

# COHEN, TODD, KITE & STANFORD, LLC

## ATTORNEYS AT LAW

### JOHN L. O'SHEA, Member

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#### PROFESSIONAL EXPERIENCE

John is available *day or night* at **513-300-4012** to protect his clients. Call any time if you need help immediately. He always answers his phone.

John practices in all areas of litigation with particular emphasis on criminal defense and white collar criminal defense, DUI/OVI ("drunk driving") defense and civil litigation involving business law, serious personal injury and wrongful death claims in both State and Federal Court.

The Best Lawyers in America named John the 2023 Criminal Defense "Lawyer of the Year". He was named to

the Super Lawyers Top 100 lawyers in Ohio for 2013, '17, '18, '19, '20 & '21 and to the Top 50 lawyers in Cincinnati each year from 2012 through 2023. John was also The Best Lawyers in America 2015 Cincinnati Criminal Defense "Lawyer of the Year" and its 2018 Cincinnati Criminal Defense: White Collar "Lawyer of the Year".

John has a perfect 10.0 rating from AVVO.com. See John's [Avvo.com](https://www.avvo.com) profile for peer endorsements and client reviews.

John is a designated attorney of the United States Concealed Carry Association's Critical Response Team, which provides 24 hour insurance backed benefits, including immediate criminal defense representation, for USCCA members.

John defended a USCAA member indicted for Murder, Attempted Murder and Felonious Assault for shooting and killing one and shooting at another. John argued self-defense at trial, after which his client was found Not Guilt of all charges. All defense costs were paid by USCCA.

John was called at 3:45 a.m. by the USCCA Critical Response Team to protect a USCCA member in police custody after being involved in a shooting. The USCCA member had defended himself by returning fire and shooting the assailant. The USCCA member was unharmed. John immediately responded to the police department where his new client was being held for questioning. John protected his client through the investigation. His client's attacker was charged with Felonious Assault. John's client was released without being charged. All defense costs were paid by the USCCA.

Before joining the firm in 1994, John served as an assistant prosecutor in the Juvenile, Municipal and Common Pleas Court trial divisions of the Hamilton County Prosecutor's Office. During that time, John was appointed by the Ohio Attorney General as a special prosecutor for the Ohio Organized Crime Investigations Commission. After joining the firm, John was twice appointed as a special prosecutor by the Hamilton County Courts.

Today, John uses his trial experience to effectively defend individuals and businesses in white collar criminal investigations and prosecutions, as well as adults and juveniles charged with misdemeanor and felony criminal offenses of every type, including drug offenses and driving under the influence charges.

In civil matters, John has successfully advised and represented business clients on various corporate matters, disputes and litigation. He has won significant awards for clients in numerous personal injury and wrongful death cases.

John serves the City of Blue Ash, Ohio as its Mayor's Court Magistrate.

Call at your convenience for a free consultation or if you just have a question.

Call John on **513-300-4012** at *any time* if you need help *immediately*.

## **PRACTICE AREAS**

### **Criminal Defense & OVI / DUI**

- OVI / DUI – Drunk Driving
- White Collar Criminal Law
- Juvenile Law
- Criminal Appeals

### **Litigation**

- Business & Complex Litigation
- Personal Injury & Wrongful Death
- Trials and Appeals

## **BAR ADMISSIONS**

- Ohio, 1989
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Southern District of Ohio

## **EDUCATION**

- J.D., University of Cincinnati College of Law, 1989

## **REPRESENTATIVE MATTERS**

### Personal Injury/Wrongful Death related matters:

- Successful resolution of numerous serious personal injury claims on behalf of plaintiffs.
- Resolution of five separate wrongful death claims from automobile accident fatalities resulting in payments totaling over \$5,000,000.

