

2023
ANNUAL REPORT

VILLAGE OF
CAYUGA HEIGHTS COURT



Glenn G. Galbreath
Village of Cayuga Heights Justice

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Village of Cayuga Heights Court Clerk

ANNUAL REPORT OF GLENN G. GALBREATH, VILLAGE JUSTICE

There were just a few issues to highlight for 2023. The influence of the Covid 19 pandemic on the court system continues to lessen, but we still try to screen court attendees in order to reduce the potential for the spread of Covid or other communicable diseases. There was a significant increase in the number of Vehicle and Traffic Law (V+TL) offenses. The numbers rose more than 40%, from 661 in 2022 to 992 in 2023. The number of dismissed cases increased almost 80%, from 340 in 2022 to 626 in 2023. Total funds collected increased more than 15%, from \$46,990 in 2022 to \$54,175 in 2023. Civil and criminal case numbers stayed about the same.

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 more detail and cover six years.

SUMMARY OF CASE ACTIVITY

<u>Case Types</u>	<u>2022</u>	<u>2023</u>
Vehicle + Traffic Law (V+TL) (including parking)	661	979
Penal/Criminal Law	16	13
Civil/Small Claims/Evictions	<u>2</u>	<u>0</u>
Total Closed Cases	679	992
<u>Total Funds Collected</u>	\$ 46,990	\$ 54,175
<u>Number of V+TL Trials</u>	5	5
<u>After-hours arraignments for other courts</u>	40	35

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

Because of the manner by which the computer program collects case information, 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. Nor do they include felonies which begin in our court but are closed by the County Court. For the last several years our annual number of all case types closed has been in the mid-600's, but jumped to 992 cases in 2023 which was common a few years back when we usually had about 1,000 per year. Covid may have played a role in the ups and downs.

V+TL cases

A couple areas where there were significant changes in V+TL case numbers were:

- Alcohol related driving offenses [driving with ability impaired (DWAI), driving while intoxicated (DWI), and aggravated driving while intoxicated (ADWI)] are usually criminal

V+TL cases and typically involve post conviction court monitoring. There were several on which we worked in 2023, but none officially closed that year. In the past six years the numbers of such cases closed in those years ranged between 1 and 17, so maybe we should be encouraged by having none in 2023.

- Failure to obey traffic control device (FTOTCD) convictions increased 20% from 133 in 2022 to 160 in 2023. This charge is generally used as a catch-all charge which covers a variety of somewhat more serious V+TL infractions and is frequently used by police officers to give defendants a break on the street. The penalties for this charge are a bit lower and the charge is often used by the prosecution in plea bargains.

- The number of dismissed cases increased almost 80%, from 340 in 2022 to 626 in 2023. I would attribute that primarily to the fact that the police are routinely ticketing people for having expired inspections, vehicle registrations and driver's licenses. If the defendant then quickly shows proof that they quickly corrected what might be considered a "paperwork violation," the prosecution and Court typically agree to dismiss the case. The result is that the defendant quickly fixes the paperwork problem and thereby does not suffer a significant penalty.

There was a large jump in "scoffed" V+TL cases from 2021 (0), to 2022 (77), and then to 2023 (286). A "scofflawed" case is one where the defendant failed to appear. After repeated attempts to get a defendant to appear in court, the Court Clerk would report this to the NY Department of Motor Vehicles (DMV) and then DMV would warn the defendant that his/her license is to be suspended or revoked unless the defendant appears in court and resolves the case. But during the Covid pandemic the legislature limited this remedy significantly and we started having a backlog of unresolved cases. We are now permitted to be a little more assertive about scoffing defendants who have not appeared and resolved their tickets. We hope the unresolved "scoffed" case numbers will start to decrease.

Plea Bargaining

Use of the electronic plea bargaining process through the District Attorney's (DA) website has caused many defendants to ask for reductions in the nature of the charges against them. Also, the police tend to follow the DA's official guidelines when the police engage in plea bargaining. The reductions offered by the DA'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 also be agreed to by the Court as well as the prosecution 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 individual plea bargain before I accept or reject it.

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. Our official data collection shows we had 13 closed in 2023 which is fairly consistent with the past. 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 our statistics at all, but an informal count shows that we had about 7 in 2023. Again, our computer program only identifies cases that are closed with a conviction or dismissal in our court.

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 repeatedly attempted to hold in 2022 and 2023. 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 mooted 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. 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 and in 2023 we had none. When we do have them, they 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 \$54,175 in 2023, which was an increase of more than 15% from the \$46,990 we collected in 2022. Again, the waning influence of the Covid epidemic may have played a role in the increased collections. At the same time, though, the amounts unpaid and owed by defendants owed cumulatively over the decades has also increased significantly. In 2022 defendants still owed the court \$20,725 and that figure rose in 2023 to \$37,855.

