

2014

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

There was a significant increase in the number of cases from 2013 to 2014. Vehicle and Traffic cases increased 37%, even though criminal and civil cases stayed about the same and parking tickets decreased by half. Collection of fines and surcharges increased 43% as did the amount owed by defendants.

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 and cover a five year period.

SUMMARY OF CASE ACTIVITY

<u>Case Types</u>	<u>2013</u>	<u>2014</u>
Vehicle + Traffic Law (V+TL) (including parking)	952	1,307
Penal/Criminal Law	37	32
Civil/Small Claims	<u>3</u>	<u>1</u>
Total Cases	992	1,340
 <i>Total Funds Collected</i>	 \$ 70,497	 \$ 101,365
 <i>Number of V+TL Trials</i>	 14	 15

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 V+TL cases in 2014 (1,307) is 37% higher than in 2013 (952). The charges with the largest increases in numbers were: speeding (from 75 to 113); stop sign violations (from 12 to 27); failure to obey a traffic control device (from 216 to 319); and seatbelts (from 5 to 17). There were noticeable decreases in case numbers involving speeding in a school zone (from 23 to 2) and cell phone usage while driving (from 39 to 23).

Alcohol related driving offenses (DWAI, DWI and ADWI) stayed about the same this year (13) as last year (11). That being said, we have had a wide range of numbers for these offenses during the past five years - from a low of 2 in 2011 to a high of 21 in 2009.

Dismissals of cases rose significantly from 329 in 2013 to 695 in 2014. Almost all of these cases were for minor equipment, inspection, and insurance card violations. 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 me that justice would be served by my agreeing to their plea bargain as well. Sometimes plea bargains result in reducing or dismissing some of the charges in return for a guilty plea on another charge. 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 in the attached chart, 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 decreased by 50% in from 167 in 2013 to 88 in 2014.

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 in the Penal/Criminal Cases statistics, even though many are also misdemeanors or felonies, are some of the more serious V+TL offenses, e.g. DWI, ADWI, reckless driving, aggravated unlicensed operation (AUO), leaving the scene of an injury accident, etc. Those misdemeanor V+TL cases appear only in the V+TL statistics chart. Also, non-V+TL felony charges do not appear in any of our statistics. That is because the computer program only identifies cases that are closed with a conviction or dismissal in our court. Felony cases that arise in our court do not ultimately stay there and are not "closed or dismissed" there. They eventually get transferred to the Tompkins County Court and, thus, never show up in our computer statistics. For example, the murder case we had in the fall of 2014 brought me to court four times (three of which were in the middle of the night): to review and sign a search warrant, to modify that warrant, to arraign, assign counsel and remand the defendant to jail, and to start a preliminary hearing (which was ultimately waived by the defendant). All of these activities

occurred prior to our transferring the case to the county court and none are reflected in our statistics.

In 2014 the number of our criminal law cases stayed about the same - 37 in 2013 and 32 in 2014. At least half of these cases were not especially serious, e.g. 7 noise violations and 11 people visiting Sunset Park after hours.

Vehicle and Traffic Trials (See attached chart.)

The number of trials reflects only those held for V+TL cases and not for the criminal or civil cases. Again this is due to a limitation in our computer program's data collection. We had 14 V+TL trials in 2013 and 15 in 2014. This is still fairly low relative to what the court has done in the past, e.g. in 1995 we had 124 V+TL trials.

Civil and Small Claims Cases (See attached chart.)

Although both the civil and small claims case 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 1 in 2014) 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 sentencings. 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 2014. I completed the required two days of Advanced Continuing Judicial Education Program for town and village justices. I also did a presentation this week to the Ithaca City Club based on my experiences in the Village Court.

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: February 12, 2015

Respectfully submitted,



Glenn G. Galbreath
Village Justice

VEHICLE + TRAFFIC CASES (V+TL - most are not criminal misdemeanors or felonies)						
	CONVICTIONS					
	2009	2010	2011	2012	2013	2014
OFFENSE (generally infractions)	2009	2010	2011	2012	2013	2014
speeding	84	52	67	93	75	113
speeding in school zone	7	6	11	18	23	2
stop sign	3	6	3	11	12	27
fail to obey traff. control device	121	94	91	166	216	319
DWAI (driv. with ability impaired)	14	3	1	3	6	7
DWI (driv. while intox. - misd. or felony)	3	2	1	1	2	5
ADWI (aggravated DWI - misd. or felony)	4	0	0	0	3	1
fail to keep right	5	8	15	10	9	1
no passing zone/follow to closely	5	1	6	1	2	8
AUO (aggrav. unlicens. oper. - misd. or felony)	3	0	2	1	2	1
unlicensed operation	14	10	7	12	9	13
suspnd./revokd. license (misd. or felony)		1	0	0	1	0
unregistered vehicle	2	5	2	1	0	9
uninspected vehicle	10	6	1	9	2	12
equipment violation	2	0	6	13	12	12
seatbelt	18	5	6	10	5	17
no insurance		0	0	0	0	0
cell phone	77	61	43	64	39	23
other	3	6	9	16	27	34
TOTAL CONVICTIONS	375	276	271	429	453	609
TOTAL DISMISSED	228	218	235	372	329	695
ACD (see below)	23	10	10	18	10	4
PARKING TICKETS	55	125	127	147	167	88
TOTAL V+TL CASES	681	504	506	966	959	1307
SCOFFLAWED CASES (see below)	48	61	75	51	94	132
LIFTED LICENSE SUSPENSION (see below)	6	9	5	7	7	3

	22	8	14	19	14	15
V+TL TRIALS						
<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>"Scafflawed 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	2009	2010	2011	2012	2013	2014
alcohol	1					
alcohol in the park		1	1	3		
assault						
aggravated harassment						
bad check						
burglary					1	
crim. contempt						
crim. impersonation						
crim. mischief		1		1		1
crim. poss. forged instrument						
crim. poss. stolen property				1	2	
crim. poss. of a weapon					2	1
crim. tampering						
dog ordinance		1		2	3	2
disorderly conduct	1	3		4	1	2
fireworks						
fugitive						
grand larceny		1		1	1	
harassment	1			1	1	1

	2009	2010	2011	2012	2013	2014
ALL FINES, FEES + SURCHARGES (CIVIL + CRIMINAL)						
COLLECTED	\$52,536	\$38,197	\$41,220	\$65,073	\$70,497	\$101,365
OWED BY DEFENDANTS	\$21,775	\$23,525	\$25,175	\$20,985	\$21,750	\$31,793