

2013

ANNUAL REPORT

**VILLAGE OF
CAYUGA HEIGHTS COURT**



Glenn G. Galbreath
Village of Cayuga Heights Justice

Patricia Kannus
Village of Cayuga Heights Court Clerk

ANNUAL REPORT OF GLENN G. GALBREATH, VILLAGE JUSTICE

This year's report indicates that there were very few major shifts in court activity in 2013 from 2012. The case numbers and types stayed about the same. Fines and surcharges collected increased about 10%, but the mandatory surcharges were also raised about 10%.

Following the summary of data immediately below is a short narrative about the data and other court activities for the year. The charts attached at the end contain a little more detail in the data over a five year period.

SUMMARY OF CASE ACTIVITY

<u>Case Types</u>	<u>2012</u>	<u>2013</u>
Vehicle + Traffic Law (V+TL) (including parking)	966	952
Penal/Criminal Law	38	37
Civil/Small Claims	<u>1</u>	<u>3</u>
Total Cases	1,005	992
 <i>Total Funds Collected</i>	 \$65,073	 \$70,497
 <i>Number of V+TL Trials</i>	 19	 14

Vehicle and Traffic Law (V+TL) Cases (See attached chart.)

Vehicle and traffic law matters account for the majority of the Court's cases, fines and surcharges collected and the Court Clerk's time. The total number of vehicle and traffic cases in 2013 (952) is essentially the same as 2012 (966). There was a small decrease in the number of regular and school zone speeding convictions (111 in 2012; 98 in 2013), but there was a dramatic increase in convictions for failure to obey a traffic control device (FTOTCD)(166 in 2012; 216 in 2013). FTOTCD is a "catch all" traffic offense. That is, it is an alternative and lower level charge to other offenses such as speeding, not stopping at a stop sign, etc. Officers sometimes choose to charge a defendant with FTOTCD knowing that the fine and points are lower for FTOTCD than the alternative charge.

There was an increase in convictions in the alcohol-related cases (Driving While Intoxicated (DWI), Driving With Ability Impaired (DWAI), and Aggravated DWI (ADWI)). In 2013 we had 11 convictions. For the years 2010 through 2012 it was between 2 and 5 each year. That being said, the 11 we had in 2013 is still considerably lower than the number of convictions in 2008 (35) and 2009 (21). So in the long run, the trend appears to be going in the right direction.

The number of cell phone convictions decreased from 64 in 2012 to 39 in 2013. My best guess is that it is a function of more public awareness of the prohibition against using a phone while driving. Also, the penalties (minimum fines, surcharges and points) have increased dramatically in 2013.

The number of cases dismissed decreased in 2013 (329) as compared with 2012 (372). Most of the dismissals were done in the "interests of justice," either because there was no violation (e.g. driving without insurance, but later it was shown that insurance actually was in effect at the time of the ticket) or the violation was minor and quickly remedied (e.g. for a recently expired inspection or registration or minor equipment violation). Dismissals also can occur when the prosecution and defense enter into an agreement and then together ask and convince the court to agree to their plea bargain. Sometimes those plea bargains result in reducing or dismissing some of the charges in return for a guilty plea. In some courts, the pressure of high case loads can be a significant incentive for the judge to accept a plea bargain proposed by the defense and prosecution. Because the Village Court's case numbers are not overwhelming, case load pressure does not play a role in my determining if a plea bargain is appropriate or not.

Parking (See attached chart.)

Although parking tickets are part of the V+TL statistics, we identify them separately, because the administrative processing frequently is done by the Police Department and the Court Clerk without the need of my intervention. Only occasionally do I need to arraign a defendant or hold a trial for a parking ticket. Nevertheless, the Court Clerk must always process the paperwork and occasionally arrange for payment of the fine. The number of parking tickets increased from 147 in 2012 to 167 in 2013.

Penal/Criminal Cases (See attached chart.)

