

CLEVELAND HEIGHTS MUNICIPAL COURT

2007

ANNUAL REPORT



A. DEANE BUCHANAN
JUDGE

TABLE OF CONTENTS

Comments, Judge Buchanan

Supreme Court Case Filings

Traffic Offenses by Charge

Criminal Offenses by Charge

Criminal Receipts/Disbursements

Civil, Small Claims Receipts/Disbursements

Landlord-Tenant & Trusteeship Receipts/Disbursements

Miscellaneous Items

Probation Department Report

Employee Roster



CLEVELAND HEIGHTS MUNICIPAL COURT

A. DEANE BUCHANAN, JUDGE

40 Severance Circle
Cleveland Heights, OH 44118

March 24, 2008

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

Re: Cleveland Heights Municipal Court's Annual Report for 2007

The Cleveland Heights Municipal Court continues to place a premium on providing efficient and courteous delivery of quality service to all persons who appear before the court. In addition, we have continued to improve courtroom security and collection procedures by improved diligence in these areas. In this, the court's 2007 annual report, I would like to bring to your attention the following matters:

This year the court remitted over \$1,768,627 of revenue from all divisions to the City of Cleveland Heights. It should be noted that this year's remittances are approximately \$350,000 less than the 2006 remittances of funds to the city. The decreased overall remittances to the City of Cleveland Heights are attributable primarily to the decreased number of traffic cases handled by the court during this year.

In 2006, the number of traffic cases handled by the court was 18,308. In 2007 that number decreased to 14,833 cases processed. The trend of increasing numbers of charges for persons driving while under suspension or without valid drivers licenses, which was at 2,490 cases in 2006, decreased to 1,977 cases in 2007. The number of speeding charges processed through the court in 2006 was 10,564. In 2007 that number decreased to 7,888.

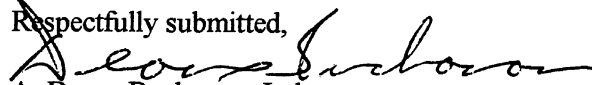
In the criminal division, there was a modest increase in the number of cases heard by the court to 3,582 including 223 cases prosecuting persons for failing to file income tax returns during previous years. Our probation department continues its excellent work of supervising over 1,316 probationers.

The court continues to make significant progress in its efforts to collect monies owed to the court. The court's strict enforcement of the policy that "all fines and costs are due on the day imposed", has resulted in an improved collection rate of fines imposed. The Court continues to refer some persons who are unable to pay fines and costs imposed to the Public Works Dept. of the City of Cleveland Heights to perform community service for the city. This has resulted in 593.5 hrs of service performed at a savings to the city of \$10,890 in labor costs. We will continue to look for additional ways to further improve in these categories.

The Court has been fortunate to secure the services of Mrs. Sandra Draper Berry as Clerk of Courts. Mrs. Berry is a CPA and has much experience as an Administrator for the State of Ohio. We are very appreciative of the efforts of JoAnn Gallitto, who served as the Acting Clerk of Courts for the previous 22 months.

We look forward to further improving the level and quality of services provided in the Cleveland Heights Municipal Court.

Respectfully submitted,


A. Deane Buchanan, Judge

CASE FILINGS 2007

MONTH	FELONIES	MISDEMEANORS	O.M.V.I.	TRAFFIC	PER INJURY	CONTRACTS	F.E.D	OTHER CIVIL	SMALL CLAIMS
January	19	252	7	1,142	6	104	53	4	11
February	21	422	8	839	2	161	40	3	12
March	23	249	8	1,020	0	60	62	8	12
April	18	337	6	945	1	82	57	7	14
May	15	260	4	669	3	62	55	13	14
June	21	283	4	616	3	67	70	1	18
July	19	353	7	971	3	66	74	6	12
August	15	345	8	1,510	4	172	90	9	13
September	21	252	15	962	3	87	69	3	11
October	22	266	7	1,327	3	61	72	6	23
November	13	361	1	1,518	4	43	52	3	16
December	25	213	5	1,520	3	54	70	2	10
TOTAL	232	3,593	80	13,039	35	1,019	764	65	166
Re-Activated	49	633	10	1,794					
Case Total	281	4,226	90	14,833					

