

Cleveland Heights Municipal Court

Annual Report for the Year 1994

Lynn C. Toler, Judge

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TO: Council of the City of Cleveland Heights
Board of Commissioners of Cuyahoga County

RE: Cleveland Heights Municipal Court's Annual Report for 1994

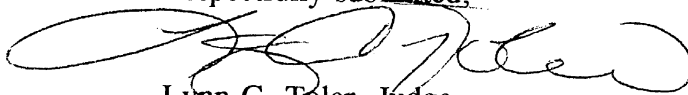
In this, my first report to you as Judge of the Cleveland Heights Municipal Court, I draw your attention to the following matters.

The number of civil, general criminal and traffic cases filed in this court decreased significantly in 1994. This has resulted in a corresponding reduction in collections for fines and fees, thereby continuing a trend noted by Judge Hunter in her last report.

In an effort to compensate for this lost income and to increase accountability in general for the collection of court fines, the court instituted license forfeiture proceedings to assist in fine collection. The court has also begun accepting credit cards for payment of fines and costs on a trial basis. As a result of these and other efforts the court has managed to increase the moneys it has paid to the city this year over last year without raising court costs and despite the continuing trend of decreased revenues. Nevertheless, the gap between the income generated by the court and its budget continues to decrease as noted by Judge Hunter in her 18 years as judge.

Space problems have been alleviated somewhat by the use of existing funds to refurbish the clerk's office. The purchase of accommodations appropriate to the technological advances this court has made has allowed us to maximize the space we do have. However, this court anticipates a growing need for space over the years.

Respectfully submitted,



Lynn C. Toler, Judge

Case Filings

1994

JANUARY

New Cases

Reactivated

FEBRUARY

New Cases

Reactivated

MARCH

New Cases

Reactivated

APRIL

New Cases

Reactivated

MAY

New Cases

Reactivated

JUNE

New Cases

Reactivated

JULY

New Cases

Reactivated

AUGUST

New Cases

Reactivated

SEPTEMBER

New Cases

Reactivated

OCTOBER

New Cases

Reactivated

NOVEMBER

New Cases

Reactivated

DECEMBER

New Cases

Reactivated

New Cases Total

Reactivated Total

	A	B	C	D	E	F	G	H	I
	Felones	Misdemeanors	O.M.V.I.	Other Traffic	Personal Injury & Property Damage	Contracts	F.E.D.	Other Civil	Small Claims
	19	135	4	653	1	48	25	43	93
		12	1	74					
	15	178	8	1023	2	35	33	34	70
		12	1	86					
	29	219	3	1057	6	67	28	33	52
		28	4	96					
	16	152	6	1062	4	45	37	35	25
		14		65					
	18	204	4	1172	8	57	44	27	44
		14		63					
	32	197	5	840	7	83	25	36	127
	4	7		46					
	25	165	4	693	5	49	36	33	119
	1	9		51					
	28	206	6	1819	7	55	36	27	79
	1	19		87					
	14	211	8	1084	4	83	23	25	44
	3	16	1	46					
	21	150	2	1074	6	53	29	30	33
	3	15		52					
	13	134	4	1077	7	40	26	16	49
	3	18		48					
	27	108	8	1144	5	57	32	3	37
		24		57					
	257	2059	62	12698	62	672	374	342	772
	15	188	7	771					

GRAND TOTAL:

272 2247 69 13469 62 672 374 342 772

These statistics are compiled from monthly reports submitted to the Supreme Court of Ohio under Superintendence Rule 12. Multiple charges filed against an individual as the result of the same act or series of acts is only counted as one case. Reactivated cases are those brought back onto the docket when the Court regains jurisdiction over a defendant such as an arrest on warrant. Individual criminal and traffic charges appear elsewhere in this report.

TRAFFIC OFFENSES BY CHARGE 1994

Assured Clear Distance.....	15
Bicycle/Skateboard.....	27
Child Restraint.....	21
Driving Under Suspension.....	276
Driving Under the Influence of Alcohol.....	102
Failure to Control.....	179
Failure to Yield.....	144
Fleeing.....	14
Hit Skip/Leave Scene.....	43
Improper Left Turn.....	308
Improper U-Turn.....	33
Improper Passing.....	81
Left of Center.....	23
Operator License Violations.....	1,904
Reckless Operation.....	24
Speed.....	3,987
Stop Sign.....	931
Traffic Control Device.....	697
Other Moving Violations.....	614
Parking, complaints filed.....	818
Registration/Title/Plates.....	2,657
Unsafe Vehicle.....	240
Rear View Mirror.....	195
Muffler.....	454
No Plate Light.....	1,408
Other Light Violations.....	3,957

