

# CLEVELAND HEIGHTS MUNICIPAL COURT

STATE OF OHIO

40 SEVERANCE CIRCLE, CLEVELAND HEIGHTS, OHIO 44118-9988

Sara R. Hunter, *Judge*

Nancy S. Welchans, *Clerk*  
Kenneth D. Sutherland, *Bailiff*

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

Annual Report for Year of 1992

(Pursuant to Section 1901.14, Ohio Revised Code)

The most recent statewide report of the Administrative Office of the Ohio Supreme Court, published in 1992 using 1991 figures, shows the Cleveland Heights Municipal Court to have maintained its lead in annual case filings among the 89 one-judge municipal courts in Ohio. In fact, of the 13 municipal courts of this county, excluding Cleveland, this Court had the highest number of case filings in a group of 12 courts that includes four two-judge courts and one three-judge court. Municipal Courts Overall Caseloads 1991 from Ohio Courts Summary 1991 can be found in an appendix to this Report.

Although these reports from the Supreme Court have shown a consistency with regard to relative case filings of this and other one-judge courts for all the years of this judge's tenure, the number of new cases filed in Cleveland Heights Municipal Court in 1991 was some 5000 higher than the preceding year, as noted in last year's Annual Report. Dramatically high traffic filings accounted for most of this increase. This year the 1992 Table of New Cases filed shows an overall decrease of 6000 cases, with a parallel decrease in traffic filings of some 5400 from 1991 to 1992. However, no decrease has been noted in Court time required to handle the contested civil, criminal and traffic dockets in court.

In addition to new case filings the Court's overall caseload includes reactivated cases -- cases brought back onto the docket when the Court regains jurisdiction over a defendant, such as by arrest on an outstanding warrant. The total caseload for the year 1992 was 21,577, as opposed to new filings of 20,697.

The introduction of computers for efficient processing of an unwieldy case volume finally came to the Clerk's office in December, 1990. Some significant achievements have resulted. In 1992 the office of the Clerk of Court virtually eliminated the considerable amount of overtime required in the prior year. Furthermore, by the end of 1992 two part-time positions that had been required in the Clerk's office were no longer necessary. The corresponding decrease in traffic case filings last year and the use of computers enabled great strides to be made in the issuance of arrest warrants, notably where needed for follow-up on building and housing violation cases and cases involving unpaid fines in traffic and other criminal matters.

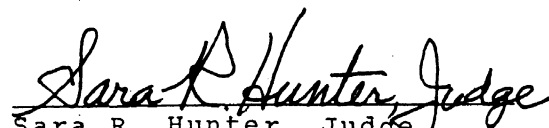
The importance of computers in Court operation has been recognized in enactments of the Ohio General Assembly in 1991 and 1992. Legislation adopted in 1991 permitted municipal courts to impose additional court costs of \$1.50 in every civil, criminal and traffic case, to be used for procuring and maintaining computerized legal research services. Pursuant to this authority this Court in September, 1991 made by journal entry a finding that efficient operation of the court required additional funds for computerized research services and imposed by order the collection of costs in that amount, payable to the City treasury for disbursement in amounts no greater than the actual cost to the Court in procuring and maintaining computerized legal research services. Pay-ins representing the total of such restricted use court costs for 1992, as reported herein, amounted to \$17,583.

Further legislative enactment effective January 1, 1993 allows municipal courts to collect a fee not to exceed \$10 for the filing of all cases, appeals and various proceedings after court judgment for computerization to the office of the Clerk of Court and for maintenance and updating of existing computer systems. Pursuant to this authority the Court by order on December 22, 1992 ordered collection of a \$6.00 fee to replace the restricted use court costs of \$1.50 for computerized legal research purposes.

A notice of code violation issued to the Court by the City Fire Department in 1992 for hall space impediments caused by boxes of case files needing storage illustrates a serious space problem that this Court will continue to confront. Two steps have been taken to comply with the notice. Additional files were provided, and a former office is now completely dedicated to file storage. The change cramps needed office space, and hall space impediments remain, but they have not increased. Funds have been included in the Court's 1993 budget for reorganization of better basement shelving for case files and to provide for offsite storage of some court records.

