



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

RE: Court Annual Report for the Year 1993
(Pursuant to Section 1901.14, Ohio Revised Code)

In this my final report to you as Judge of the Cleveland Heights Municipal Court, I draw your attention to specific portions of its contents and make a few observations.

Caseload figures in 1993 closely parallel the numbers reported for 1992 in new cases filed and cases reactivated. The number of traffic cases filed went down somewhat this year. However, the court time required for traffic case hearings increased when legislation effective in September of 1993 expanded appeals of administrative license suspensions and enacted new penalties calling for immobilization and forfeiture of vehicles in certain offenses. The law now calls for immediate immobilization of a vehicle being driven by a person charged with driving under a financial responsibility suspension under any of several provisions in the Ohio Revised Code requiring Ohio drivers to maintain liability insurance or charged with driving under a prior suspension imposed for driving under the influence of alcohol or drugs. It applies whether or not the driver is the owner of the vehicle and therefore introduced requirements for notice to vehicle owners and hearings to determine innocence of the owner with respect to use of the vehicle impounded. The vehicle driven by a person charged with a second or greater offense of driving under the influence is also subject to immobilization/impoundment upon arrest of the driver regardless of vehicle ownership.

Space problems as the result of increased hearing requirements have been noted in the court's last report to you, and continue to be critical. The law library, located in a room shared by the Law Department and this Court, has had to be used for court hearings on occasion when council chambers was not available for use as an auxiliary hearing room.

As reported to you last year, the court exercised its authority under a legislative enactment effective January 1, 1993, to order collection of increased filing fees in all cases for the maintenance and updating of technological systems. The \$6.00 fee (part of court costs) imposed under that statutory grant of

authority may be used for computerized legal purposes as part of the maintenance and updating of technological systems and replaced the prior fee of \$1.50 for legal research purposes. Disbursement to the City in 1993 of \$51,509.00 reported herein for the criminal branch and \$29,293.00 reported herein for the civil branch, although identified as legal research money, resulted from this new expanded use of the special court cost imposed in 1993. Among technological purposes served last year from the generated funds was the purchase of a system that aids persons with hearing disabilities in the courtroom, and with a portable transmitter, was available for the use of jurors.

By mandate of the state legislature in 1993, court costs for special purpose funding were again increased, in keeping with the trend noted in the court's report to you in January 1992. For example, courts have been required for several years to impose additional court costs in every criminal and traffic case for the State Rotary Reparations Fund, the source of state compensation to victims of crime. The amount per case was increased by \$3.00 in 1993 (now \$9.00). Also under 1993 legislation mandatory "court costs" in civil cases increased from \$7.00 to \$15.00 per case for the funding support of legal aid societies. These increases in State mandated "court costs" discourage increases in local costs for the operation of the court because both must be imposed in all cases, including costs that apply in criminal cases to the waiverable traffic ticket. State law prohibits courts from suspending court costs without a specific finding of a defendant's indigency. As a consequence of the use of state court costs to fund more and more programs, the gap between income generated by the court and the court's budget has steadily decreased in the 18-year experience of this Judge. The court's needs in the same period have greatly expanded as noted in the annual reports over the years.

Respectfully submitted,



Sara R. Hunter, Judge

CASES FILED OR REACTIVATED-1993

	FELONY	MISD.	DWI	TRAFFIC	TORT	CONTRACT	F.E.D.	OTHER	CV	S.C.	TOTAL
JAN	16	229	6	1089	4	47	23		47	48	1509
FEB	23	194	15	1235	8	56	24		34	32	1621
MAR	34	186	17	1822	15	109	30		47	114	2374
APR	23	218	18	1773	5	90	29		30	52	2238
MAY	15	186	13	1480	5	60	28		29	42	1858
JUN	28	140	14	1299	7	30	34		59	54	1665
JUL	21	178	4	985	6	47	26		44	37	1348
AUG	14	236	6	1321	3	45	24		56	76	1781
SEP	19	210	7	1229	6	75	33		46	65	1690
OCT	14	246	4	1130	4	85	28		28	68	1607
NOV	20	276	6	1157	3	115	36		46	29	1688
DEC	19	208	3	1299	4	80	24		27	32	1696
TOTAL	246	2507	113	15819	70	839	339		493	649	21075

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.