These statistics are compiled from the monthly reports submitted to the Supreme Court of Ohio required under Superintendence Rule 12. Multiple charges filed against an individual as the result of the same act or a series of acts are only counted as ONE CASE. Individual criminal and traffic charges appear elsewhere in this report. Reactivated case are those brought back to the current docket when the Court regains jurisdiction over a defendant such as an arrest on a warrant or a license forfeiture. There are no reactivated cases in the Civil Division of the Court.

TRAFFIC OFFENSES BY INDIVIDUAL CHARGE FOR 2007

Assured Clear Distance	252	Bicycle	85	Child Restraint	35	Display of Plates	331
Driving on Sidewalk	5	Driving Under Suspension	1,114	DUI/Alcohol/BAC	80	Expired License < 6 months	137
Expired Plates	1,019	Fail to Display License	127	Failure to Control	153	Failure to Yield	180
Fictitious Plates	165	Fleeing	8	FRA Suspension	92	Hit Skip/Leave Scene	50
Improper Lane Change	2	Improper Passing	41	Improper U Turn	189	Improper Turn	311
Left of Center	17	Light Violation	375	No Licensed Driver	15	No Operator's License	771
Other License Violations	227	Other Moving Violations	126	One Way Street	55	Parking Complaints	801
Pedestrian Violations	73	Reckless Operation	58	Seat Belt Violation	427	Speeding Violation	7,888
Stop Sign Violation	255	Traffic Control Lights	11	Traffic Control Device	346	Turn Signal Violation	66
Unattended Vehicle	25	Unlawful Entrustment	18	Unlawful/Illegal Plates	71	Unsafe Vehicle/Equipment	287
Vehicle Trespass	3						

TOTAL CHARGES FOR 2007 16,291

PREVIOUS YEARS:

- 2006 22,325
- 2005 27,811
- 2004 25,753



CRIMINAL OFFENSES BY INDIVIDUAL CHARGE FOR 2007

Abduction	3	Aggravated Burglary	7	Aggravated Menacing	19	Aggravated Riot	19	
Aggravated Robbery	8	Assault	149	Assault on Police	8	Barking Dog	9	
Breaking and Entering	38	Building	61	Building Occupancy	41	Burglary	13	
Carrying Concealed Weapon	29	Child Endangering	49	Contempt of Court	5	Criminal Damaging	12	
Criminal Mischief	25	Criminal Tools	32	Criminal Trespass	52	Cruelty to Animals	5	
Disorderly Conduct	183	Dog/Cat Run at Large	36	Dog/Vicious	27	Domestic Violence/Felony	125	
Drug Instrument	39	Drug Possession	21	Drug Trafficking	28	Failure to Comply	11	
Failure to File Taxes	223	Felonious Assault	23	Firearms	8	Flee/Elude Officer	1	
Forgery	13	Grand Theft MV	3	Housing	782	Housing/Occupancy	318	
Intoxication	78	Kidnapping	1	Marihuana < 100 gr	73	Menacing/Stalking	38	
Misidentification	19	Murder/Attempt Murder	6	Obstructing Official Business	54	Open Container	68	
Park Regulations	11	Passing Bad Checks	12	Rape	6	Receive Stolen Property	34	
Resisting Arrest	54	Robbery	31	Search Warrant	46	Sexual Imposition	5	
Solicitation	27	Telephone Harassment	3	Theft/Petty Theft	323	Trespass	40	
Unauthorized Use MV	3	Unreasonable Noise	158	Unregistered Vicious Dog	8	Underage Possession	11	
Vandalism	13	Violation of Protection Order	14	Zoning	21			
TOTAL CHARGES:2007							3,582	

- 2006: 3,483
- 2005 3,233
- 2004 2,928

**CRIMINAL/TRAFFIC BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2007**

RECEIPTS:

