I got on the witness stand and lied for the state about my relationship with Tonelli." She further said that she would have exonerated co-defendant Ralph Smith but he had already plead guilty. The Shaker Heights heiress also accused the police of bribery, in another case. The police denied the women's claims and asked the judge for leniency due to their cooperation in the state's case against Cobb. The judge sentenced both to 1 to 10 years. Smith was deported to Jamaica.

When Cobb was sentenced to prison, he immediately requested a new trial, but the judge denied the motion. It would take until 1970 for him to gain a glimmer of hope. Well known attorney Charles E. Mosley Jr. of Cleveland's first black law firm, Willis, Mosley, Childs, and Chandler, won an appeal that ordered the trial court to hold a hearing on arguments presented by Attorney Mosley that Cobb's constitutional rights had been violated. For some unknown reason, the hearing never happened.

Cobb was released quietly in the late 1980s. He stayed with his closet friend, John Drake, at Drake's house on Imperial Avenue but it only lasted two weeks. Cobb could not function; his mental condition was unstable, and his medication was wearing off. For 31 years, he had been given injections of Thorazine and Stelazine. He was sent back to Lima

. It was the last time Drake saw Cobb.

Editor’s Note: Look for the conclusion of the Tonelli story next week in the Call & Post Newspaper. In Part 5 of this amazing story, we examine his last days and the legacy of this unforgettable local legend. You can also find parts 1 – 4 of the Tonelli story at callandpost.com (just look for the brother in the fez!)