Finally, in a comment regarding our move into a new city hall in the Introduction to the Court's 1985 Annual Report you were informed that we were already wondering then how we ever managed without a second hearing room. Now, with two sessions devoted weekly to housing, building and related cases, expanded time to pay hearings, and the significant increase in matters requiring court hearing, we have often had to schedule civil cases for trial in Council Chambers, while Referee/Magistrates conduct hearings in Courtroom 1 and Courtroom 2. Space will be a continuing problem and the feasibility of a second floor to replace the roof above us may in our view need to become a real consideration in the future.

Respectfully submitted,

  
Sara R. Hunter, Judge

NEW CASES FILED-1992

	FELONY	MISD.	DWI	TRAFFIC	TORT	CONTRACT	F.E.D.	OTHER	CV	S.C.	TOTAL
JAN	32	277	6	1542	6	54	35		44	34	2030
FEB	33	164	11	1539	7	86	25		53	53	1971
MAR	24	232	13	1711	10	118	23		30	87	2248
APR	23	159	17	1587	8	66	36		32	51	1979
MAY	14	119	14	1222	5	103	22		55	57	1611
JUN	17	143	9	1231	15	65	35		44	27	1586
JUL	21	149	14	1128	3	53	31		43	51	1493
AUG	21	167	4	1076	13	63	20		53	45	1462
SEP	12	232	8	1115	8	64	18		42	34	1533
OCT	22	169	9	1323	7	49	28		52	38	1697
NOV	17	285	6	993	5	47	21		53	41	1468
DEC	31	197	7	1185	8	56	23		43	69	1619
TOTAL	267	2293	118	15652	95	824	317		544	587	20697

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.

CASES FILED OR REACTIVATED-1992

	FELONY	MISD.	DWI	TRAFFIC	TORT	CONTRACT	F.E.D.	OTHER	CV	S.C.	TOTAL
JAN	33	297	7	1603	6	54	35		44	34	2113
FEB	33	182	13	1594	7	86	25		53	53	2046
MAR	26	247	15	1775	10	118	23		30	87	2331
APR	23	181	17	1647	8	66	36		32	51	2061
MAY	14	140	17	1251	5	103	22		55	57	1664
JUN	17	155	9	1280	15	65	35		44	27	1647
JUL	21	160	15	1177	3	53	31		43	51	1554
AUG	21	176	4	1147	13	63	20		53	45	1542
SEP	12	253	8	1177	8	64	18		42	34	1616
OCT	22	178	9	1401	7	49	28		52	38	1784
NOV	17	297	6	1053	5	47	21		53	41	1540
DEC	31	204	7	1238	8	56	23		43	69	1679
TOTAL	270	2470	127	16343	95	824	317		544	587	21577

These are also compiled from 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  
1992

Zoning-----	38	Vehicular Homicide-----	1
Business Maintenance-----	101	Criminal Tools-----	9
Housing-----	1,201	Weapons-----	66
Garbage Disposal-----	2	Drugs-----	71
Building-----	29	Liquor/Intoxication-----	176
Fire Code-----	24	Scavenging-----	1
Health Code-----	1	Littering/Handbills-----	15
Murder-----	4	Park Regulations-----	11
Felonious Assault-----	24	Animals-----	27
Aggravated Menacing-----	12	Soliciting w/out Permit-----	5
Abduction/Unlawful Restraint-----	2	Fireworks-----	1
Sex Crimes-----	10	Unlicensed Exterminator-----	1
Arson-----	1		
Vandalism/Desecration/De-		Total	<u>2,835</u>
struction of trees-----	7		
Robbery-----	31		
Burglary/Breaking and			
Entering-----	22		
Forgery-----	8		
Defrauding-----	3		
Assault-----	68		
Menacing-----	13		
Voyeurism-----	1		
Municipal Income Tax-----	83		
Criminal Mischief/Criminal			
Damaging-----	25		
Child Endangerment/Corruption			
or Delinquency of			
Minor-----	10		
Grand Theft/Attempted			
Grand Theft-----	69		
Petty Theft-----	117		
Checks/Credit Cards-----	26		
Unauthorized Use MV-----	8		
Disorderly/Disturbing the			
Peace-----	247		
Telephone Harassment-----	10		
Trespass-----	57		
Receiving Stolen Property-----	44		
Aggravated Riot-----	9		
Domestic Violence-----	48		
Violation of Protection			
Order-----	1		
Complicity-----	2		
Obstructing Official Business/			
Resisting Arrest/False			
Statement-----	91		
Fleeing/Escaping-----	2		