TOTAL CHARGES: 19,152

These figures and those on the preceeding page represent the number of criminal complaints and the number of traffic tickets plus parking complaints actually filed with the court during the year 1994. The number of cases filed are on the Supreme Court Report Chart starting this section. The Rules of Superintendence for Municipal and County Courts provide that multiple offenses arising from the same incident by the same defendant be given only one case number and counted only as one case for the purpose of the monthly reports to the Supreme Court of Ohio. This is the basis for the difference between the number of CASES and CHARGES. There are always more charges than cases under this method.

CRIMINAL OFFENSES BY CHARGE 1994

Abduction/Unlawful Restraint....2	Park Regulations.....22
Alcohol/Underage.....26	Public Indecency.....2
Animals.....19	Rape.....3
Arson.....1	Att. Rape.....1
Assault.....99	Receive Stolen Property.....61
Felonious Assault.....24	Resist Arrest.....35
Bad Checks.....9	Robbery.....16
Breaking & Entering.....7	Agg. Robbery.....13
Burglary.....1	Sexual Imposition.....1
Agg. Burglary.....11	Stalking.....5
Att. Agg. Burglary.....3	Telephone Harassment.....3
Building.....48	Theft--Petty.....201
Business Maintenance.....93	Theft--Grand.....5
Carrying Concealed Weapon.....19	Trespass.....68
Child Stealing.....1	Agg. Trespass.....2
Child Endangering/Corruption or	Unauthorized Use of a
Contributing to Delinquency...16	Motor Vehicle.....8
Criminal Damaging.....39	Unreasonable Noise.....15
Criminal Tools.....20	Vandalism.....6
Contempt.....1	Vehicular Homocide.....1
Credit Cards.....6	Violation of a Protection
Disorderly/Disturb Peace.....167	Order.....6
Dog/Cat Run at Large.....44	Voyeurism.....1
Domestic Violence.....70	Zoning.....21
Drugs.....40	
Ethnic Intimidation.....2	TOTAL CHARGES FILED: 2,531
Falsification.....8	
False Alarm/Attempt.....1	
Fail to report crime.....1	
Firearms.....26	
Fire Code.....6	
Fireworks.....3	
Fleeing/Escape.....5	
Forgery.....6	
Gambling.....1	
Health Codes.....1	
Housing.....735	
Intoxication.....84	
Kidnapping.....2	
Liquor.....8	
Littering/Handbills.....9	
Marihuana.....39	
Menacing.....16	
Agg. Menacing.....6	
Misidentification.....45	
Murder/Aggravated.....2	
Municipal Income Tax.....159	
Nuisance Abatement.....1	
Obstructing Official Business..17	
Occupancy Permit.....21	
Open Container.....65	

**CRIMINAL/TRAFFIC BRANCH
RECEIPTS AND DISBURSEMENTS FOR 1994**

During the year 1994 Criminal and Bond Accounts were consolidated

Adjusted Balance on Hand January 1, 1994		\$ 51,942.00
Receipts 1994		<u>\$1,012,699.00</u>
	TOTAL	<u>\$1,064,641.00</u>

DISBURSEMENTS:

City of Cleveland Heights		
Fines	\$507,641.72	
Costs	\$114,170.50	
Housing	\$ 9,806.00	
Computer Fund	\$ 56,508.50	
Drug Fines	\$ 705.50	
Witness Reimbursement	\$ 375.50	
Unclaimed Funds	<u>\$ 18,116.19</u>	
		\$ 707,323.91
 Cuyahoga County		
Regular Fines	\$ 6,635.00	
Uniform Traffic Fines	\$ 28,004.00	
1/2 Liquor Fines	\$ 456.50	
Witness Reimbursement	<u>\$ 40.85</u>	
		\$ 35,136.35
 State of Ohio		
RRF/Victims Fund	\$ 80,052.00	
GRF/General Fund	\$ 97,932.57	
Seat Belt	\$ 690.00	
Expungements	\$ 510.00	
1/2 Liquor Fines	\$ 456.60	
Pharmacy Board (Drug)	<u>\$ 86.50</u>	
		\$ 179,727.67
 Other Disbursements		
Cuyahoga County Law Library	\$ 585.53	
Village of Pepper Pike	\$ 100.00	
DUI Housing Fund*	\$ 942.00	
DUI Arrest Agency*	\$ 1,591.00	
DUI Indigent Fund	\$ 1,675.00	
Refunds	<u>\$108,162.54</u>	
		<u>\$ 113,056.07</u>
		<u>\$1,035,244.00</u>

Balance on Hand December 31, 1994		<u>\$ 29,397.00</u>
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	TOTAL	<u>\$1,064,641.00</u>
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*Money goes directly into funds for the Cleveland Heights Police Department for future DUI education and enforcement.

