

2015

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 small decrease in the number of cases from 2014 to 2015 in the general categories of Vehicle and Traffic Law, Penal Law and local infractions. Fines collected also decreased.

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>2014</u>	<u>2015</u>
Vehicle + Traffic Law (V+TL) (including parking)	1,307	1,202
Penal/Criminal Law	32	16
Civil/Small Claims	<u>1</u>	<u>4</u>
Total Cases	1,340	1,222
 <i>Total Funds Collected</i>	 \$ 101,365	 \$ 83,143
 <i>Number of V+TL Trials</i>	 15	 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 V+TL cases in 2015 (1,202) is about 10% lower than in 2014 (1,307) but is still more than twice what it was in 2011 (506). Some of the charges on cases with the most significant changes in numbers from 2014 to 2015 include: speeding (down from 113 to 92); stop sign violations (down from 27 to 7); failure to obey a traffic control device (down from 319 to 233); seatbelts (down from 17 to 6); cell phones (up from 23 to 39); and unlicensed operation (up from 13 to 19).

Alcohol related driving offenses (DWAI, DWI and ADWI) are important cases and their numbers increased from 13 in 2014 to 23 in 2015. 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 the present high in 2015 of 23. Unfortunately, the trend continues to go up.

The number of cases that were dismissed stayed the same during 2014 and 2015 (695). 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 has changed little - 88 in 2014; 91 in 2015.

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. 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 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, yet none of the activities, or even the case itself, are reflected in our statistics.

In 2015 the number of our criminal law cases (16) was half of what it was in 2014 (32). At least one quarter of these cases were not especially serious, e.g. 4 involved 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 a due to a limitation in our computer program's data collection. We had 15 V+TL trials in 2014 and 14 in 2015. 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.)

Both the Civil and the Small Claims case categories concern non-criminal and non-V+TL matters. They involve 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 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 4 in 2015) 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's proceedings while mediation is being considered or used unless the parties agree on asking for a delay.

Other activities

Other activities that do not appear in our reports of data include: late night arraignments, review of search and 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 2015. I completed the required two days of Advanced Continuing Judicial Education Program for town and village justices.

The Tompkins County Clerk had recently received \$150,000 shared services grant from New York State to scan older court records of town and village courts. Ms. Kannus has applied to the County to have the Village Court records, which are currently taking large amounts of storage space in our basement, to be scanned and placed on microfilm. This project will take some time, because once the records are scanned, they will need to be organized and reviewed by the Court Clerk. Once the scanning and organization is completed, the paper copies of the records will then

be destroyed. This process may cause the Court Clerk's hours to increase somewhat this year, but ultimately the records will be more easily accessed and we will save much storage space.

In the summer of 2015 I accepted the offer to sit on the Tompkins County Council of Governments panel that is reviewing the structure of the twelve municipal courts in Tompkins County. Although the initial impetus of the committee's formation was the possibility of saving costs by potentially consolidating courts, it became clear that no form of consolidation would likely save money. The focus of the committee then shifted to the possibility of improving the quality of the town and village courts. There have been meetings almost every two weeks since the summer of 2015 and the committee has been gathering facts and considering proposals for quality improvements. It is anticipated that the committee will be issuing a report in the spring or early summer of 2016.

Also, in late 2015 I was appointed for a five year term to the New York State Office of Court Administration's Advisory Council on Judicial Ethics. I am the only town or village justice on the committee. The committee receives requests for opinions on ethical issues from all levels of judges in New York. If the judge follows the written opinion, s/he will be provided some level of insulation from complaints that the judge acted unethically and would be subject to discipline. The committee meets seven times a year in New York City and requires several days of preparation in anticipation of each meeting.

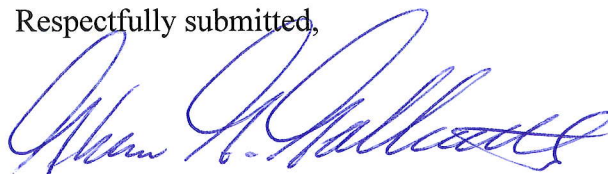
I am running for re-election again (seventh time) again this March for another four year term as the Village Justice.

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 16, 2016

Respectfully submitted,



Glenn G. Galbreath
Village Justice

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

OFFENSE (generally infractions)	CONVICTIONS				
	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
speeding	67	93	75	113	92
speeding in school zone	11	18	23	2	5
stop sign	3	11	12	27	7
fail to obey traff. control device	91	166	216	319	233
DWAI (driv. with ability impaired)	1	3	6	7	20
DWI (driv. while intox. - misd. or felony)	1	1	2	5	2
ADWI (aggravated DWI - misd. or felony)	0	0	3	1	1
fail to keep right	15	10	9	1	7
no passing zone/follow to closely	6	1	2	8	0
AUO (aggrav. unlicens. oper. - misd. or felony)	2	1	2	1	0
unlicensed operation	7	12	9	13	19
suspd./revokd. license (misd. or felony)	0	0	1	0	0
unregistered vehicle	2	1	0	9	14
uninspected vehicle	1	9	2	12	6
equipment violation	6	13	12	12	7
seatbelt	6	10	5	17	6
no insurance	0	0	0	0	0
cell phone	43	64	39	23	39
other	9	16	27	34	41
TOTAL CONVICTIONS	271	429	453	609	507
TOTAL DISMISSED	235	372	329	695	695
ACD (see below)	10	18	10	4	13
PARKING TICKETS	127	147	167	88	91
TOTAL V+TL CASES	506	966	959	1307	1202
SCOFFLAWED CASES (see below)	75	51	94	132	190
LIFTED LICENSE SUSPENSION (see below)	5	7	7	3	5
V+TL TRIALS	14	19	14	15	14
<i>"ACD"</i> 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.					
<i>"Scofflawed cases"</i> 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.					
<i>"Lifted License Suspension"</i> is a new fee (\$70) the State requires when a license is restored after suspension.					

CIVIL CASES					
	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
SMALL CLAIMS + REGULAR CIVIL	3	1	3	1	4
ALL FINES, FEES + SURCHARGES (CIVIL + CRIMINAL)					
	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
COLLECTED	\$41,220	\$65,073	70,497	\$101,365	\$83,143
OWED BY DEFENDANTS	\$25,175	\$20,985	21,750	\$31,793	\$34,150