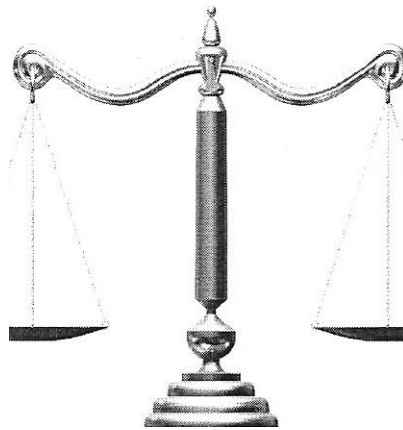


2022
ANNUAL REPORT

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 are a few highlights for 2022. The Covid 19 pandemic continued to be an issue for the Village Court as we maintained masking requirements, temperature taking and social distancing until close to the end of the year when they were loosened. Twice during 2022 scheduled jury trials had to be adjourned because Covid was contracted by a defense attorney and later there was a spike in the spread of the virus. Due to lingering effects of Covid, we had a large number of defendants not appear for court for traffic tickets, and at the same time we were not permitted to report these "scofflaws" to the Department of Motor Vehicles to suspend their licenses. It was not until the Office of Court Administration half way through the year allowed us to report and the non-appearing defendants finally got formal notice that their licenses would be suspended. Another big change was that my role in doing arraignments after-hours for other courts in the county increased significantly. Before Covid, I only infrequently had to do after-hours arraignments in serious criminal cases possibly requiring bail, jail or orders of protection. There were 10 in 2020, 25 in 2021 and then 40 in 2022. But for those 40 arraignments I actually was on-call for about 150 times that during 2022. Another highlight is that there really was not much change in the volume or type of cases otherwise covered in the Village in 2022, at least as compared to the past few years.

Following the summary of data immediately below is a narrative about the data and other court activities for the year. The charts at the end provide a little more detail and cover six years.

SUMMARY OF CASE ACTIVITY

<i>Case Types</i>	<u>2021</u>	<u>2022</u>
Vehicle+ Traffic Law (V+TL) (including parking)	624	661
Penal/Criminal Law	10	16
Civil/Small Claims/Evictions	<u>0</u>	<u>1</u>
Total Closed Cases	634	679
<u>Total Funds Collected</u>	\$45,873	\$46,990
<i>Number of V+TL Trials</i>	9	5
<u>A[Jer-hours arraignments {gr other courts due to Covid restrictions</u>	25	40

The case numbers reported below do not show all the cases on which we worked.

Our data reflect only those cases that are closed during a calendar year and not the number on which we worked, which would be higher. For the last several years our annual number of cases closed has been in the in the mid-600's: 655 cases in 2020, 624 cases in 2021 and 661 cases in 2022. In the past we have had over 1,000 cases in a year (2016). Covid may have played a role in this.

Court Access

Covid restrictions were relaxed dramatically by mid-2022. We no longer do virtual appearances except in unusual situations. Masking and social distancing was liberalized and taking temperatures ended. Use of the electronic plea bargaining process through the District Attorney's website has caused many defendants to more frequently ask for reductions in the nature of the charges against them. Also, the police tend to follow the ADA's official guidelines when the police engage in plea bargaining. The reductions offered by the District Attorney's guidelines tend to be fairly forgiving, e.g. a four point speeding charge at 19 mph over the speed limit even in a school zone could be settled by the defendant pleading guilty to a zero point ticket for "opening a door unsafely." But plea bargains must be agreed to by the court as well as the People and defendant. Therefore, notwithstanding the common practice in many courts of routinely accepting any plea bargain that the prosecution and defendant agree to, I try to closely examine the appropriateness of each plea bargain before I accept or reject it.

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

Vehicle and traffic law matters are the majority of the court's cases, the fines and surcharges collected and the court clerk's time. The total number of V+TL cases in 2022 (661) was a bit higher than the 634 we closed in 2021. There was not much change in the types of cases or their numbers except in a couple areas.

Alcohol related driving offenses [driving with ability impaired (DWAI), driving while intoxicated (DWI), and aggravated driving while intoxicated (ADWI)] are important cases and often involve monitoring. Fortunately their numbers decreased: 4 in 2022, down from 9 in 2021. In the past six years the numbers of these charges per year has ranged between 1 and 17, so maybe we should be encouraged by having only 4.in 2022.

The number of cases in the "other" category jumped from 5 cases in 2021 to 49 in 2022. This appears to be the result of plea bargains that the prosecution, defense and I agreed to which allowed those defendants to plead guilty to charges that did not involve points on the defendant's license. The cases tended to originally be very low speeding charges or other offenses that were not particularly dangerous.

