

**2018  
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 28% decrease in the number of cases coming to the court from 2017 to 2018 and that decrease was primarily in traffic offenses. Fines and surcharges collected for 2018 also similarly decreased, but the cumulative amount owed by defendants to the court continues to drop. The Village also recently was awarded another Justice Court Action Plan grant for air conditioning the courtroom/village hall.

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 provide a little more detail and cover a five year period.

### SUMMARY OF CASE ACTIVITY

<u>Case Types</u>	<u>2017</u>	<u>2018</u>
Vehicle + Traffic Law (V+TL) (including parking)	900	651
Penal/Criminal Law	17	21
Civil/Small Claims	<u>4</u>	<u>5</u>
Total Cases	921	677
<u>Total Funds Collected</u>	\$ 62,614	\$ 46,408
<u>Number of V+TL Trials</u>	5	6

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

Vehicle and traffic law matters are the majority of the court's cases, fines and surcharges collected and the court clerk's time. The total number of V+TL cases received by the court in 2018 (651) is 28% lower than in 2017 (900). The decrease was generally proportionate among the different types of vehicle and traffic offenses.

Alcohol related driving offenses [driving with ability impaired (DWAI), driving while intoxicated (DWI), and aggravated driving while intoxicated (ADWI)] are important cases and their numbers dropped significantly, 16 in 2017 and only 3 in 2018. We have had a wide range of numbers for alcohol/drug related driving offenses during the past five years but they seem to be dropping from a high of 23 in 2015 to a low 3 in 2018. Maybe this is a good sign for the

future, but that remains to be seen, particularly in light of the potential decriminalization of marijuana.

The number of dismissed V+TL cases decreased 12% from 429 in 2017 to 381 in 2018. 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 fixed (e.g. recently expired inspection or registration stickers or minor equipment violations, all of which were quickly remedied). 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. 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 a 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.)

The number of parking tickets in 2018 (49) is down 50% from 2017 (101). Although parking tickets are part of the V+TL statistics, we identify them separately in the attached chart. The administrative processing frequently is done by the Police Department and the Court Clerk without the need of my intervention because most people plead guilty and pay the set fine. 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.

**Penal/Criminal Cases** (See attached chart.)

The Penal/Criminal Law category includes local and state law infractions, misdemeanors and felonies. Generally, these are more serious than most V+TL matters and take more time. Infractions are the lowest level of criminal cases, and the penalty is rarely more than a small fine. Misdemeanors and felonies are more serious and 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. The most serious charges, felonies, do not appear in any of our statistics at all. 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 remain here, nor are they “closed or dismissed” here. 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, modify that warrant, arraign the defendant, assign counsel, remand the defendant to jail, and start a preliminary hearing (which was ultimately waived by the defendant). All of these activities occurred prior to transferring the case to the county court



but they do not appear in our statistics. In 2018 the number of our criminal law cases (21) was similar to 2017 (17).

### **Vehicle and Traffic Trials** (See attached chart.)

The number of traffic offense trials is similar between 2017 (5) and 2018 (6). But these numbers reflect only those trials for V+TL offenses. The data does not include criminal trials or civil trials due again to a limitation in our computer program's data collection. Often trials are scheduled but then the defendant changes her/his mind at the last minute and pleads guilty, thus mooting the need for a trial. The number of trials in recent years is very 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.)

Both the Civil and the Small Claims case categories concern non-criminal and non-V+TL matters. They involve private disputes between people or organizations. They are not actions brought by the government against a person for violation of the criminal law. And the "Civil Docket" is technically different from "Small Claims." Both have the same maximum monetary jurisdiction of \$3,000, but Small Claims cases use an expedited procedure that is simpler, less expensive and more accessible to people without lawyers. Civil and Small Claims cases make up the smallest number of cases (only 4 in 2017 and 5 in 2018), but include subject matter of importance to the parties, e.g. landlord-tenant matters, evictions, 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 proceedings while mediation is being considered or used unless the parties agree to a delay.