	2,005	2,006	2,007
City of Cleveland Heights			
Local Costs	724,846.27	633,179.04	542,575.43
Computer Fund	134,515.50	108,725.00	83,129.50
Special Project	225,579.50	181,747.50	138,947.10
Fines	<u>1,368,504.60</u>	<u>1,114,206.00</u>	<u>916,760.74</u>
Sub-Totals	2,453,445.87	2,037,857.54	1,681,412.77
Cuyahoga County			
CRIS	20,614.00	75,871.15	55,072.00
Crime	217.00	1,523.00	1,537.00
Sub-Totals	<u>20,831.00</u>	<u>77,394.15</u>	<u>56,609.00</u>
State of Ohio			
General Revenue	321,526.00	252,750.50	187,618.00
Victims Crime	<u>193,448.50</u>	<u>152,122.50</u>	<u>112,822.50</u>
Sub-Totals	514,974.50	404,873.00	300,440.50
Other Receipts			
DUI Costs	4,261.00	3,888.00	4,600.00
Bonds	210,998.59	200,804.00	136,913.50
Miscellaneous	<u>24,886.15</u>	<u>27,837.70</u>	<u>27,380.49</u>
Sub-Totals	240,145.74	232,529.70	168,893.99
GRAND TOTALS	<u><u>3,229,397.11</u></u>	<u><u>2,752,654.39</u></u>	<u><u>2,207,356.26</u></u>



**CRIMINAL/TRAFFIC BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2007**

DISBURSEMENTS;			
City of Cleveland Heights			
	2,005	2,006	2,007
Fines	1,180,838.60	919,581.21	740,476.04
Costs	725,189.90	633,243.97	542,797.53
Housing	6,769.00	7,254.00	7,505.00
Computer Fund	134,515.50	108,719.00	83,129.50
Special Projects Fund	225,579.50	181,737.50	138,947.10
Drug Fines	1,624.00	202.00	929.00
Reimburse/Witness/Jury	386.00	278.00	336.00
Baliff Fees	1,175.20	1,097.00	754.20
Community Service	1,785.00	400.00	370.00
Visa Convenience Fee	9,200.00	11,693.50	10,467.00
Unclaimed Funds	1,013.00		
Sub-Total	<u>2,288,075.70</u>	<u>1,864,206.18</u>	<u>1,525,711.37</u>
Cuyahoga County			
Regular Fines	44,884.01	45,518.00	61,423.20
Uniform Traffic Fines	123,511.50	135,216.80	105,272.50
CRIS Fund	20,614.00	75,866.15	55,072.00
Crime Stop	217.00	1,523.00	1,537.00
1/2 Liquor Fines	1,400.00	544.50	202.50
Reimburse//witness/Jury	1,243.55	1,054.67	830.19
Sub-Total	<u>191,870.06</u>	<u>259,723.12</u>	<u>224,337.39</u>
State of Ohio			
RRF/Victims Fund	193,448.50	152,113.50	112,822.50
GRF/General Fund	321,526.00	135,216.80	187,618.00
Seat Belt	13,970.00	12,519.00	7,810.00
Expungements	900.00	990.00	840.00
1/2 Liquor Fines	1,400.00	544.50	202.50
BMV Fees	2,815.00	1,311.00	870.00
Pharmacy Board (Drug)	125.00	50.00	420.00
Sub-Total	<u>534,184.50</u>	<u>302,744.80</u>	<u>310,583.00</u>
Other Disbursements			
Cleveland Law Library	751.41	853.50	1,335.00
Misc.Agency Transfers	0.00		
DUI Housing Fund	2,380.00	2,030.00	2,527.00
DUI Arrest Agency	916.00	883.00	1,013.00
DUI Indigent Fund	965.00	975.00	1,060.00
Refunds	131,522.85	166,078.00	150,214.50
Sub-Total	<u>136,535.26</u>	<u>170,819.50</u>	<u>156,149.50</u>
GRAND TOTALS	3,150,665.52	2,597,493.60	2,216,781.26

Money from these two funds goes directly into accounts for the Cleveland Height Police Department for future D.U.I education and enforcement.