### Criminal Trial Practice – Self-defense related matters:

- Called at 5:22 a.m. by the mother of two young men in police custody accused of an early morning homicide. Immediately responded to the police department. Coordinated both boys' defense, which included securing co-counsel. Spent the day negotiating with the police, who ultimately charged both boys with Murder. Within minutes of that charging decision, reached an agreement with the prosecutor for bail and both boys were released less than two hours after being charged. The case was investigated and negotiations with the prosecutor continued, which included presenting evidence of self-defense. The Grand Jury then dismissed all charges, exonerating both boys.
- Represented individual indicted for Murder, Attempted Murder and Felonious Assault with firearms specifications for shooting and killing one individual and shooting at another. Charges carried life in prison if convicted. Argued self-defense at trial. Not guilty verdict.
- Represented individual indicted for Felonious Assault with firearms specifications for shooting another in the street after an argument. Mandatory minimum eight year prison term if convicted. Argued self-defense at trial. Not guilty verdict.

- Represented an individual indicted for Felonious Assault for assaulting another with brass knuckles. Proved self-defense at trial. Not guilty verdict
- Represented an individual indicted for Felonious Assault with firearms specifications for shooting another four times. Charge carried a mandatory minimum five year prison term if convicted. Proved self-defense at trial. Not guilty verdict.

Employee Theft related matters:

- Represented an employee investigated by law enforcement for embezzlement of \$274,935 from employer. Negotiated resolution without criminal charges being filed.
- Represented a Treasurer charged with embezzlement of \$175,000 from a children's athletic organization. Negotiated Plea Agreement with no incarceration.
- Represented an employee indicted for embezzlement of \$62,728 from employer. Negotiated deferred prosecution agreement where charge was dismissed and all case records sealed.
- Represented an individual in a Federal Court prosecution for embezzlement from a public school fund. Negotiated Plea Agreement with no incarceration.

Federal Court related matters:

- Represented a Plant Manager of a manufacturing corporation in a Federal Court prosecution by the U.S. Department of Justice and the Environmental Protection Agency for a violation of the Clean Air Act in the State of Indiana. Negotiated plea agreement with no incarceration.
- Represented a corporation investigated by the U.S. Department of Justice and the Internal Revenue Service before a Federal Grand Jury for alleged fraud in the administration of an employee benefits program. Investigation was closed without Indictment.
- Represented a corporation investigated by the U.S. Department of Justice in the Commonwealth of Kentucky before a Federal Grand Jury for alleged improper pharmaceutical accounting procedures. Investigation was closed without Indictment.
- Successfully represented a corporation in its Federal Court civil prosecution of organized interstate and international trademark counterfeiting.
- Represented a corporation investigated by the U.S. Department of Justice, Antitrust Division, before a federal grand jury for alleged price fixing. Investigation was closed without indictment.

State Court related matters:

- Represented a Pharmacist indicted for four felony counts of Theft of Drugs. Prior to trial, negotiated complete dismissal of Indictment and sealing of all case records.
- Represented individual indicted for two felony counts of Obstructing Justice for allegedly harboring her ex-husband who was a fugitive from justice. Negotiated complete dismissal of Indictment and sealing of all case records.
- Represented a student in a State Court Felony Indictment for Aggravated Arson for setting fires on a college campus. Negotiated Plea Agreement with no incarceration.
- Represented an individual indicted with three co-defendants for Aggravated Burglary with Firearm Specifications. Negotiated plea agreement with no incarceration. Co-defendants entered guilty pleas. Two were sentenced to four years in prison and one was sentenced to six years in prison.
- Represented an individual indicted for Felony Theft of \$80,000 from an elderly person. Negotiated deferred prosecution agreement where charge was dismissed and all case records sealed.
- Successfully protected an individual in Probate Court litigation over her rights to proceeds from four (4) multi-million dollar trusts.
- Represented individual charged with Driving Under the Influence, Possession of Drug Paraphernalia, and Felony Aggravated Possession of a Fentanyl Related Compound after causing a head on auto collision. Negotiated complete dismissal and sealing of all records of both drug charges. Negotiated reduction of the Driving Under the Influence charge to Reckless Operation.

- Represented young woman indicted for Involuntary Manslaughter, Corrupting Another with Drugs and Tampering with Evidence, in which client was accused of being responsible for the Fentanyl overdose death of a man. Conviction as charged carried up to 22 years in prison and a mandatory minimum 8 years in prison. Negotiated a plea agreement to Tampering with Evidence and Drug Abuse with probation and drug treatment. Plea included agreement that case records will be sealed. Manslaughter and Corrupting charges were dismissed. Plea stipulated no responsibility for or involvement in the overdose death.
- Represented an individual in a State Court prosecution under Racketeer Influenced and Corrupt Organizations Act (RICO) for alleged illegal gambling activities. Negotiated Plea Agreement with no incarceration.
- Represented individual charged with conspiracy to defraud a bank of over \$600,000. Negotiated pretrial diversion, after which charge was dismissed and all case records sealed.