The Penal/Criminal Law category includes local law and state law infractions, misdemeanors and felonies. Generally, these are more serious than most V+TL matters and take more time. The misdemeanors and felonies create a formal criminal record for a defendant that stays with him/her for a lifetime. Not counted here in the Penal/Criminal Cases statistics, even though many are also misdemeanors and felonies, are some V+TL offenses, e.g. DWI, ADWI, reckless driving, aggravated unlicensed operation, leaving the scene of an injury accident, etc. Those misdemeanor or felony V+TL cases appear only in the V+TL statistics chart.

In 2013 our criminal law convictions stayed the same - 38 in 2012 and 37 in 2013. At least half of these cases were not especially serious, e.g. 8 noise violations and 11 people visiting Sunset Park after hours.

One thing to note is that felonies, the most serious criminal cases (e.g. homicide, major sexual crimes, robbery, etc), do not appear in any of our statistics even though our court regularly has those cases at their start. The Village Court has preliminary jurisdiction over felonies and regularly holds felony arraignments, bail hearings and preliminary felony hearings to determine if the defendant should be held for the grand jury. Once the Grand Jury indicts the defendant, or a preliminary hearing determines there was reasonable cause to believe s/he committed a felony, of the defendant waives the preliminary hearing, then the case is transferred to the Tompkins County Court for trial. Because our computer program collects data based on convictions and dismissals, and not on transferral of cases to the County Court, the felony cases do not appear in our statistics.

Vehicle and Traffic Trials (See attached chart.)

The number of trials reflects only those held in V+TL cases. We had 14 in 2013, which is about the same as 2012, but this is still fairly low relative to what the court has done historically. We do not collect data on the number of civil or criminal law trials notwithstanding their often being more lengthy. Again this is a due to a limitation in our computer program's data collection.

Civil and Small Claims Cases (See attached chart.)

Although both the civil and small claims categories concern non-criminal and non-V+TL matters, the "Civil Docket" is technically different from "Small Claims." Both have the same maximum monetary jurisdiction of \$3,000, but the Small Claims cases use an expedited procedure that is simpler, less expensive and more accessible to non-lawyer parties. Civil and Small Claims cases make up the smallest number of cases (only 3 in 2013) but include subject matter of importance to the parties, e.g. landlord-tenant matters, consumer transactions, contract disputes over bills for professional services, etc. These cases tend to be time consuming and often result in longer trials and written opinions. The Court routinely refers the parties to the Community Dispute Resolution Center for mediation as soon as the case is filed with the court, but does not delay the court's proceedings while mediation is being considered or used.

Other activities

We do not include in any of the data reports: late night arraignments, search or arrest warrants, pretrial hearings, status conferences, motion hearings/arguments, orders of protection, declarations of delinquency, preliminary felony hearings, hearings on violations of probation, or sentencing. All are time consuming and important activities, but collecting the data on them is not automatic by our computer.

Patricia Kannus, the Court Clerk, attended clerkship refresher training sessions in 2013. I completed the required two days of Advanced Continuing Judicial Education Program for town and village justices.

A few years ago we applied to the Justice Court Assistance Program and were granted the maximum \$30,000 award. This, along with an even more substantial contribution by the

Village, has finally resulted in the completion of our new addition to the Village Hall and Court. We now have a new jury room/meeting room in the space where the Chief of Police Chief used to have his office (he moved to new space), and there are two handicapped accessible bathrooms available to all visitors to the Village Hall. We are also on our way to having air conditioning and better heating in Marcham Hall. These additions not only improve the Court's service to our community, but are available for most other Village functions as well.

Conclusion

Should you have any questions or comments, please contact me or the Court Clerk. Further, I remind everyone that the court sessions are held every Tuesday evening starting at 6:00 PM and the first Thursday of every month starting at 5:00 PM. The public in general, and you in particular, are invited to observe these sessions.

