

CLEVELAND HEIGHTS MUNICIPAL COURT

ANNUAL REPORT FOR 1991

SARA R. HUNTER, JUDGE

Rev 3/26/92

CLEVELAND HEIGHTS MUNICIPAL COURT

STATE OF OHIO

40 SEVERANCE CIRCLE, CLEVELAND HEIGHTS, OHIO 44118-9988

Sara R. Hunter, *Judge*

Nancy S. Welchans, *Clerk*

Anthony C. Tomaro, *Bailiff*

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

Annual Report for Year of 1991

(Pursuant to Section 1901.14, Ohio Revised Code)

The report of the operations of this Court in 1991 shows it to have experienced the second highest caseload in its history, with an increase in new cases filed of some 4,300 cases over the number reported in 1990. Only in 1988 were there more new cases than the 26,616 new cases filed and reactivated in 1991.

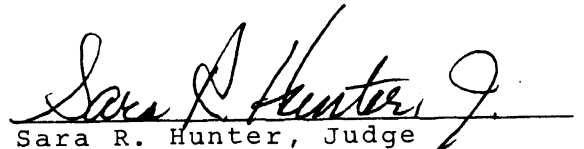
A listing of criminal and traffic offenses by charge, omitted from last year's report because of the recency of computer conversion, has been restored. The new computer system has enabled us to give you a detailed breakdown of offenses that was not possible before, especially for traffic cases. Of special significance is the large increase in code charges associated with housing and building maintenance. Not surprisingly a record high occurred in housing cases referred to John Gustat, the Court's housing specialist, whose one on one intensive work with code violators continues to achieve results. His report to the Court is included herein for your perusal. The Court is gratified to learn of the creation of a similar city position of violations counselor established in the hope of reducing citations for non-compliance, especially for minor violations.

On pages reporting collections and disbursements I call your attention to other changes. Past annual reports have shown Court payments to the City of Cleveland Heights of large sums collected as parking fines and costs by the Court's Violations Bureau. However, in 1990 the Court became aware of a procedure in use in Ashland, Ohio and the Ashland Municipal Court whereby parking violations became subject to penalties set by law instead of fines and court costs, and discussed the procedures with City officials. Under such a system penalties are payable directly to the General Fund on a daily basis instead of remaining in the Court account for pay over to the City at the end of the month, as required by state law for court costs and fines. Council's consideration of the advantages of direct daily payment of amounts that had regularly totalled close to \$500,000 annually led to similar legislation in Cleveland Heights. Complaints and summonses to Court are still issued for multiple tickets. A contested violation becomes a court case, of course, and may result in imposition of fines and costs set in Court.

The new ordinance pertaining to parking penalties went into effect on the first of the past year. Its enactment explains the changes in disbursements by the Court to the City. Our annual report of 1990 showed payments to the city of \$438,000 in parking fines and costs. This year pay-ins for parking fines and costs totalled \$30,830, representing fines collected in December 1990. Fines on parking cases brought to Court are included in criminal and traffic fines. However, the decrease in parking fines was partially offset by a large increase in fines and costs collected in moving traffic and other misdemeanors in 1991.

The use of "court costs" to fund state programs such as the Reparations Rotary Fund (for victims of crimes) and the General Revenue Fund for the state public defender's office continues to show the likelihood of being expanded, with new bills introduced each session of the Ohio General Assembly. The practice works to the disadvantage of cities, especially in times of recession, when the collection of fines and costs becomes difficult, inasmuch as state costs come off of the top. The General Assembly has also taken action to prohibit Court suspension of all court costs without a specific finding of indigence in a given case. Therefore, all costs must be included in all waiver-able offenses, increasing the waiverable amount to such a degree that some no longer pay it. As for fines and costs imposed in Court, a new session of time to pay hearings has had to be created by the Court in 1991 to comply with the legislative edict requiring indigency findings.