NEW CASES FILED-1993

	FELONY	MISD.	DWI	TRAFFIC	TORT CONTRACT	F.E.D.	OTHER CV	S.C.	TOTAL
JAN	16	194	6	1025	4	23	47	48	1410
FEB	23	182	15	1182	8	24	56	32	1556
MAR	34	173	15	1746	15	30	109	114	2283
APR	23	198	18	1689	5	29	90	52	2134
MAY	14	175	13	1428	5	28	60	42	1794
JUN	28	123	14	1229	7	34	30	54	1578
JUL	19	165	4	938	6	26	47	37	1286
AUG	14	231	6	1231	3	24	45	76	1686
SEP	17	200	7	1150	6	33	75	65	1599
OCT	14	237	4	1034	4	28	85	68	1502
NOV	19	258	6	1053	3	36	115	29	1565
DEC	19	194	3	1208	4	24	80	32	1591
TOTAL	240	2330	111	14913	70	339	839	649	19984

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.

TRAFFIC OFFENSES BY CHARGE
1993

Seatbelt-----28	Unsafe Vehicle-----266
Parking (Complaint filed with Court)-----727	Other Equipment-----7,275
Registration/Title/ Plates-----3,193	Drag Racing-----1
Driving While Under Suspension-----398	No Child Restraint-----12
Other Operator's License Violations-----449	Bicycle/Skateboard-----3
Operating a Motor Vehicle While Under the Influence-----180	Total <u>20,445</u>
Hit Skip/Leaving the Scene/ Fleeing-----49	
Failure to Control/Willfull Disregard/Reckless Operation-----44	
Speed-----4,513	
Traffic Control Device---1,189	
Other Moving Violations--2,118	

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 1992. 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.

CRIMINAL OFFENSES BY CHARGE
1993

Zoning-----	21	Liquor/Intoxication-----	170
Business Maintenance-----	75	Scavenging-----	1
Housing-----	1,283	Littering/Handbills-----	12
Building-----	35	Park Regulations-----	9
Occpancy List-----	8	Animals-----	18
Fire Code-----	10	Att. Vehicular Assault-----	4
Health Code-----	1	Fireworks-----	2
Felonious Assault-----	19	Falsification-----	10
Aggravated Menacing-----	2	Safecracking-----	1
Abduction/Unlawful Restraint-	1	Incite to Violence-----	1
Sex Crimes-----	11	Intimidate Witness-----	1
Arson-----	1	Alcohol-Underage-----	15
Vandalism/Desecration/De-		Unreasonable Noise-----	1
struction of trees-----	6	Sidewalk Obstruction-----	1
Robbery-----	24	Misidentification-----	33
Burglary/Breaking and			
Entering-----	19	Total	<u>2,646</u>
Forgery-----	6		
Assault-----	54		
Menacing-----	7		
Voyeurism-----	1		
Municipal Income Tax-----	100		
Criminal Mischief/Criminal			
Damaging-----	56		
Child Endangerment/Corruption			
or Delinquency of			
Minor-----	6		
Grand Theft/Attempted			
Grand Theft-----	71		
Petty Theft-----	147		
Checks/Credit Cards-----	12		
Unauthorized Use MV-----	11		
Disorderly/Disturbing the			
Peace-----	167		
Telephone Harassment-----	2		
Trespass-----	33		
Receiving Stolen Property---	50		
Domestic Violence-----	42		
Violation of Protection			
Order-----	1		
Obstructing Official Business/			
Resisting Arrest/False			
Statement-----	32		
Fleeing/Escaping-----	6		
Vehicular Homicide-----	1		
Criminal Tools-----	13		
Weapons-----	55		
Drugs-----	60		