### **Payment of fines, surcharges and bail by credit cards**

In mid-2017, we started taking credit and debit card payments from defendants, in part because the card companies no longer charged the court for use of the cards. After a full year of experience in 2018 with the cards we are finding that probably half of the defendant payments are with cards, a bit less than half are with checks and only about 10% use cash. Because the cards and checks use electronic means for deposits, only cash payments require the court clerk to physically make deposits at night after court. The lowered number of personal checks also means there are fewer bounced checks. And maybe most important, adding credit and debit cards makes the payment process easier for defendants as well as the court.

### **Collection of fines and surcharges** (See attached chart.)

For the past dozen or so years the annual reports have identified how much money is cumulatively owed to the court from all past defendants. Normally this cumulative total increases every year. But in 2017 the amount all defendants owe the Court actually dropped,

i.e., an increasing number of defendants are paying their current and past due fines and surcharges. In fact, the amount these “scofflaw” defendants owe the Court dropped 16% from \$39,455 in 2016 to \$33,150 in 2017. And in 2018, it has dropped again to \$26,425. Surely there is a limit to how far this debt will drop. The court clerk and I suspect the reasons for this positive development are due to the start of the Court’s accepting credit cards and some extra efforts we made to again remind defendants about their past due fines and surcharges. We sent letters to a year’s worth of non-paying defendants warning them that their failure to pay not only will likely result in the loss of their driver’s license and can allow the Court to enter a civil judgment which can lead to a lien on the defendant’s real estate and a negative credit record. The Court Clerk began this process with letters to about 150 non-paying defendants from the last year. About 50% have since paid. This not only reduces the debt owed to the Court, but helps defendants avoid the very expensive consequences of non-payment (loss of license and registration and extra fees to reinstate them). We plan to dip back even further into the list of defendant scofflaws.

### **Other activities**

Other activities that do not appear in our data reports include: after-hours arraignments, review of search and arrest warrants, pretrial hearings, status conferences, motion hearings/arguments, orders of protection, declarations of delinquency and re-sentencings, preliminary felony hearings, hearings on violations of probation, legal research, drafting opinions, and sentencings. All are time consuming and important activities, but collecting the data on them is not automatic through our computer.

Patricia Kannus, the Court Clerk, has regularly attended clerkship training even though it was not mandatory until the start of 2019. In 2018, I completed the required two days of Advanced Continuing Judicial Education Program for town and village justices.

I also continue to work on the New York State Advisory Committee for Judicial Ethics and attend five to seven meetings in New York City each year where we produce the 100+ ethics opinions the Committee issues each year. These opinions are published in response to inquiries from New York judges before they act on matters which raise ethical concerns. If the judge follows the written opinion, s/he is presumptively protected from prosecution for a violation of the Rules for Judicial Ethics.

In 2018 we applied for another Justice Court Action Program (JCAP) grant to improve the court facilities. We have been successful in the past to secure JCAP grants for projects such as the handicapped entrance ramp and foyer modification to the Village building, a number of filing cabinets for the court office, and the handicapped restrooms and attachment to the back of the village building. In 2018 we requested \$30,000 from JCAP in order to air condition the courtroom (and Village Hall), fix the gutters over the court and reimburse the Village for the electrical upgrading that was done in the court office. We just learned that JCAP awarded the Village a grant of \$5,500 to be paid toward the cost of air conditioning the courtroom. We will need to move quickly because we must submit the bill for reimbursement by April 1, 2019.

A few years ago Tompkins County received a shared services grant from New York State to scan, retain electronically, and destroy the older paper court records of town and village courts.



Ms. Kannus sent out decades worth of our older paper court records. They have been scanned, and we are still awaiting permission to finally shred them. When completed we will save a lot of storage space and have easier access to the electronic records.