TRAFFIC OFFENSES BY CHARGE  
1992

Seatbelt-----	3,478	Unsafe Vehicle-----	413
Parking (Complaint filed with Court)-----	773	Other Equipment-----	8,323
Registration/Title/ Plates-----	3,490	Drag Racing-----	3
Driving While Under Suspension-----	354	No Child Restraint-----	51
Other Operator's License Violations-----	3,064	Bicycle/Skateboard-----	16
Operating a Motor Vehicle While Under the Influence-----	225	Pedestrians-----	49
Hit Skip/Leaving the Scene/ Fleeing-----	49	Disorderly Conduct-----	1
Failure to Control/Willfull Disregard/Reckless Operation-----	60	Miscellaneous-----	21
Speed-----	4,730	No Code/Wrong Section on Citation-----	156
Other Moving Violations--	2,323	Total	27,579

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.

PAY-INS TO CLEVELAND HEIGHTS

1992

Civil Costs	\$99,214.68	
Landlord-Tenant Costs	240.19	
Trusteeship Costs	<u>385.44</u>	
Total Civil Costs		\$99,840.31
Bond Forfeitures		39,110.00
Criminal Fines and Costs		697,949.00
Stale Checks		15.00
Legal Research-Civil	2,367.00	
Legal Research-Criminal	<u>15,216.00</u>	
Total Legal Research		<u>17,583.00</u>
Pay-ins to Cleveland Heights from Court Accounts		\$854,497.31
Indigent Drivers' Alcohol Treatment Fund		1,650.00
State Reimbursement for Acting/Assigned Judge Supplement		<u>2,520</u>
Total		\$858,667.31



CLEVELAND HEIGHTS MUNICIPAL COURT  
CIVIL BRANCH  
STATEMENT OF RECEIPTS

Balance on hand - January 1, 1992 \$20,274.05

Receipts:

Costs . . . . .	\$ 98,602.50	
Judgments . . . . .	319,071.11	
Jurors fees . . . . .	-0-	
State costs . . . . .	6,419.00	
Other monies on deposit . . . . .	85,552.05	
Legal Research . . . . .	<u>2,367.00</u>	

Total 512,011.66

532,285.71

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Disbursements:

City of Cleveland Heights . . . . .	99,214.68	
Judgments . . . . .	319,071.11	
Jurors fees . . . . .	-0-	
State costs . . . . .	6,353.82	
Returned to depositor . . . . .	79,911.59	
Legal Research . . . . .	<u>2,367.00</u>	

Total 506,918.20

25,367.51

Balance on hand - December 31, 1992 532,285.71

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CASES FILED

Cognovits . . . . .	20	
Transfers . . . . .	506	
Contracts . . . . .	804	
Small Claims . . . . .	587	
Torts . . . . .	95	
Replevins . . . . .	2	
Forcible Entries . . . . .	317	
License Suspensions . . . . .	<u>36</u>	

Total 2367

CIVIL CONTINUED

Proceedings after Judgment:

Garnishments . . . . .	3538
Levies . . . . .	9
Certificate of Judgment . . . . .	338
Exams . . . . .	<u>384</u>

Total 4269

Motions 198  
Weddings 38

TRUSTEESHIP

Pending - January 1, 1992 . . . . .	5
New cases filed . . . . .	4
Reinstated cases . . . . .	<u>1</u>

10

Cases disposed of:

For non-compliance . . . . .	2
Debtor's request . . . . .	<u>4</u>

Total 6

Pending December 31, 1992 4

10

Balance on hand - January 1, 1992	\$ 3,290.00
Receipts - 1992	<u>15,979.50</u>

Total \$19,269.50

Disbursements to creditors . . . . .	\$17,456.56
Costs paid to city . . . . .	<u>385.44</u>