CIVIL/SMALL CLAIMS BRANCH
RECEIPTS AND DISBURSEMENTS FOR 1994

Balance on Hand January 1, 1994		\$ 23,025.19
Receipts, 1994		<u>\$461,866.63</u>
	TOTAL	\$484,891.82

DISBURSEMENTS:

City of Cleveland Heights		
Costs	\$ 92,411.50	
Computer Fund	\$ 31,977.50	
1% Legal Aid	\$ 220.37	
Unclaimed Funds	<u>\$ 8,166.35</u>	
		\$132,775.72
State of Ohio Legal Aid	\$ 21,816.63	
Judgements and Refunds	<u>\$327,783.32</u>	
		<u>\$349,599.95</u>
		\$482,375.67

Balance on Hand December 31, 1994		<u>\$ 2,516.15</u>
	TOTAL	\$484,891.82

CIVIL/TRUSTEESHIP BRANCH
RECEIPTS AND DISBURSEMENTS FOR 1994

Balance on Hand January 1, 1994		\$ 1,990.00
Receipts 1994		<u>\$ 1,376.00</u>
	TOTAL	\$ 3,366.00

DISBURSEMENTS:

City of Cleveland Heights	\$ 67.32	
To Creditors	\$ 3,093.73	
Return to Depositor	<u>\$ 204.95</u>	
		\$ 3,366.00

Balance on Hand December 31, 1994		\$ -0-
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CIVIL/LANDLORD-TENANT BRANCH
RECEIPTS AND DISBURSEMENTS FOR 1994

Balance on Hand January 1, 1994		\$ 8,798.48
Receipts 1994		<u>\$ 43,001.00</u>
	TOTAL	\$ 51,799.48

DISBURSEMENTS:

City of Cleveland Heights	\$ 469.70	
To Landlords	\$39,234.55	
To Tenants	\$ 2,443.23	
Repair/Maintenance paid by Court Order	<u>\$ 8,470.00</u>	
		\$ 50,617.48

Balance on Hand December 31, 1994		<u>\$ 1,182.40</u>
	TOTAL	\$ 51,799.48

MISCELLANEOUS ITEMS

There were 2,621 garnishments filed on civil and small claims actions.

The criminal division issued 1,435 license forfeitures on persons who did not appear for court or did not pay their fine and costs.

Judge Toler performed 17 weddings in 1994.

The Landlord/Tenant Division filed 14 new cases and 13 were disposed of in 1994.

There were no Trusteeship cases filed in 1994, and the two pending cases were closed during 1994.

The Bureau of Motor Vehicles returned \$2,525.00 to the Court which was collected from DUI reinstatement fees collected by the BMV. This money was deposited in the DUI Indigent Fund as per State Statute.

Recap of money paid to the City in 1994 from all divisions:

Criminal/Traffic	\$ 707,323.91
Civil/Small Claims	\$ 132,775.72
Trusteeship	\$ 67.32
Landlord/Tenant	\$ 469.70
TOTAL	\$ 840,636.65

This report includes the December 1994 disbursement even though that money was not paid out until January 1995.

TO: Judge Lynn C. Toler
 FROM: James Miller
 Chief Probation Officer

RE: PROBATION ACTIVITY, 1994

I. PRESENTENCE INVESTIGATION/ PROBATION VIOLATIONS

Presentence Investigation Reports :	362
Probation Violation Reports :	77
Expungement Reports :	15
Reviews of Probation Conditions :	<u>40</u>
Total Reports Prepared:	494

II. SUPERVISION CASELOAD on December 31, 1994

	<u>12-31-93</u> <u>caseload</u>	<u>12-31-94</u> <u>caseload</u>	<u>% change</u> <u>1993-94</u>
Active (Supervised):	222	252	14
Inactive (Non-supervised):	421	282	(33)
Warrants Outstanding:	53	140	264
Total active probation cases supervised, January - December 1994, inclusive:			482
Total inactive probation cases, January - December 1994, inclusive:			492
New active probation cases added in 1994:			281
New inactive probation cases added in 1994, (including probation cases previously active):			266
Number of probation cases (active/inactive), on 12-31-94, whose sentences also included jail time:			119 (22%)
Supervision caseload, per probation officer, on 12-31-94:			126