CRIMINAL BRANCH
1993 RECEIPTS AND DISBURSEMENTS

Balance on Hand, January, 1993		\$ 80,795.80
Receipts:		
Fines, Costs, Special Housing and Legal Research	\$ 930,458.68	
Bad Checks Redeemed	<u>2,905.00</u>	\$ 933,363.68
		<u>\$1,014,159.48</u>
Disbursements:		
City of Cleveland Heights:		
Fines and Costs	\$ 639,778.61	
Special Housing	11,212.00	
Legal Research (1901.261(B))	51,509.00	
Unclaimed Funds and Stale Checks	<u>807.00</u>	\$ 703,306.61
Cuyahoga County:		
Law Library Assessment	\$ 780.00	
State Fines and 1/2 of Liquor Fines	<u>24,956.50</u>	\$ 25,736.50
State of Ohio:		
RRF-GRF	\$ 173,808.00	
Seat Belt Fines, Expungements and 1/2 of Liquor Fines	3,851.50	
RRF-GRF Forfeitures	<u>292.00</u>	\$ 177,951.50
Other:		
Payment Refunds	\$ 2,617.48	
Bad Checks	5,470.00	
Bonds to Other Courts	10,142.70	
Transferred to Bond Account	<u>440.00</u>	\$ 18,670.18
		<u>\$ 925,664.79</u>
Balance on Hand, December, 1993		88,494.69
		<u>\$ 1,014,159.48</u>

CRIMINAL BONDS - 1993

Balance on Hand, January 1, 1993		\$ 51,414.42
Bonds Collected	\$ 247,047.00	247,047.00
		<hr/>
		\$ 298,461.42
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		<hr/>
 Disbursements:		
Bond Refunds	\$ 174,660.00	
Bonds to Common Pleas	34,326.00	
Bond Forfeitures	28,616.60	
Stale Checks	34.00	
Bond Costs and RRF-GRF		
Forfeitures	8,881.50	
Bond Forfeitures		
(State Cases) Paid		
to County	1,755.00	
Bond Transfers	3,477.00	
Unclaimed Funds	11,231.32	
	<hr/>	\$ 262,981.42
Balance on Hand, December 31, 1993		35,480.00
		<hr/>
		\$ 298,461.42
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CLEVELAND HEIGHTS MUNICIPAL COURT
CIVIL BRANCH
STATEMENT OF RECEIPTS

Balance on hand - January 1, 1993 \$ 25,367.51

Receipts:

Costs	\$ 85,498.00
Judgments	303,041.33
Jurors fees	0
State costs	16,685.00
Other monies on deposit	67,541.71
Legal Research	<u>29,293.00</u>

Total \$502,059.04

\$527,426.55

Disbursements:

City of Cleveland Heights	\$ 87,295.85
Judgments	303,041.33
Jurors fees	0
State costs	16,518.15
Returned to depositor	68,253.03
Legal Research	<u>29,293.00</u>

Total \$504,401.36

23,025.19

Balance on hand - December 31, 1993 \$527,426.55

CASES FILED

Cognovits	50
Transfers	463
Contracts	789
Small Claims	649
Torts	70
Replevins	1
Forcible Entries	339
License Suspensions	<u>29</u>

Total 2390

CIVIL CONTINUED

Proceedings after Judgment:

Garnishment\$	3313
Levies	9
Certificate of Judgment	264
Exams	<u>75</u>

Total 3661

Motions 261
Weddings 26

TRUSTEESHIP

Pending - January 1, 1993	4
New cases filed	1
Reinstated cases	<u>1</u>

6
—

Cases disposed of:

For non-compliance	3
Paid in full	<u>1</u>

Total 4

Pending December 31, 1993 2

6
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Balance on hand - January 1, 1993	\$ 1,427.50
Receipts - 1993	<u>12,270.00</u>

Total \$13,697.50

Disbursements to creditors	\$11,434.15
Costs paid to city	<u>273.35</u>

Total disbursements \$11,707.50

Balance on hand - December 31, 1993 1,990.00

Total \$13,697.50

LANDLORD - TENANT

Cases pending - January 1, 1993	0	
Cases filed	<u>39</u>	<u>39</u>
		—
Cases disposed of	23	
Cases pending - December 31, 1993	<u>16</u>	<u>39</u>
		—
Balance on hand - January 1, 1993	0	
Total receipts - 1993	<u>\$36,089.51</u>	<u>\$36,089.51</u>
Disbursements to landlords	\$16,045.13	
Disbursements to tenants	1,625.88	
Costs paid to city	120.97	
Other payments ordered by Court	<u>9,499.05</u>	
Total disbursements		\$27,291.03
Balance on hand 1993		<u>8,798.48</u>
Total		<u>\$36,089.51</u>