Dated: January 31, 2014

Respectfully submitted,



Glenn G. Galbreath
Village Justice

VEHICLE + TRAFFIC CASES (V+TL - most are not criminal misdemeanors or felonies)

OFFENSE (generally infractions)	CONVICTIONS					
	2008	2009	2010	2011	2012	2013
speeding	135	84	52	67	93	75
speeding in school zone	11	7	6	11	18	23
stop sign	13	3	6	3	11	12
fail to obey traff. control device	166	121	94	91	166	216
DWAI (driv. with ability impaired)	9	14	3	1	3	2
DWI (driv. while intox. - misd. or felony)	18	3	2	1	1	6
ADWI (aggravated DWI - misd. or felony)	8	4				3
fail to keep right	3	5	8	15	10	9
no passing zone/follow to closely	1	5	1	6	1	3
AUO (aggrav. unlicens. oper. - misd. or felony)	8	3		2	1	2
unlicensed operation	17	14	10	7	12	9
suspnd./revokd. license (misd. or felony)			1			1
unregistered vehicle	8	2	5	2	1	
uninspected vehicle	17	10	6	1	9	2
equipment violation	4	2		6	13	12
seatbelt	14	18	5	6	10	5
no insurance						
cell phone	71	77	61	43	64	39
other	16	3	6	9	16	27
TOTAL CONVICTIONS	519	375	276	271	429	446
TOTAL DISMISSED	372	228	218	235	372	329
ACD (see below)	13	23	10	10	18	10
PARKING TICKETS	75	55	125	127	147	167
TOTAL V+TL CASES	979	681	504	506	966	952
SCOFFLAWED CASES (see below)	91	48	61	75	51	94
LIFTED LICENSE SUSPENSION (see below)	9	6	9	5	7	7
V+TL TRIALS	31	22	8	14	19	14
<p>"ACD" is an adjournment in contemplation of dismissal. It is used when the defendant and prosecutor agree that the penalty imposed by a conviction is disproportionate to the actual offense, and they agree to conditions which if met by the defendant would warrant later dismissal of the charge. The defendant and prosecutor then must secure the justice's agreement before it can be issued.</p>						
<p>"Scofflawed cases" are those where a defendant failed to appear or to pay. The Court Clerk notifies the Dep't of Motor Vehicles which in turn suspends the defendant's driver's license until the case is fully resolved. In serious cases, the Court may also issue a bench warrant for the defendant's arrest.</p>						
<p>"Lifted License Suspension" is a new fee (\$70) the State requires when a license is restored after suspension.</p>						

PENAL/CRIMINAL LAW CASES (misdemeanors and infractions, state + local)

OFFENSE	2008	2009	2010	2011	2012	2013
alcohol	4	1				
alcohol in the park			1	1	3	
assault						
aggravated harassment						
bad check						
burglary						1
crim. contempt						
crim. impersonation						
crim. mischief			1		1	
crim. poss. forged instrument						
crim. poss. stolen property	1				1	2
crim. poss. of a weapon						2
crim. tampering						
dog ordinance	3		1		2	3
disorderly conduct	1	1	3		4	1
fireworks						
fugitive						
grand larceny			1		1	1
harassment		1			1	1
illegal; dumping						
menacing						1
motor vehicle - unlawful use						
open burning						
noise ordinance (new 2012)					6	8
park - after hours	3	5	3	1	14	11
park - lawn			1	1		
petite larceny	2				1	1
poss. of a controlled substance	1	3	3	3	3	3
public lewdness						
rape - attempted						
reckless endangerment						
resisting arrest						
scheme to defraud						
selling controlled substance						
trespass					1	1
unlawful imprisonment						
unlawful contact with a minor						
zoning violation						
other criminal		1	2			1
TOTAL CASES	15	12	16	6	38	37

CIVIL CASES						
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
SMALL CLAIMS + REGULAR CIVIL	3	9	2	3	1	3
ALL FINES, FEES + SURCHARGES (CIVIL + CRIMINAL)						
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
COLLECTED	\$64,597	\$52,536	\$38,197	\$41,220	\$65,073	\$70,497
OWED BY DEFENDANTS	\$22,195	\$21,775	\$23,525	\$25,175	\$20,985	\$21,750