Respectfully submitted,


Sara R. Hunter, Judge

NEW CASES FILED-1991

	FELONY	MISD.	DWI	TRAFFIC	TORT CONTRACT	F.E.D.	OTHER CV	S.C.	TOTAL	
JAN	20	208	12	1330	8	77	42	47	57	1801
FEB	15	159	9	1528	9	64	30	49	50	1913
MAR	20	263	12	1540	3	47	34	42	37	1998
APR	27	179	14	1958	16	56	22	41	46	2359
MAY	26	184	8	1966	6	101	36	22	41	2390
JUN	24	186	11	1719	6	67	45	38	52	2148
JUL	24	192	13	1659	2	68	31	59	35	2083
AUG	21	258	14	2050	3	48	37	53	41	2525
SEP	31	237	7	1816	4	52	31	47	48	2273
OCT	21	428	14	1830	4	58	23	54	54	2486
NOV	23	221	9	1488	7	47	31	58	20	1904
DEC	34	201	15	1695	3	82	26	40	36	2132
TOTAL	286	2716	138	20579	71	767	388	550	517	26012

Compiled from monthly reports submitted to the Supreme Court of Ohio under Superintendence Rule 12. When multiple charges are filed against an individual as the result of the same act or series of acts, only one case is counted. Listings of individual criminal and traffic charges appear elsewhere in this report.

NEW CASES FILED AND REACTIVATED--1991

	FELONY	MISD.	DWI	TRAFFIC	TORT CONTRACT	F.E.D.	OTHER CV	S.C.	TOTAL
JAN	20	210	13	1361	77	42	47	57	1835
FEB	15	159	10	1538	64	30	49	50	1924
MAR	20	264	13	1549	47	34	42	37	2009
APR	28	179	15	1996	56	22	41	46	2399
MAY	26	187	9	1997	101	36	22	41	2425
JUN	24	195	11	1758	67	45	38	52	2196
JUL	24	203	13	1736	68	31	59	35	2171
AUG	22	265	15	2102	48	37	53	41	2586
SEP	31	252	7	1858	52	31	47	48	2330
OCT	21	445	15	1873	58	23	54	54	2547
NOV	23	230	10	1550	47	31	58	20	1976
DEC	34	219	16	1762	82	26	40	36	2218
TOTAL	288	2808	147	21080	767	388	550	517	26616

These are also compiled from the monthly reports to the Supreme Court of Ohio. Reactivated cases are those brought back onto the docket when the Court regains jurisdiction over a defendant, such as an arrest on a warrant.

CRIMINAL OFFENSES BY CHARGE
1991

Zoning-----	41	Weapons-----	75
Business Maintenance-----	50	Drugs-----	45
Housing-----	1,245	Walking in Roadway-----	1
Garbage Disposal-----	173	Liquor/Intoxication-----	284
Building-----	35	Scavenging-----	2
Fire Code-----	18	Park Regulations-----	22
Health Code-----	3	Posting Bills-----	2
Murder/Attempted Murder-----	4	Animals-----	32
Felonious Assault-----	37	Soliciting w/out Permit-----	5
Aggravated Menacing-----	8	Obstructing Sidewalk-----	2
Kidnapping-----	1	Fireworks-----	3
Extortion-----	1	Gambling-----	1
Sex Crimes-----	15	Handbills-----	1
Arson-----	2	No Code/Wrong Section-----	6
Vandalism/Attempted			
Vandalism-----	4	Total	<u>3,263</u>
Robbery-----	28		
Burglary/Breaking and			
Entering-----	24		
Forgery-----	11		
Assault-----	61		
Menacing-----	9		
Voyeurism-----	1		
Criminal Mischief/Criminal			
Damaging/Littering-----	50		
Child Endangerment/Child			
Safety/Delinquency of			
Minor-----	11		
Grand Theft-----	54		
Petty Theft-----	161		
Checks/Credit Cards-----	18		
Unauthorized Use MV-----	1		
Disorderly/Disturbing Peace/			
Inducing Panic-----	276		
Telephone Harrassment-----	6		
Trespass-----	167		
Receiving Stolen Property---	72		
Aggravated Riot/Riot/			
Failure to Disperse----	16		
Domestic Violence-----	74		
Violation of Protection			
Order-----	1		
Intimidating Witness-----	1		
Obstructing Official Business/			
Resisting Arrest/False			
Statement-----	95		
Fleeing/Escaping-----	5		
Compliance with Order-----	3		