One figure is unique. The number of scofflaw cases was zero in 2021 but rose to 77 in 2022. In past years it was as high as 206 (2017). A scofflaw case is one where a defendant failed to appear or, after being convicted, failed to pay his/her fines/surcharges. After repeated attempts to get a defendant's attention to his/her non-appearance or non-payment, the Court Clerk would report this to the NY DMV and then DMV would warn the defendant that his/her license will be suspended or revoked unless the defendant appeared and paid what defendant owed to the court. But during the height of the pandemic the legislature limited this remedy to only situations where the defendant failed to ever appear, and stopped the use of scofflawing for a defendant who failed to pay. In an abundance of caution and pursuant to administrative directives from the

Sixth Judicial District, our Court stopped using the scofflaw process in 2021. Now, since September, 2022 we have been permitted to re-institute the scofflaw process for defendants who never appear in court. For the defendants who appeared but failed to pay, we will probably start issuing civil judgments against them. Eventually many of these defendant will pay what is owed. In fact, the total amount owed by all defendants (since the existence of the Village Court) is \$ 20,725, which is the lowest it has been since 2009.

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 and permanent criminal record for a defendant. 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, but an informal count shows that we had about five in 2022. The data gap 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, unless the prosecution decides to prosecute the case as a misdemeanor and the case is returned to our court. In 2022 the number of our criminal law cases (16) was about the same as we have had over the last half-dozen years.

Vehicle and Traffic Trials (See attached chart.)

The number of traffic offense trials (5) is low compared to the recent past and much lower than in the more distant past. These numbers reflect only the trials for V+TL offenses. The data does not include criminal trials or civil trials, such as the jury trial we have been repeatedly attempting to hold. Again this is due 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.

Civil, Small Claims and Eviction 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 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, especially for people without attorneys. Civil and Small Claims cases make up the smallest number of cases - only two in 2021 which is not unusual. 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.

Collection of fines and surcharges (See attached chart.)

We collected \$46,990 in 2022, which was about the same as 2021 (\$45,873). Both years were low compared to prior years when our case numbers were higher. Again, Covid probably played a role in the low case numbers. And as mentioned above, though, the cumulative amount owed by all defendants actually dropped a bit, which is somewhat surprising because this figure would normally be expected to rise every year. In 2022 all defendants still owed the court \$20,723 which is almost \$4,000 less than in 2021.

Central Arraignment Part (CAP.) - The new procedure for judges' covering after-hours arraignments for courts across the county

When it became clear that the pandemic was going to require courts to have as little face-to-face contact as possible in order to reduce the risk of the virus's transmission, the New York Court system arranged to do virtual arraignments for in-custody defendants during the times when courts were not actually in session. This is basically all hours of the day or night other than 8:30 AM to 4:30 PM, Monday through Friday. While all town, village court judges were used to being pulled out occasionally in the middle of the night to arraign defendants or to issue orders of protection in our home jurisdictions, we had always done it in-person at our own courts. When the pandemic hit, the New York Court system sought volunteer judges to do that process virtually and on a scheduled basis. Along with about half of the town/village judges in Tompkins County I agreed to cover the after-hours arraignments for all the town and village courts in Tompkins County in one week shifts. I did shifts every 5-6 weeks in 2020 and did the same in 2021. I did twenty-five after-hours arraignments and/or orders of protection for the other courts throughout the County in 2021.

In 2022 the system was changed again. Instead of being called out in the middle of the night, the Central Arraignment Part (CAP) was to cover these after-hours arraignments by having two court sessions a day (8:00 AM and 8:00 PM) at the Tompkins County Jail in a courtroom for this purpose. Again the town and village justices serve as the CAP judges. It was decided that we would cover shifts very roughly in proportion to the size of the population served by each of our courts. Judges from courts with large populations would do more of the scheduled after-hour court times than judges from courts covering small populations. Notwithstanding that I am from a small population court, I am usually scheduled for 10 to 15 after-hour time slots a month. And ended up doing 40 after-hour arraignments in 2022. While having around 150 additional time slots for which I am on-call each year, it still is much better that getting called randomly at any hour of the day or night without notice as was the traditional practice of the past. The big advantage of this system is that judges, defense attorneys and Assistant District Attorneys do not get called out in the middle of the night. More important, arresting officers simply drop off the defendant at the jail, the jail holds the defendant until the next 8:00 court session, and the police officers are quickly returned to the street. The disadvantage is that depending on the time when the defendant is arrested, s/he may sit for as many as 12 hours until the next 8:00 AM or 8:00 PM court session. This is effectively the system they have used downstate and the City of Ithaca for decades.

Other activities

Other activities that do not appear in our data reports include: review of search and fugitive warrants and arrest/bench warrants, pretrial hearings, status conferences, motion hearings/arguments, orders of protection, declarations of delinquency and re-sentencings, preliminary felony hearings, non-V+TL trials, hearings on violations of probation, legal

research, drafting opinions, sentencings, and the above-mentioned county-wide after-hours assignments and orders of protection. All are time consuming and important activities, but collecting the data on them is not automatic with our computer program. Also, not included in the data are the dozens of hours Court Clerk, other Village staff and I expended on preparations for the jury trial that ended up getting postponed repeatedly.