Total disbursements \$17,842.00

Balance on hand - December 31, 1992 1,427.50

Total \$19,269.50

LANDLORD - TENANT

Cases pending - January 1, 1992 . . . . .	4	
Cases filed . . . . .	<u>11</u>	<u>15</u>
		—
Cases disposed of . . . . .	15	
Cases pending - December 31, 1992 . . . . .	<u>0</u>	<u>15</u>
		—
Balance on hand - January 1, 1992 . . . . .	\$ 3,221.16	
Total receipts - 1992 . . . . .	<u>12,224.70</u>	
		<u>\$15,445.86</u>
Disbursements to landlords . . . . .	13,468.30	
Disbursements to tenants . . . . .	1,640.76	
Costs paid to city . . . . .	240.19	
Other payments ordered by Court . . . . .	<u>96.61</u>	
Total disbursements		\$15,445.86
Balance on hand		<u>—0—</u>
		<u>—</u>
Total		\$15,445.86

CRIMINAL BRANCH  
1992 RECEIPTS AND DISBURSEMENTS

Balance on Hand, January, 1992		\$ 148,786.31
Receipts:		
Fines, Costs and Legal Research	\$ 934,156.30	
Bad Checks Redeemed	5,431.00	
Indigent Drivers Alcohol Treatment Fund	1,650.00	
Credited by Bank in Error in July and Not Reversed as of Year-End	<u>8.00</u>	
		\$ <u>941,245.30</u>
		<u>\$ 1,090,031.61</u>
Disbursements:		
City of Cleveland Heights:		
Fines and Costs	\$ 689,213.00	
Special Housing	8,736.00	
Legal Research	15,216.00	
Indigent Drivers Alcohol Treatment Fund	<u>1,650.00</u>	
		\$ 714,815.00
Cuyahoga County:		
Law Library Assessment	\$ 246.00	
State Fines and 1/2 of Liquor Fines	<u>28,564.00</u>	
		\$ 28,810.00
State of Ohio:		
RRF-GRF	\$ 180,726.00	
Seat Belt Fines, Expungements and 1/2 of Liquor Fines	25,686.50	
RRF-GRF Forfeitures	<u>588.00</u>	
		\$ 207,000.50
Other:		
Payment Refunds	\$ 1,641.00	
Bad Checks	7,765.00	
Hess Case (Escrow Account)	45,480.00	
Bonds to Other Courts	3,699.31	
Board of Pharmacy	<u>25.00</u>	
		\$ <u>58,610.31</u>
		\$ 1,009,235.81
Balance on Hand, December 31, 1992		80,795.80
		<u>\$ 1,090,031.61</u>

CRIMINAL BONDS - 1992

Balance on Hand, January, 1, 1992		\$ 81,580.82
Bonds Collected	\$ 239,539.31	<u>239,539.31</u>
		\$ <u>321,120.13</u>

Disbursements:

Bond Refunds	\$ 172,595.00	
Bonds to Other Courts	5,495.31	
Bonds to Common Pleas	33,127.00	
Bond Forfeitures	39,110.00	
Stale Checks	15.00	
Bond Costs and RRF-GRF		
Forfeitures	10,605.40	
Bond Forfeitures		
(State Cases) Paid		
to County	2,655.00	
Reinstated Bonds	630.00	
Bond Transfers	<u>5,473.00</u>	\$ 269,705.71

Balance on Hand, December 31, 1992		<u>51,414.42</u>
		\$ <u>321,120.13</u>

TO: Judge Sara R. Hunter  
FROM: John Gustat, Housing Court Specialist  
RE: The 1992 Year in Review  
DATE: January 20, 1993

During the calendar year 1992, 64 cases were referred to me. Of that number, 27(42%) have been closed. Of the remaining 37 cases, 6 have outstanding warrants.

There are no active and outstanding cases from 1991, as 60% of that year's record number of cases were closed out in 1992. There are, however, 6 cases with outstanding warrants from 1991.

As in the past, FHC Housing Corporation received a large number of referrals, many of whom must mark time with respect to major violations correction until they have eliminated credit report blemishes, paid off troublesome debt, come out from bankruptcy (foreclosure) protection, or, in general, become credit-worthy to the extent FHCHC can participate in a loan application.

This year, the city's ability to aid resolution of very difficult cases was noticeably improved by virtue of the nuisance abatement initiative. HPO, as usual, was also helpful with its free painting and deferred loan programs, especially.