**CIVIL/SMALL CLAIMS BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2007**

RECEIPTS:

City of Cleveland Heights	2,005	2,006	2,007
Local Costs	118,328.74	206,177.60	201,316.50
Computer Fund	8,544.00	15,810.00	14,484.00
Special Project	17,370.00	26,530.00	24,170.00
Sub-Total	<u>144,242.74</u>	<u>248,517.60</u>	<u>239,970.50</u>
State of Ohio Legal Aid	18,624.00	47,303.00	38,019.00
Judgements & Refunds	263,889.06	294,855.88	522,803.08
Bailiff Fee	283.00	298.60	395.62
Deposit Held	13,514.53	7,762.56	8,506.38
Miscellaneous Receipts	1,310.00	3,335.00	2,170.00
Sub-Total	<u>297,620.59</u>	<u>353,555.04</u>	<u>571,894.08</u>
GRAND TOTAL	<u><u>441,863.33</u></u>	<u><u>602,072.64</u></u>	<u><u>811,864.58</u></u>

DISBURSEMENTS;

City of Cleveland Heights	2,005	2,006	2,007
Costs	118,328.74	206,177.60	201,316.50
Computer Funds	8,544.00	15,810.00	14,484.00
1% Legal Aid	186.24	473.03	380.19
Bailiff Fees	283.00	298.60	395.62
Marriage Fees	1,310.00	3,335.00	2,170.00
Unclaimed Funds	25.00		
Special Projects	17,370.00	26,530.00	24,170.00
Sub-Totals	<u>146,046.98</u>	<u>252,624.23</u>	<u>242,916.31</u>
State of Ohio Legal Aid	18,437.76	46,829.97	37,638.81
Judgements & Refunds	273,817.71	302,605.19	530,900.13
Sub-Totals	<u>292,255.47</u>	<u>349,435.16</u>	<u>568,538.94</u>
GRAND TOTALS	<u><u>438,302.45</u></u>	<u><u>602,059.39</u></u>	<u><u>811,455.25</u></u>

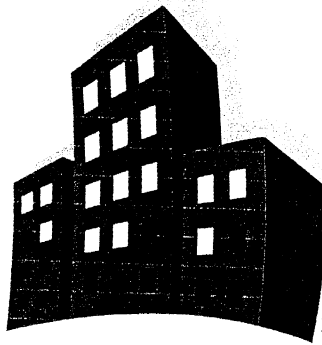
**CIVIL/LANDLORD-TENANT BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2007**

RECEIPTS:

Rent Deposits on Hand January 1, 2007			1,540.00
Rent Deposits in 2007			<u>4,345.00</u>
		Total Deposits	<u>5,885.00</u>

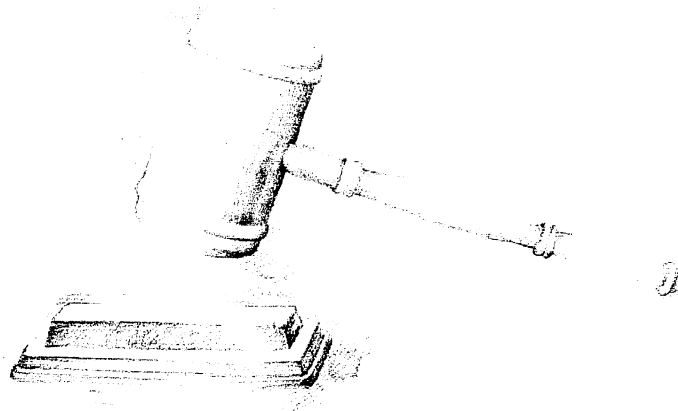
DISBURSEMENTS:

	2,005	2,006	2,007
City of Cleveland Heights	10,597.81		
To Landlords		30.60	71.80
To Tenants		3,758.50	4,973.96
Repair/Maintenance/Other			179.24
Paid by Court Order			
TOTALS	<u>10,597.81</u>	<u>3,789.10</u>	<u>5,225.00</u>
Rent Deposits on Hand December 31, 2007			<u><u>660.00</u></u>



ADDITIONAL INFORMATION FOR 2007

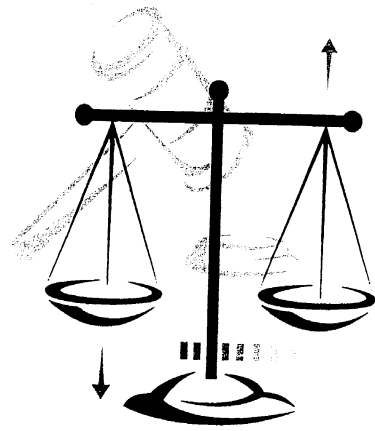
- The Landlord Tenant Division – Rental Escrow received 4 new cases and 5 were completed.
- No Trusteeship cases were filed in 2007.
- 577 Income Tax Recovery Cases were filed by the City of Cleveland Heights.
- Judge Buchanan performed 43 weddings in 2007.
- There were 5 jury trials held during 2007.



To: Judge A. Deane Buchanan

From: Valinda T. Garner
Chief Probation Officer

Re: **Probation Office, 2007**



I. PRE-SENTENCE INVESTIGATION/PROBATION VIOLATION, 2007

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Presentence Investigation Reports	471	395	444	479
Probation Violation Reports	12	11	15	10
Expungement Reports	46	36	37	34
Reviews	46	45	51	30

II. SUPERVISION CASELOAD, on December 31, 2007

	<u>12-31-04 caseload</u>	<u>12-31-05 caseload</u>	<u>12-31-06 caseload</u>	<u>12-31-07 Caseload</u>
Active (Supervised)	464	432	404	435
Inactive (Non-Supervised)	823	808	987	881

Supervision caseload, per Probation officer

<u>On 12-31-04</u>	<u>On 12-31-05</u>	<u>On 12-31-06</u>	<u>On 12-31-07</u>	<u>% Increase</u>
232	216	202	217	1%

III. **SUPERVISION, 2007 inclusive**
 2004, 2005 and 2006 numbers provided for comparison

	<u>2007</u>	<u>2006</u>	<u>2005</u>	<u>2004</u>
Total active probation cases, supervised, Jan.-Dec.2007 inclusive	1,186	1,434	1,340	1,274
Driving Under Suspension cases Jan.-Dec. 2007, inclusive count & % of cases	625/52%			
Total inactive probation cases, Jan.-Dec. 2007, Inclusive	1,689	1,877	2,061	1,879
New active probation cases added in 2007:	810	972	861	848
New inactive probation cases added 2007	881	1,155	1,175	1,075
	*	*	*	*
Number of active probation cases on 12-31-2007, Whose sentences included jail time, with % of caseload		226	51%	
Number of probation cases (active/inactive), on 12-31-07, whose sentences also included jail time, with % of caseload	422	275	304	339
Percentage	32%	20%	25%	25%