Trial and Appellate related matters:

- Represented a medical practice office manager on a 29 count state court felony indictment, which included allegations of theft of drugs, embezzlement and forgery. Not Guilty Jury Verdict on all 29 counts.
- Represented a public employee in a State Court Felony Indictment for Theft in Office for alleged embezzlement from a public school fund. Not Guilty Jury Verdict.
- Represented a semi-tractor trailer driver charged with Vehicular Homicide and Vehicular Manslaughter. Not Guilty Verdict.
- Represented an individual in appeal of conviction for Driving Under the Influence. Conviction reversed unanimously by the Ohio First District Court of Appeals and case dismissed.
- Represented an individual charged with Driving Under the Influence in Trial Court and Court of Appeals. Trial Court dismissed all charges on pretrial motions. Government appealed dismissal and Ohio First District Court of Appeals unanimously affirmed Trial Court and dismissed case.
- Represented an individual in appeal of conviction for Driving Under the Influence. Conviction reversed unanimously by the Ohio Sixth District Court of Appeals and case dismissed.
- Represented individual charged with Driving Under the Influence after causing an early morning three car accident. Successfully argued to have the pretrial license suspension immediately terminated. Not guilty verdict after trial and all case records sealed.
- Represented individual indicted for Carrying a Concealed Weapon, Having Weapons While Under Disability, and Improper Transport of a Firearm in a Motor Vehicle after a traffic stop during which two firearms were recovered by law enforcement from vehicle. Not guilty verdict after trial and all case records sealed.
- Represented individual charged with Child Endangering after leaving her two young children home alone. Not guilty verdict after trial and case records sealed.

Immigration Law related matters:

Successfully represented an individual in a Petition for Writ of Coram Nobis in Federal Court to set aside a 1998 criminal conviction for Bank Embezzlement. Thirteen year old criminal conviction set aside and case dismissed.

## CERTIFICATIONS

- Certified Mayor's Court Magistrate, Ohio Municipal League
  - Serves the City of Blue Ash, Ohio as its Mayor's Court Magistrate

## COMMUNITY INVOLVEMENT

- Serves the Ohio Supreme Court as a member of its Lawyer to Lawyer Mentoring Program for newly licensed attorneys.
- Member of the Advisory Board of Big Brothers and Big Sisters of Greater Cincinnati.
- Member of the Hamilton County Republican Party Judicial Screening Committee.
- Member of the Aegis Council for tuition assistance of St. John's Jesuit High School & Academy, Toledo, Ohio.
- Member of the Loyola Club for tuition assistance of St. Xavier High School, Cincinnati, Ohio.

## PROFESSIONAL ASSOCIATIONS

- National Association of Criminal Defense Lawyers
- Ohio Association of Criminal Defense Lawyers
- Ohio State Bar Association
- Cincinnati Bar Association
- Federal Bar Association
- Member, United States Concealed Carry Association, Critical Response Team
- Member, Armed Citizens' Legal Defense Network, Affiliated Attorney Program

## AWARDS

- Top 100 Ohio Super Lawyers: - 2013, 2017 through 2021
- Top 50 Cincinnati Super Lawyers - 2012 through 2023
- Ohio Super Lawyer - 2009 through 2023
- Best Lawyers in America Cincinnati Criminal Defense "Lawyer of the Year" - 2023
- Best Lawyers in America Cincinnati Criminal Defense "Lawyer of the Year" - 2015
- Best Lawyers in America Cincinnati Criminal Defense: White Collar "Lawyer of the Year" - 2018
- Best Lawyers in America, Commercial Litigation - 2014 through 2023
- Best Lawyers in America, Criminal Defense - 2014 through 2023
- Best Lawyers in America, Criminal Defense-White Collar - 2014 through 2023
- AVVO.com Perfect 10.0 "Superb" Rating
- AVVO.com 2014 Client's Choice Award