III. MAJOR OFFENSES OF PROBATIONERS - On Supervision, 12-31-94

	<u>No. of Cases</u>	<u>% of Caseload</u>	<u>Cum.%</u>
DUI	55	21%	21%
Petty Theft/RSP	44	18	39
Assault	32	13	52
Domestic Violence	30	12	64
Driving Under Suspension	18	7	71
Disorderly Conduct	14	6	77
Intoxication	12	5	82
Trespassing	10	4	86
Menacing/Harassment	8	3	89
Other	29	11	100

IV. PROBATION REFERRALS, on 12-31-94
(as required by Court under Conditions of Probation)

ALCOHOL/DRUG

Alcohol/drug treatment, including AA, CA, NA:	93
3 Day Driver Intervention Program, for first time DUI drivers:	46
Electronic Home Monitoring:	5
Vehicle Interlock (with breathalyzer):	1

VIOLENCE

Family Violence Program:	38
Carrying Concealed Weapons Course (at County Morgue):	10

COMMUNITY SERVICE

Community Service referrals to Court Community Service, in 1994:	103
Community Service, total hours ordered in 1994:	3642
Total hours worked in Cleveland Heights non- profit agencies, as scheduled by CCS:	2,828.75

THEFT

Economic Crime Program for first time offenders (1994 completions):	51
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VICTIMS

Restitution to victims:	12
Restitution collected for victims, 1994:	\$2,033.86
Remove Dog from City/Fencing/Restraints:	4

COUNSELING

Psychiatric therapy/evaluation:	14
Sexual disorders therapy, including S.A.:	2
Parenting class:	1
Avoid designated geographic area:	1
Gamblers Anonymous:	1

EMPLOYMENT/EDUCATION

Project LEARN (Literacy):	1
Maintain job/school/training:	11
Obtain GED:	7

DRIVING

Obtain Valid License:	14
Pay Judgment:	2

SERVING THE COURT IN AN OFFICIAL CAPACITY DURING 1994 WERE:

Lynn C. Toler, Judge
 Maria F. Hallabrin, Clerk of Court
 William E. Uzl, Bailiff
 Frederick Mack, Bailiff until 7/1/94

Ranelle Gamble, Acting Judge
 Mark L. Hoffman, Acting Judge
 Alan H. Kraus, Acting Judge
 Joy Savren, Acting Judge

David Goodwin, Referee/Magistrate
 Georgeann Schmidt, Referee/Magistrate
 Gary Axner, Volunteer Referee
 Robert Vecchio, Volunteer Referee

Nancy McNamara, Deputy Bailiff, until 11/30/94
 Nancy Simpson, Deputy Bailiff
 Ken Sutherland, Deputy Bailiff

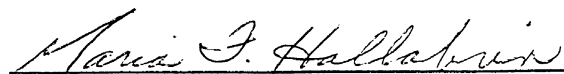
JoAnn Gallitto, Chief Deputy Clerk/Civil Division
 Patricia Wokety, Chief Deputy Clerk/Criminal Division until 5/9/94
 Ann Ludwig, Chief Deputy Clerk/Criminal Division

Bettie Ballard, Civil Deputy Clerk
 Nichole Burke, Civil Deputy Clerk
 Hazel Grant, Civil Deputy Clerk, until 9/30/94: Retired with 25
 years of Service to the Court.
 Irene Humanchuk, Criminal Deputy Clerk
 Carole Motyka, Criminal Deputy Clerk
 Jeanette Politi, Civil Deputy Clerk
 Belinda Ross, Civil Deputy Clerk, until 4/18/94
 Amy Satterwaite, Criminal Deputy Clerk
 Rochelle Smith, Criminal Deputy Clerk
 Joye Wilson, Part Time Criminal Deputy Clerk until 9/9/94
 Monique Moore, Part Time, Temporary Deputy Clerk for 2 months
 Ralph Hamilton, Criminal Deputy Clerk until 12/31/94

Sandra Clark, Law Clerk
 P. John Gustat, Housing Specialist

James Miller, Chief Probation Officer
 Valinda Garner, Probation Officer
 Celeste Corbin, Probation Office Secretary

This report covers all operations, employees, income and disbursements of the Cleveland Heights Municipal Court as verily prepared.



 Maria F. Hallabrin, Clerk of Court