Patricia Kannus, the Court Clerk, attended her mandated clerkship training for 2022. I also finished my required two days of Advanced Continuing Judicial Education Program for town and village justices in 2022.

I continue to be a member of the New York State Advisory Committee for Judicial Ethics and attend seven meetings in New York City each year where we produce the 100-200 ethics opinions the Committee issues annually. 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.

We just finished the 2021-2022 financial audit and expect the auditors' report to be presented to the Trustees any time now. Surprisingly to the Court Clerk and to me, the new auditor did not announce that the Court's audit was being done nor did the auditor actually meet with the Court Clerk or me to discuss the audit, so we are very interested in reviewing their findings.

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 5:00 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 21, 2023

Respectfully submitted,

A stylized, handwritten signature in blue ink, appearing to read 'GG' or similar initials.

Glenn G. Galbreath
Village Justice

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

OFFENSE (Offense generally infractions)	2017	2018	2019	2020	2021	2022
speeding	60	42	108	65	42	41
speeding in school zone	5	4	20	4	4	
stop sign	4	2	7	3	2	
fail to obey traff. control device	191	161	169	87	115	13
DWAI (driv. with ability impaired)	10	7	2	0	3	2
DWI (driv. while intox. - misd. or felony)	5	0	0	1	7	2
aggravated DWI (aggravated DWI - misd. or felony)	1	0	0	0	3	1
fail to keep right	1	8	7	7	5	1
passing zone/follow too closely	1	0	4	1	0	1
unlicensed operation	2	2	1	7	4	
unregistered vehicle	13	6	22	10	14	
uninspected vehicle	5	4	16	4	9	11
equipment violation	11	5	5	7	4	
seatbelt	4	9	5	1	2	1
commercial traffic law (new in 2019)	10	7	8	5	7	
cell phone	0	0	6	9	5	1
opening door unsafely	13	7	11	11	7	
other	0	0	0	0	7	0
TOTAL V+TL CONVICTIONS	22	11	25	25	49	49
TOTAL DISMISSED	358	269	417	235	285	28
ACD (see below)	10	4	61	9	7	
PARKING TICKET CONVICTIONS	101	49	26	37	29	2
TOTAL V+TL/PARKING CASES	788	651	883	674	631	661
SCOFFLAWED CASES (see below)	206	133	162	20	0	1
LIFTED LIC. SUSPNSN. (see below)	5	1	10	3	1	1
V+TL TRIALS	5	6	8	1	9	-

"ACD" is an adjournment in contemplation of dismissal. It is used when a defendant and prosecutor agree that the penalty imposed by a conviction is disproportionate to the actual defense and they agree to conditions which if met by the defendant would warrant dismissal of the charge. The defendant and prosecutor then must secure the judge's agreement.

"Scofflawed cases" are those where a defendant failed to appear or pay. The Court Clerk notifies the Dep't of Motor Vehicles, which in turn suspends the defendant's driver's license. In serious cases the Court may also issue a warrant to arrest the defendant.

"Lifted License Suspension" is a fee (\$70) the State requires before license restoration.

PENAL LAW CONVICTIONS(misdemeanors and infractions)

OFFENSE	2019	2020	2021	2022
alcohol				
alcohol in the oark				
assault		1		
domestic harassment				
bad check				
burglary				3
crim. contempt				1
crim. impersonation				1
crim. mischief		1		
crim. poss. forged instrument			1	
crim. poss. stolen property				
crim. tampering				
dog ordinance				
disorderly conduct	1	1		
fireworks				
furtive				
grand larceny			1	1
harassment				1
illegal; duress:				
intimidating				1
motor vehicle - unlawful use				
open burning				
noise ordinance (new 2012)			1	
park - after hours	4			1
park- lawn	1		1	
petite larceny				1
poss. of a controlled substance	5	4	2	
public lewdness				
rape - attempted				
reckless endangerment		1		
resisting arrest				
scheme to defraud				
selling controlled substance				
resistance				1
unlawful imprisonment				
unlawful contact with a minor				
zoning violation				
other criminal		2	4	1
property maintenance				1
TOTAL CASES	11	8	10	10

CIVIL CASES

	2019	2020	2021	2022
MALL CLAIMS + REGULAR CIVIL		2	0	

ALL FINES, FEES + SURCHARGES (CIVIL AND CRIMINAL)

	2019	2020	2021	2022
K:OLLECTED THIS YEAR	\$69,626	\$36,812	\$45,873	\$46,990
OWED BY DEFENDANTS - CUMULATIVE	\$25,335	\$26,050	\$24,125	\$20,725