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

You may recall from prior reports that I am required to provide after-hours coverage for other courts in Tompkins County when those other courts are not in session. This is basically all hours of the day or night other than Monday through Friday from 8:30 AM to 4:30 PM. The system has been in operation for a couple years, is running fairly efficiently, and I am on call about 5 to 7 days a month and actually have to hold court for these after-hours arraignment on average of about 3 days a month (35 times in 2023). 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. Instead, court is held at 8:00 AM and 8:00 PM. More important, arresting officers simply drop off the defendant at the jail, the jail holds the defendant until the next 8:00 AM or PM 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 in the jail 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 arraignments 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 2023. I also finished my required two days of Advanced Continuing Judicial Education Program for town and village justices in 2023.

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.

The court's 2023 financial audit is being completed and the draft appears to be wholly unremarkable.

Change of personel.

Both Pat Kannus and I have announced that we each will be fully retiring from our positions with the Village on March 31, 2024, and we assume that our successors will begin on April 1, 2024. We are working to make the transition as smooth as possible. Both Pat and I want to particularly thank the Mayor, Trustees, Clerk, members of the Police Department, and all the other Village staff who have been so supportive of the Court's mission and of Pat and me personally. You each have made every effort to ease our burdens, and we could not be happier about the opportunity you provided us in serving the Village. Thank you, and we wish you all the very best.

Conclusion

Should you have any questions or comments, please contact me or Pat. 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 12, 2024

Respectfully submitted,

Glenn G. Galbreath
Village Justice

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

OFFENSE (generally infractions)	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
speeding	42	108	65	42	46	36
speeding in school zone	4	20	4	4	3	8
stop sign	2	7	3	2	4	1
fail to obey traff. control device	164	169	87	115	133	160
DWAI (driv. with ability impaired)	3	2	0	3	2	0
DWI (driv. while intox. - misd. or felony)	0	0	1	3	2	0
ADWI (aggravated DWI - misd. or felony)	0	0	0	3	1	0
fail to keep right	8	7	3	5	2	2
no passing zone/follow too closely	0	4	1	0	1	1
AUO (aggrav. unlicens. oper. - misd.)	2	2	3	4	0	0
unlicensed operation	6	22	10	14	7	5
unregistered vehicle	4	16	4	9	11	11
uninspected vehicle	5	5	3	4	3	5
equipment violation	9	5	1	2	1	1
seatbelt	3	8	5	7	3	8
commercial traffic law (new in 2019)	0	6	9	5	13	12
cell phone	3	11	11	7	2	4
opening door unsafely	0	0	25	49	49	56
other	14	25	2	7	6	2
TOTAL V+TL CONVICTIONS	269	417	237	285	289	317
TOTAL DISMISSED	381	466	384	303	349	626
ACD (see below)	4	6	9	7	3	2
PARKING TICKET CONVICTIONS	49	26	37	29	20	34
TOTAL V+TL/PARKING CASES	651	883	676	631	661	979
SCOFFLAWED CASES (see below)	133	162	22	0	77	286
LIFTED LIC. SUSPNSN. (see below)	1	10	3	1	1	2
V+TL TRIALS	6	8	1	9	5	5

“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

offense 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	2020	2021	2022	2023
alcohol				
alcohol in the park				1
assault	1			1
aggravated harassment				
bad check				
burglary			2	
crim. contempt			1	1
crim. impersonation			1	
crim. mischief	1			2
crim. poss. forged instrument		1		
crim. poss. stolen property				
crim. tampering				
dog ordinance				1
disorderly conduct	1			
fireworks				
fugitive				
grand larceny		1	1	
harassment			1	1
illegal; dumping				
menacing			1	1
motor vehicle - unlawful use				
open burning				
noise ordinance (new 2012)		1		
park - after hours			1	
park - lawn		1		
petite larceny			1	
poss. of a controlled substance	2	2	4	
public lewdness				
rape - attempted				
reckless endangerment	1			1
resisting arrest				
scheme to defraud				
selling controlled substance				
trespass			1	
unlawful imprisonment				
unlawful contact with a minor				
zoning violation				
other criminal	2	4	1	4
property maintenance			1	
TOTAL CASES	8	10	16	13

CIVIL CASES

	<u>2018</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
SMALL CLAIMS, REGULAR CIVIL + EVICCTIONS	2	0	2	0

ALL FINES, FEES + SURCHARGES (CIVIL AND CRIMINAL)

	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
COLLECTED THIS YEAR	\$36,812	\$45,873	\$46,990	\$54,175
OWED BY DEFENDANTS - CUMULATIVE	\$26,050	\$24,125	\$24,125	\$37,855