TO: Judge Sara R. Hunter
 FROM: James Miller
 Chief Probation Officer
 RE: PROBATION ACTIVITY, 1993

I. PRESENTENCE INVESTIGATIONS/ PROBATION VIOLATIONS

Presentence Investigation Reports	295
Probation Violation Reports	74
Expungement Reports	25
Reviews of Probation Conditions	62

II. SUPERVISION CASELOAD on December 31, 1993

	<u>12-31-92</u> <u>caseload</u>	<u>12-31-93</u> <u>caseload</u>	<u>% change</u> <u>1992-93</u>
Active (Supervised)	295	222	(25)
Inactive (Non-supervised)	585	421	(28)
Warrants Outstanding	<u>135</u>	<u>53</u>	(61)
Yearend Total:	1015	696	
Total active probation cases supervised, January-December 1993, inclusive:			568
Total inactive probation cases, January-December 1993, inclusive:			999
New active probation cases added in 1993:			273
New inactive probation cases added in 1993, [including probation cases previously active]:			418
Number of probation cases, on 12-31-93, whose sentences also included jail time:			74 (25%)
Supervision caseload, per probation officer, on 12-31-93:			111

III. MAJOR OFFENSES OF PROBATIONERS - On Supervision, 12-31-93

	<u>No. of Cases</u>	<u>% of Caseload</u>	<u>Cum. %</u>
DUI	75	34%	34%
Petty Theft/RSP	35	16	50
Domestic Violence	33	15	65
Assault	18	8	73
Disorderly Conduct	15	7	80
Driving Under Suspension	10	4	84
Criminal Mischief	6	3	87
Trespassing	5	2	89
Reckless Operation	4	2	91
Intoxication	4	2	93
Menacing/Harrasment	2	1	94
Concealed Weapon	1	-	94
Other	14	6	100

IV. PROBATION REFERRALS, on 12-31-93

[As required by Court under Conditions of Probation]

ALCOHOL/DRUG

Alcohol/drug treatment, including AA, CA, NA:	107
3 Day Driver Intervention Program, for first time DUI drivers, [generally presentence, 1993 inclusive]:	77
Electronic home monitoring:	3
Vehicle Interlock (with breathalyzer):	1

VIOLENCE

Family Violence Program (group therapy):	34
CCW Weapons Course (at County Morgue):	2

COMMUNITY SERVICE

Community Service referrals, New referrals, Court Community Service in 1993, inclusive:	111
Community Service, total hours ordered in 1993, inclusive:	4015 1/2
Total hours worked in Cleveland Heights non- profit agencies, as scheduled by CCS:	3419 1/4

EMPLOYMENT/ EDUCATION

Maintain job/ school/ training:	9
Obtain GED:	4
Project LEARN (Literacy):	2

THEFT:

Economic Crime Program, for first time offender, [1993 completions, generally presentence]:	36
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VICTIMS:

Restitution to victims:	21
Written apologies/ Required Essays:	9

COUNSELING:

Psychiatric therapy/evaluation:	9
Sexual disorders therapy, including S.A.:	3
Other counseling:	3
Avoid designated geographic area:	1
Gamblers Anonymous:	1

To : Sara R. Hunter, Judge
From: John Gustat, Housing Specialist
Re : The 1993 Year In Review

During the calendar year 1993, 61 cases were referred to me. Of that number, 33 (54%) have been closed. Most of these cases were assigned during the first six months of '93 so Defendants had time to address many exterior violations.

Of the remaining 28 cases, 3 have outstanding warrants. Many of the 25 cases in progress have exterior violations requiring both warmer weather and necessary funding. Some funding, through FHC Housing Corp., Housing Preservation Office or the Office on Aging, will be available as the year progresses. Other funding must be saved or work arranged by phase. Some funding can be borrowed conventionally upon completion of a personal debt reduction plan. As many Defendants are in bankruptcy (foreclosure) protection, their larger-expense repairs/replacements must follow a slower, more realistic schedule.

