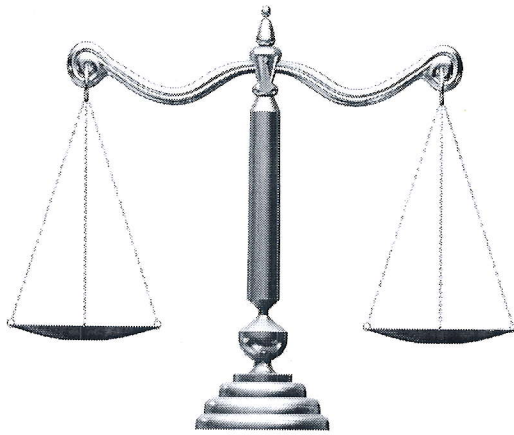


2016

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 decrease in the number of cases from 2015 to 2016. Fines collected proportionately 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>2015</u>	<u>2016</u>
Vehicle + Traffic Law (V+TL) (including parking)	1,202	1,017
Penal/Criminal Law	16	16
Civil/Small Claims	<u>4</u>	<u>0</u>
Total Cases	1,222	1,033
 <i>Total Funds Collected</i>	 \$ 83,143	 \$ 75,223
 <i>Number of V+TL Trials</i>	 14	 16

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 2016 (1,033) is almost 20% lower than in 2015 (1,222) but is still more than twice what it was in 2011 (506). Some of the cases with the most significant changes in numbers from 2015 to 2016 include: speeding (down from 92 to 69); failure to obey a traffic control device (up from 233 to 257); and cell phones (down from 39 to 14).

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 decreased from 23 in 2015 to 17 in 2016. 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 high in 2015 of 23 and now down to 17.

The number of dismissed cases decreased from 2015 (695) to 555 in 2016. 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. recently expired inspection or registration or minor equipment violations). 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. 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 dropped 40% from 91 in 2015 to 55 in 2016.

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” 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, 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 2016 the number of our criminal law cases (16) was the same as it was in 2015 (16). At least one quarter of these cases were not especially serious, e.g. 3 involved people visiting Sunset Park after hours and 1 for loud noise.

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 16 V+TL trials in 2016 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 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 the 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 (none in 2016 and 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, 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, attended clerkship refresher training sessions in 2016. I completed the required two days of Advanced Continuing Judicial Education Program for town and village justices.

Tompkins County received \$150,000 shared services grant from New York State to scan older court records of town and village courts. Ms. Kannus sent out our older court records and they are being scanned. This project is taking a lot of time but eventually the paper records will be returned, organized and reviewed before we can apply to the State court system for permission to have the paper copies of those records shredded. This process may cause the Court Clerk's

hours to increase somewhat, but ultimately the records will be more easily accessed electronically and we will save much storage space.

I was re-elected in March, 2016 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 20, 2017

Respectfully submitted,



Glenn G. Galbreath
Village Justice

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

OFFENSE (generally infractions)	CONVICTIONS					
	2011	2012	2013	2014	2015	2016
speeding	67	93	75	113	92	69
speeding in school zone	11	18	23	2	5	1
stop sign	3	11	12	27	7	4
fail to obey traff. control device	91	166	216	319	233	257
DWAI (driv. with ability impaired)	1	3	6	7	20	13
DWI (driv. while intox. - misd. or felony)	1	1	2	5	2	4
ADWI (aggravated DWI - misd. or felony)	0	0	3	1	1	0
fail to keep right	15	10	9	1	7	10
no passing zone/follow to closely	6	1	2	8	0	2
AUO (aggrav. unlicens. oper. - misd. or felony)	2	1	2	1	0	5
unlicensed operation	7	12	9	13	19	13
suspd./revokd. license (misd. or felony)	0	0	1	0	0	1
unregistered vehicle	2	1	0	9	14	10
uninspected vehicle	1	9	2	12	6	8
equipment violation	6	13	12	12	7	10
seatbelt	6	10	5	17	6	7
no insurance	0	0	0	0	0	0
cell phone	43	64	39	23	39	14
other	9	16	27	34	41	23
TOTAL CONVICTIONS	271	429	453	609	507	451
TOTAL DISMISSED	235	372	329	695	695	555
ACD (see below)	10	18	10	4	13	11
PARKING TICKETS	127	147	167	88	91	59
TOTAL V+TL CASES	506	966	959	1307	1202	1017
SCOFFLAWED CASES (see below)	75	51	94	132	190	164
LIFTED LICENSE SUSPENSION (see below)	5	7	7	3	5	1
V+TL TRIALS	14	19	14	15	14	16

"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 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.