One area stressed whenever a shred of feasibility existed was mortgage refinancing. Although I have not quantified this particular datum, a large number of defendants this year were trapped with employment problems and high mortgage interest rates from the early/mid-80's (12-14%) in a period of relatively low (8-9%) rates. Many were shown the tremendous impact of lower rates on their monthly payments in an effort to provide additional incentive to take the step(s) necessary to obtain refinancing. Some were successful; more will be over the next 12 months.

As in years past, though, sweat equity, financial aid from family members and/or the repair skills of family/friends accounts for most of the corrected violations.

# CLEVELAND HEIGHTS MUNICIPAL COURT

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

Sara R. Hunter, *Judge*

PROBATION ACTIVITY  
 1992

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

I. PRESENTENCE INVESTIGATIONS/PROBATION VIOLATIONS

Presentence Investigation reports	488
Probation Violation reports	192
Expungement Hearing reports	20
Reviews of Probation Conditions	<u>108</u>
 Total Written Reports prepared, 1992	 808

II. SUPERVISION CASELOAD -- December 31, 1992

	12-31-91 Caseload	12-31-92 Caseload	% change 1991-92
Active (Supervised)	350	295	(16%)
Inactive (Non-supervised)	587	585	0%
Warrants outstanding	<u>105</u>	<u>135</u>	29%
 Year end Total	 1042	 1015	
 Total active probation cases supervised, Jan. - Dec. 1992 inclusive:		 645	
 Total inactive probation cases, Jan. - Dec. 1992 inclusive:		 1152	
 New active cases added in 1992:		 315	
 1992 Supervision caseload per probation officer:		 147	

III. MAJOR OFFENSE OF PROBATIONERS - December 31, 1992 Supervision Caseload

	Number of Cases	% of Total Caseload	Cumulati ve
Driving while Intoxicated	128	43%	43%
Domestic Violence	36	12	55
Petty Theft/RSP	27	9	64
Assault	22	7	71
Disorderly Conduct	18	7	78
Driving under Suspension	12	4	82
Trespassing	11	4	86
Menacing/Harrassment	9	3	89
Intoxication	9	3	92
Criminal Mischief	5	1	93
Other	18	7	100

IV. PROBATION REFERRALS - Dec. 31, 1992 Caseload

(As required by Court - Conditions of Probation)

Number of Probationers  
Referred:

ALCOHOL/DRUG

Alcohol/Drug treatment, including A.A./C.A./N.A	167
3 Day Alcohol Education Assessment, for first time DWI (Presentence referrals)	110
Electronic Home Monitoring	9
Vehicle Interlock (with Breathalyzer)	7

VIOLENCE

Family Violence Program (group therapy)	33
Weapons Course (at County Morgue)	3
Violence Avoidance Essay Required	2

COMMUNITY SERVICE

Community Service referrals (C.C.S.)	128
Total hours Community service ordered in 1992	4,765½

EMPLOYMENT/EDUCATION

Maintain job/school/training	14
Obtain G.E.D.	4

THEFT

Economic Crime Program, for 1st time offenders (1992 referrals-presentence)	64
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VICTIMS

Restitution to victims	14
Written apologies to victims	7

COUNSELING

Psychiatric therapy/evaluation	13
Sexual Disorders therapy	4
Other	3



SERVING THE COURT IN AN OFFICIAL CAPACITY AS OF DECEMBER 31, 1992  
WERE:

Sara R. Hunter, Judge  
Nancy S. Welchans, Clerk of Court  
Kenneth Sutherland, Bailiff

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

David Goodwin, Referee/Magistrate  
Georgeann Schmidt, Referee/Magistrate

Nancy A. Simpson, Deputy Bailiff  
Anthony C. Tomaro, Deputy Bailiff  
William E. Uzl, 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

Joye Wilson, Part Time Clerical Assistant

Adam Carr, Law Clerk

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.

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Sara R. Hunter, Judge

APPENDIX:

Gary Axner and Robert Vecchio served Cleveland Heights Municipal Court as volunteer referees during 1992.

Elaine Pearse resigned as deputy bailiff in 1992 because of her health. Elaine first worked for the Court as a deputy clerk. William Uz1, a former law clerk, replaced her.

Two temporary part time positions, held by Frances Barnett and Dorothy Horton, were discontinued in December. The lessening need for manual docketing and a decline in City civil collection filings made this possible.