TRAFFIC OFFENSES BY CHARGE
1991

Seatbelt-----5,227	Equipment-----8,659
Parking (Complaint filed with Court)-----629	No Child Restraint-----66
Registration/Title/ Plates-----4,734	Bicycle/Skateboard-----14
Driving While Under Suspension-----563	Pedestrians-----138
Other Operator's License Violations-----3,685	Miscellaneous-----15
	No Code/Wrong Section on Citation-----661
Operating a Motor Vehicle While Under the Influence-----274	Total <u>35,040</u>
Hit Skip/Leaving the Scene/ Fleeing-----65	
Failure to Control/Willfull Disregard/Reckless Operation-----47	
Speed-----7,121	
Other Moving Violations--3,142	

These figures and those on the preceding page represent the number of criminal complaints and the number of traffic tickets plus parking complaints filed with the Court during 1991. For the number of cases, see the Supreme Court Report charts preceding this. The Rules of Superintendence for Municipal and County Courts provide that multiple offenses arising from the same incident all be given one case number and counted as one case for purposes of the monthly reports to the Supreme Court of Ohio.

TO: Judge Sara R. Hunter
FROM: John Gustat, Housing Specialist
RE: The 1991 year in review

During 1991 a record high 76 cases were referred to me. Almost one-half of these cases (37) came during the last trimester.

Of the total referral of 76, 24 have since been closed (32%). There are three warrants outstanding for the year.

Because of its ability to work with marginally credit worthy clients and construct payment schedules according to ability to pay, the FHC Housing Corporation continues to be the community organization best able to meet the loan needs of my referrals.

The Housing Preservation Office's Deferred Loan programs have been helpful as usual and the City's new nuisance abatement program for severe housing problems removed an obviously difficult case from the docket.

The Office on Aging has been instrumental this year in helping close out a few of our cases. One of the most intractable cases involved an aging defendant who had developed psychological problems complicated by malnutrition and alcoholism. With the help of the defendant's son and the Office on Aging, the defendant was probated to her son's care and was sent to a facility which could give her the attention she needed.

As in the past, the majority of cases involve no lender and the money for repairs must come from a combination of sources: family, saving based on goals established (repair schedules), federal tax refunds and sometimes rental income.

Sweat equity remains a staple of the compliance effort and is often enhanced through detailed discussion of what's involved with the various repairs needed. Many defendants want to learn and are often surprised that the violations can be corrected easier and cheaper than they had imagined. The brief periods of time taken to explain the nature of many violations not only fosters greater success but a greater awareness of how manageable most of the code violations are.

Out of 53 cases referred during 1990, 5 remain open. There are three outstanding warrants for 1990, too.

CLEVELAND HEIGHTS MUNICIPAL COURT

STATE OF OHIO
PROBATION OFFICE
 40 SEVERANCE CIRCLE, CLEVELAND HEIGHTS, OHIO 44118-9988
 (216) 291-4909

Sara R. Hunter, *Judge*

James Miller, *Chief Probation Officer*
 Valinda Tyus-Garner, *Probation Officer*
 Celeste Smith-Johnson, *Probation Secretary*

PROBATION ACTIVITY 1991

I. PRESENTENCE INVESTIGATIONS/PROBATION VIOLATIONS

Presentence Investigation Reports	535
Probation Violation reports	105
Expungement hearing reports	21
Reviews of Probation conditions	<u>52</u>
 Total Written Reports Prepared, 1991:	 713

II. SUPERVISION CASELOAD - Dec. 31, 1991

	<u>12-31-90</u> Caseload	<u>12-31-91</u> Caseload	<u>% Increase</u> 1990-91	<u>% Increase</u> 1987-91
Active (Supervised)	293	350	19%	69%
Inactive (non-supervised)	528	587	11%	69%
Warrants Issued	<u>*</u>	<u>27</u>		
 Yearend Total	 821	 964		