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

2016_VEHICLE_&_TRAFFICE_MATTERS

OFFENSE	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTALS
SPEED	5	7	8	5	7	7	5	1	9	6	8	2	69
SPD. SCHOOL	0	0	1	0	0	0	0	0	0	0	0	0	1
STOP SIGN	2	1	0	0	0	0	1	0	0	0	0	0	4
FTOTCD	21	41	23	6	32	11	21	27	22	21	13	19	257
DWI	2	1	1	1	0	0	2	2	3	0	0	0	13
DWAI	0	1	0	0	1	0	0	0	0	1	0	0	4
ADWI	0	0	0	0	0	0	0	0	0	0	0	0	0
FAIL TO KEEP RT.	2	3	2	0	0	0	1	1	0	0	0	0	10
NO PASS ZN	1	0	0	0	0	0	0	1	0	0	0	0	2
FLW. TOO CLOSE	0	0	0	0	0	0	0	0	0	0	0	0	0
AGG. UNLIC. OPER	0	0	0	0	0	0	0	0	0	0	0	0	0
UNLIC. OPER	1	1	0	2	1	0	0	1	1	2	0	1	5
SUSP/REV. LIC	0	0	0	0	0	0	0	0	0	0	0	0	13
UNREG.MV	1	0	0	1	0	0	0	0	0	0	0	0	1
UNINSPEC. MV	0	1	0	2	2	0	2	0	0	0	1	0	10
EQUIPMENT	6	0	1	0	2	0	0	0	0	0	0	0	8
SEATBELT	0	3	0	1	0	0	1	0	0	0	0	0	10
INSURANCE	0	0	0	0	0	0	0	0	0	0	0	0	7
CELL PHONE	1	3	0	0	0	0	0	0	0	0	0	0	0
PLATE VIOL	0	0	0	2	0	0	1	4	0	2	0	0	14
SUSP. LIFTS	0	0	0	0	0	0	0	0	0	0	0	0	1
OTHER	2	7	3	0	1	0	2	2	1	3	1	0	22
ACD	1	1	2	0	0	0	0	0	0	1	0	0	11
TOTAL CONVICTIONS	69	69	40	18	49	18	31	53	35	40	18	37	452
TOTAL DISM	72	83	70	30	30	34	44	37	49	32	37	37	555
TOTAL VTL CASES	123	152	110	48	79	52	75	90	84	72	55	74	1007
VTL TRIALS	4	1	2	0	1	1	1	1	1	2	0	2	16
PARKING TICKETS	6	0	9	0	10	0	0	5	12	6	11	0	59
SCOFFLAWED CASES	17	14	9	7	15	3	5	9	4	21	19	41	164
FUNDS COLLECTED	7477	12331	6135	2005	8290	3733	5233	7788	6098	6800	3265	6068	75223

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

OFFENSE	2011	2012	2013	2014	2015	2016
alcohol						
alcohol in the park	1	3				1
assault						
aggravated harassment						
bad check						
burglary			1			
crim. contempt						
crim. impersonation						1
crim. mischief		1		1		
crim. poss. forged instrument				1		
crim. poss. stolen property		1	2		1	
crim. poss. of a weapon			2	1		
crim. tampering						1
dog ordinance		2	3	2	5	2
disorderly conduct		4	1	2	1	
fireworks						
fugitive						
grand larceny		1	1		1	
harassment		1	1	1	2	
illegal; dumping						
menacing			1			
motor vehicle - unlawful use						
open burning					1	
noise ordinance (new 2012)		6	8	7		1
park - after hours	1	14	11	11	4	3
park - lawn	1					
petite larceny		1	1			
poss. of a controlled substance	3	3	3	3		7
public lewdness						
rape - attempted						
reckless endangerment						
resisting arrest						
scheme to defraud						
selling controlled substance						
trespass		1	1	1	1	
unlawful imprisonment						
unlawful contact with a minor						
zoning violation						
other criminal			1	3		
TOTAL CASES	6	38	37	32	16	16

CIVIL CASES						
	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	2016
SMALL CLAIMS + REGULAR CIVIL	3	1	3	1	4	0
ALL FINES, FEES + SURCHARGES (CIVIL + CRIMINAL)						
	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	2016
COLLECTED	\$41,220	\$65,073	70,497	\$101,365	\$83,143	\$75,223
OWED BY DEFENDANTS	\$25,175	\$20,985	21,750	\$31,793	\$34,150	\$39,455