As with last year, a noteworthy number of Defendants were pinched by unemployment and high mortgage interest rates from the early/mid-80's causing their housing expenses to consume a high percentage of income. Single-headed households (mostly female) and three & four generation extended families also were common.

Five of remaining cases involve rental property. Although not so initially, all vacant units have now been renovated and occupied so maximum cash flow is available for further code compliance. Most should be resolved in '94.

As in years past, the highest percentage of violations are corrected using sweat equity and financial aid or in-kind service from family and friends.

There are three cases remaining from 1992: one has an outstanding warrant; two are late '92 referrals and involve financial and attitudinal obstacles.

Job Description: Housing Specialist (part-time)

- I. Job Intent: To bring multiple expertise to bear on some of the Housing Docket's most difficult residential property (one, two- and three-family) cases in order for the Court to better understand the nature of the impediments to past code non-compliance and facilitate resolution of cases with establishment of future repair schedules Defendants are expected to follow. (This scheduling then becomes integrated into their conditions of maintaining a suspended sentence.)

To utilize counseling time with Defendants to educate in ways and means to solve future problems without Court intervention.

- II. Procedure: The Judge/Referee's assign Defendants to work with me who have histories of non-compliance due, primarily, to serious financial/employment difficulties. As the City's complaints have been deemed valid, the Defendants have been found guilty and bring with them suspended sentences, which I underscore as a means to aid working relationships.

I analyze the circumstances of properties' purchases (e.g. price, downpayment, loan type for all mortgages), equity, Defendant's budgetary condition (including employment situation, general debt load, tax/bankruptcy complications, nature / anticipated costs of full code compliance) and family realities. I use this information to develop weather-sensitive repair schedules that usually begin with Defendant showing a good-faith effort at correcting the least expensive, easiest items first while working with me toward funding and/or "sweat" equity solutions to the larger, more expensive violations.

Funding solutions may involve none, one or more of the city-wide, federally-guided aid programs administered by the Housing Preservation Office, the Office on Aging, or FHC Housing Corporation. The solutions often involve family, religious or private options. All Defendants, but especially those who are not credit-worthy, are urged to rely on their own abilities whenever possible. They can be referred to City Hall departments and given available how-to options.

I aid the Court in monitoring progress on said schedules and make adjustments for unexpected events. (In about 15% of the cases, solutions can require schedules as long as three years, especially when expensive items are involved. Examples include resurface/rebuild drive or apron, re-roofing, extensive electrical, plumbing or HVAC repairs/replacement, large porch rebuilding, garage repair/replacement.) Often, rental property is involved with unrented units, negative cash-flow or both.

Please note that the Court often closes cases once schedules have been established and Defendants shown appropriate focus. The Defendants and the City are urged to communicate to avoid future citations.

SERVING THE COURT IN AN OFFICIAL CAPACITY AS OF DECEMBER 31, 1993
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 McNamara, Deputy Bailiff
Nancy A. Simpson, Deputy Bailiff
William E. Uzl, Deputy Bailiff

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

Bettie Ballard, Deputy Clerk/Bookkeeper
Hazel Grant, Deputy Clerk
Irene Humanchuk, Deputy Clerk
Ann Ludwig, Deputy Clerk
Carole Motyka, Deputy Clerk
Jeanette Politi, Deputy Clerk
Belinda Ross, Deputy Clerk
Amy Satterwaite, Deputy Clerk
Rochelle Smith, Deputy Clerk

Joye Wilson, Part Time Clerical Assistant

Catherine Hayes, 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.



Sara R. Hunter, Judge

APPENDIX:

Gary Axner and Robert Vecchio served Cleveland Heights Municipal Court as volunteer referees during 1993.

Anthony Tomaro, Deputy Bailiff, and Ruth Andreano, Deputy Clerk, retired during 1993. Nancy McNamara and Amy Satterwaite replaced them.

December 31, 1993, was the last day of service for Judge Sara R. Hunter and Clerk of Court Nancy S. Welchans, both of whom retired after being with the Court since January 1, 1976.