1991 Supervision Caseload per probation officer: 175

III. MAJOR OFFENSE OF PROBATIONERS - Dec. 31, 1991 Supervision Caseload

	<u>Number of</u> Cases	<u>% of total</u> Caseload	<u>Cumulative</u> %
Driving While Intoxicated	134	38%	(38%)
Domestic Violence	54	15	(53)
Receiving Stolen Property/Petty Theft	46	13	(66)
Assault	21	6	(72)
Driving Under Suspension	21	6	(78)
Disorderly Conduct	15	4	(82)

Liquor/Intoxication	12	3	(85)
Aggravating Menacing/Tele. Harrass.	8	2	(87)
Trespassing	7	2	(88)
Criminal Mischief	4	1	(89)
Hit Skip/Reckless Operation	4	1	(90)
Riot	4	1	(91)
Firearms/Knife	4	1	(92)
Child Endangering	3	1	(93)
Dog Bite	3	1	(94)
Credit Card	2	1	(95)
Possession of Cocaine	2	1	(96)
Bad Checks	1	-	
Drug Instruments	1	-	
Sexual Imposition	1	-	
Gambling	1	-	
Resisting Arrest/Obstructing Official Business	1	-	
Contributing to Delinquency of Minor	1	-	(100%)

IV. PROBATION REFERRALS - Dec. 31, 1991 Caseload

(As Required by Court - Conditions of Probation)

Number of Probationers
Referred:

ALCOHOL/DRUG

Alcohol/Drug Treatment, including A.A./C.A.	158
3 Day Alcohol Education/Assessment, for 1st time offenses (1991 Attendance-presentence)	73
Electronic Home Monitoring	3
Vehicle Interlock (Breathalyzer)	13

VIOLENCE

Family Violence Program (6 mo + group therapy)	41
Violence Assessment/Education Program (violence against women, 10 hours)	27
Weapons Course (County Morgue)	4

COMMUNITY SERVICE

Community service	199
[Total Community Service hours worked, 1991:	4482]

EMPLOYMENT /EDUCATION

Maintain job/school/training	13
Obtain G.E.D.	5
Community Re-entry (ex-offenders)	3

THEFT

Economic Crime Program, for 1st offenders (1991 Attendance - presentence)	46
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VICTIMS

Restitution to Victims	12
Apology to Victim	5

COUNSELING

Psychiatric therapy/Evaluation	14
Sexual Disorders Therapy	2
Parenting Course	1
Gamblers Anonymous	1
Marriage Counseling	1

CRIMINAL BRANCH
1991 RECEIPTS AND DISBURSEMENTS

Balance on Hand, January 1, 1991 \$ 67,144.45

Receipts:

Fines and Costs	\$	1,119.702.00	
Escrow Account (Hess Case)		50,000.00	
Bad Checks Redeemed		5,384.00	
Stale Checks		87.00	
Credit Memo		53.00	
Bond Account		<u>2,136.00</u>	
			\$1,177,362.00
			<u>\$1,244,506.45</u>

Disbursements:

City of Cleveland Heights:

Fines and Costs	\$	780,664.58	
Special Housing		7,549.00	
Legal Research		3,240.50	
Stale Checks		<u>87.00</u>	
			\$ 791,541.08

Cuyahoga County:

Law Library Assessment	\$	1,020.00	
RRF-GRF Bind Overs		60.00	
State Fines		<u>28,600.00</u>	
			\$ 29,680.00

State of Ohio:

Expungement Costs	\$	360.00	
RRF-GRF		209,651.00	
Seat Belt Fines		34,429.50	
Liquor Fines		<u>150.00</u>	
			\$ 244,590.50

Other:

Payment Refunds	\$	1,342.00	
Bad Checks		11,101.56	
Bond Account		10,869.00	
RRF-GRF Refunds		1,974.00	
Hess Case (Escrow Account)		<u>4,520.00</u>	
			\$ 29,806.56
			<u>\$1,095,618.14</u>

Balance on Hand, December 31, 1991

148,888.31
\$1,244,506.45

CRIMINAL BONDS - 1991

Balance on Hand, January 1, 1991		\$ 50,783.65
Bonds Collected	\$ 248,333.80	
Bad Checks Redeemed	27.00	<u>248,360.80</u>
		\$ 299,144.45

Disbursements:

Bond Refunds	\$ 144,579.50	
Bonds to Other Courts	5,049.24	
Bonds to Common Pleas	37,868.00	
Bond Forfeitures	29,123.50	
Check Order	54.39	
Bad Checks	27.00	
Stale Checks	812.00	
Economic Crime Program	<u>50.00</u>	
		\$ 217,563.63
Balance on Hand, December, 1991		<u>81,580.82</u>
		\$ 299,144.45

CRIMINAL DIVISION - VIOLATIONS BUREAU
1991

Balance on hand, January 1, 1991 \$21,555.00

Collections: 0.00
\$21,555.00

Disbursements:

City of Cleveland Heights
Traffic fines \$14,500.00
Misdemeanor fines 195.00
Costs 1172.00
\$15,867.00

State of Ohio
Seat Belt fines 1,000.00
RRF 1,758.00
GRF 2,930.00
5,688.00
\$21,555.00

Balance on hand, December 31, 1991 0.00
\$21,555.00

Violations Account closed and merged with Criminal Account.

PARKING - 1991

Balance on hand, January 1, 1991 \$30,801.60

Credits:

Bad check redeemed	\$235.00	
Stale checks	<u>57.00</u>	
		<u>292.00</u>
		<u>\$31,093.60</u>

Debits:

Paid to Cleveland Heights		
Parking fines	\$15,414.80	
Parking costs	15,414.80	
Unclaimed funds	<u>57.00</u>	
		\$30,886.60

Bad checks not redeemed	197.00	
Stale check paid by bank	<u>10.00</u>	
		<u>207.00</u>
		<u>\$31,093.60</u>

Balance on hand, December 31, 1991 0.00
\$31,093.60

Account closed. Unredeemed bad checks turned over to City of Cleveland Heights for collection.

CLEVELAND HEIGHTS MUNICIPAL COURT
CIVIL BRANCH
STATEMENT OF RECEIPTS

Balance on hand, January 1, 1991 \$ 28,254.25

Receipts:

Costs	\$ 98,787.50
Judgments	281,173.73
Jurors fees	-0-
State costs	5,245.00
Other monies on deposit	94,942.71
Legal Research	<u>658.50</u>

Total 480,807.44

509,061.69

Disbursements:

City of Cleveland Heights	98,201.71
Judgments	281,173.73
Jurors fees	-0-
State costs	5,020.79
Returned to depositor	103,951.91
Legal Research	<u>439.50</u>

Total 488,787.64

20,274.05

Balance on hand, December 31, 1991 509,061.69

CASES FILED

Cognovits	8
Transfers	523
Contracts	759
Small Claims	517
Torts	71
Replevins	6
Forcible Entries	388
License Suspensions	<u>21</u>

Total 2293

CIVIL CONTINUED

Proceedings after Judgment:

Garnishments	3392	
Levies	25	
Certificate of Judgment	<u>357</u>	
Total		3774
		—
		—
Motions		266
Weddings		25

TRUSTEESHIP

Pending - January 1, 1991	4	
New cases filed	2	
Reinstated cases	<u>1</u>	
		7
		—
		—
Cases disposed of:		
For non-compliance	1	
Paid in full	<u>1</u>	
Total		2
		—
		—
Pending December 31, 1991	<u>5</u>	
		7
		—
		—
Balance on hand - January 1, 1991	\$ 3,467.00	
Receipts - 1991	<u>24,253.00</u>	
Total		\$27,720.00
		—
		—
Returned to depositor	128.69	
Disbursements to creditors	23,174.41	
Costs paid to city	<u>496.90</u>	
Total disbursements		\$23,800.00
Balance on hand - December 31, 1991		<u>3,920.00</u>
Total		\$27,720.00
		—
		—