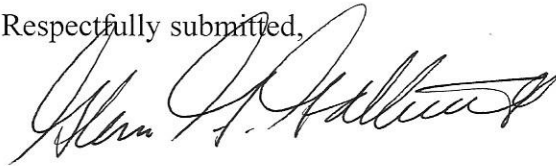
The court has formally invited the Village to arrange for our annual audit and expects that to occur within the next month or two.

### **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 28, 2019

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Glenn G. Galbreath". The signature is fluid and cursive, with a large initial "G" and "G".

Glenn G. Galbreath  
Village Justice

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

OFFENSE (generally infractions)	CONVICTIONS					
	2013	2014	2015	2016	2017	2018
speeding	75	113	92	69	60	42
speeding in school zone	23	2	5	1	5	4
stop sign	12	27	7	4	4	2
fail to obey traff. control device	216	319	233	257	191	164
DWAI (driv. with ability impaired)	6	7	20	13	10	3
DWI (driv. while intox. - misd. or felony)	2	5	2	4	5	0
ADWI (aggravated DWI - misd. or felony)	3	1	1	0	1	0
fail to keep right	9	1	7	10	1	8
no passing zone/follow to closely	2	8	0	2	1	0
AUO (aggrav. unlicens. oper. - misd. or felony)	2	1	0	5	2	2
unlicensed operation	9	13	19	13	13	6
suspd./revokd. license (misd. or felony)	1	0	0	1	1	0
unregistered vehicle	0	9	14	10	5	4
uninspected vehicle	2	12	6	8	11	5
equipment violation	12	12	7	10	4	9
seatbelt	5	17	6	7	10	3
no insurance	0	0	0	0	0	0
cell phone	39	23	39	14	13	3
other	27	34	41	23	22	14
<b>TOTAL CONVICTIONS</b>	<b>453</b>	<b>609</b>	<b>507</b>	<b>451</b>	<b>359</b>	<b>270</b>
<b>TOTAL DISMISSED</b>	<b>329</b>	<b>695</b>	<b>695</b>	<b>555</b>	<b>429</b>	<b>381</b>
<b>ACD (see below)</b>	<b>10</b>	<b>4</b>	<b>13</b>	<b>11</b>	<b>10</b>	<b>4</b>
<b>PARKING TICKETS</b>	<b>167</b>	<b>88</b>	<b>91</b>	<b>59</b>	<b>101</b>	<b>49</b>
<b>TOTAL V+TL CASES</b>	<b>959</b>	<b>1307</b>	<b>1202</b>	<b>1017</b>	<b>788</b>	<b>651</b>
<b>SCOFFLAWED CASES (see below)</b>	<b>94</b>	<b>132</b>	<b>190</b>	<b>164</b>	<b>206</b>	<b>133</b>
<b>LIFTED LICENSE SUSPENSION (see below)</b>	<b>7</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>5</b>	<b>1</b>
<b>V+TL TRIALS</b>	<b>14</b>	<b>15</b>	<b>14</b>	<b>16</b>	<b>5</b>	<b>6</b>

"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.

"Scofflawed cases" are those where a defendant failed to appear or to pay. The Court Clerk notifies the Dept 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.

"Lifted License Suspension" is a new fee (\$70) the State requires when a license is restored after suspension.





<b>CIVIL CASES</b>						
	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<b>2018</b>
<b>SMALL CLAIMS + REGULAR CIVIL</b>	3	1	4	0	4	5
<b>ALL FINES, FEES + SURCHARGES (CIVIL + CRIMINAL)</b>						
	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<b>2018</b>
<b>COLLECTED ANNUALLY</b>	70,497	\$101,365	\$83,143	\$75,223	\$62,614	<b>\$46,408</b>
<b>OWED BY DEFENDANTS CUMMULATIVELY</b>	21,750	\$31,793	\$34,150	\$39,455	\$33,150	<b>\$26,425</b>