IV. MAJOR OFFENSES OF PROBATIONERS on supervision, Dec. 31, 2007

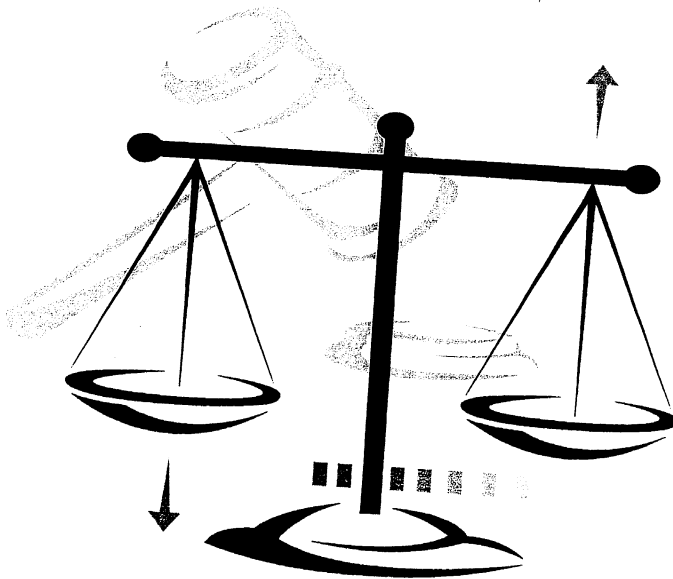
	2007 Cases/%	2003 Cases/%	2004 Cases/%	2005 Cases/%	2006 Cases/%
Driving Under Suspension	143/33%	185/39%	215/46%	185/43%	148/37%
Petty Theft	127/29%	73/17%	83/18%	83/65%	57/14%
Domestic Violence	44/10%	63/17%	35/14%	41/8%	44/11%
Assault	26/6%	25/8%	28/5%	24/6%	31/8%
OVI	25/6%	44/8%	22/9%	20/5%	24/7%
Menacing/Harassment	12/3%	12/3%	8/3%	14/1%	12/4%
Trespassing	2/0%	8/2%	9/2%	9/2%	8/3%
Other	56/12%	57/16%	37/8%	55/12%	66/34%

V. RESTITUTION/COMMUNITY SERVICE, 2007 inclusive
(2003, 2004, 2005 and 2006 total year numbers provided for comparison)

	2007	2003	2004	2005	2006
Restitution transferred to victims,	\$5,500	\$2,340	\$3,480	\$5,765	\$3,215
Community Service referrals to Court	125	44	41	40	90
Total Community Service hours worked in Cleveland Heights non-profit agencies through CCS by all courts in county area,	3,302	4,189	3,426	2,958	2,892
Total additional Community Service hours worked in Cleveland Heights, CCS Work crew litter collection	449	693	414	343	595

Community Service/Public Works Referrals 2007

- As of December 7, 2007, the Court has referred 26 defendants to the Cleveland Heights Public Works Department. These individuals have performed a total of 593.5 hours of service and in turn have saved Public Works/the City approximately \$10,890 in labor cost.
- In 2006 when the endeavor began, total referrals of 34 defendants with a total of 776 hours were worked which in turn saved the City \$13,960.
- CCS – Court Community Service is a sentencing alternative program that has been in operation over 20 years. CCS operates supervised community service work crews that provide assistance to not-for-profit and governmental agencies throughout Cuyahoga County.



SERVING THE CLEVELAND HEIGHTS MUNICIPAL COURT
IN AN OFFICIAL CAPACITY DURING 2007

A. Deane Buchanan, Judge
Georgeann Schmidt, Magistrate
Juanita Bryant, Court Administrator/Chief Bailiff
Sandra Draper Berry, Clerk

Mabel Jasper
Assigned Judge

Russell Baron
Alan Kraus
Mark L Hoffman
Dennis Niermann
Acting Judge

Lincoln Scott, Housing & Special Projects Coordinator
Cassandra Jones, Court Information Specialist
Richard Baker, Court Security

Lawrence Jasper, Deputy Bailiff
Virginia Journee', Deputy Bailiff
Leo Krejci, Deputy Bailiff

Valinda Garner, Chief Probation Officer
Charles Cox, Probation Officer
Exodus Lett, Probation Officer
Clovice Ramse, ProbationAdministrative Assistant

Joann Gallitto, Chief Deputy Clerk/Civil Division
Karen Szekely, Chief Deputy Clerk/Criminal Division
Winifred Hall, Criminal Deputy Clerk
Julie Helmink, Criminal Deputy Clerk
Darlene Horton, Criminal Deputy Clerk
Elaine Kessler, Civil Deputy Clerk
Jane Mack, Criminal Deputy Clerk
Carole Motyka, Criminal Deputy Clerk
Samira Parker, Criminal Deputy Clerk
Jeanette Politi, Civil Deputy Clerk
Brevlyn Williams, Criminal Deputy Clerk