LANDLORD - TENANT

Cases pending - January 1, 1991	4	
Cases filed	<u>39</u>	
		<u>43</u>
Cases disposed of	38	
Cases pending - December 31, 1991	<u>5</u>	
		<u>43</u>
Balance on hand - January 1, 1991	\$ 1,979.90	
Total receipts - 1991	<u>39,275.27</u>	
		<u>\$41,255.17</u>
Disbursements to landlords	19,909.03	
Disbursements to tenants	11,039.92	
Costs paid to city	363.40	
Other payments ordered by Court	<u>6,721.66</u>	
Total Disbursements		\$38,034.01
Balance on hand		<u>3,221.16</u>
Total		<u>\$41,255.17</u>

PAY-INS TO CLEVELAND HEIGHTS

1991

Civil Costs	\$98,201.71	
Landlord-Tenant Costs	363.40	
Trusteeship Costs	<u>496.90</u>	
Total Civil Costs		\$99,062.01
Violations Fines and Costs		15,867.00
Bond Costs	9,105.50	
Bond Forfeitures	<u>19,426.50</u>	
Total Bonds		28,532.00
Criminal Fines and Costs		788,213.58
Parking Fines and Costs		30,829.60
Stale Civil Checks	511.06	
Stale Criminal Checks	87.00	
Stale Bond Checks	812.00	
Unclaimed Parking Funds	<u>57.00</u>	
Total Stale Check/Unclaimed		1,467.06
Legal Research-Civil	439.50	
Legal Research-Criminal	<u>3,240.50</u>	
Total Legal Research		3,680.00
Forfeited Bonds Reinstated		<u>(360.00)</u>
Net Pay-ins to Cleveland Heights		\$967,291.25
State Reimbursement for Acting/Assigned Judge Supplement		<u>3,175.90</u>
Total		\$970,467.15

SERVING THE COURT IN AN OFFICIAL CAPACITY AS OF DECEMBER 31, 1991
WERE:

Sara R. Hunter, Judge
Nancy S. Welchans, Clerk of Court
Anthony C. Tomaro, Bailiff

Glenn Billington, Acting Judge
Ranelle Gamble, Acting Judge
Mark L. Hoffman, Acting Judge
C. Douglas Lovett, Acting Judge
Dennis J. Niermann, Acting Judge

David Goodwin, Referee
Georgeann Schmidt, Referee

Elaine Pearse, Deputy Bailiff
Nancy A. Simpson, Deputy Bailiff
Kenneth Sutherland, Deputy Bailiff

JoAnn Gallitto, Chief Deputy Clerk, Civil Division
Patricia M. Wokety, Chief Deputy Clerk, Criminal Division

Ruth Andreano, Deputy Clerk
Hazel Grant, Deputy Clerk
Irene Humanchuk, Deputy Clerk
Ann Ludwig, Deputy Clerk
Carole Motyka, Deputy Clerk
Jeanette Politi, Deputy Clerk
Belinda Ross, Deputy Clerk
Rochelle Smith, Deputy Clerk

Frances Barnett, Part Time Clerical Assistant
Dorothy Horton, Part Time Deputy Clerk
Joye Wilson, Part Time Clerical Assistant

John Gustat, Housing Specialist

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

This report covers all operations and costs of the Cleveland Heights Municipal Court as verily prepared.



Sara R. Hunter, Judge

APPENDIX:

Gary Axner and Robert Vecchio served Cleveland Heights Municipal Court as volunteer referees during 1991.

Diane Williams and Louise Zito resigned as deputy clerks during the year. Diane had been with the Court since 1982. She returned to Alabama with her family.

Carole Motyka was hired as a deputy clerk in June.

William Uz1 resigned as law clerk after completing school and passing the bar.