

# GARFIELD HEIGHTS MUNICIPAL COURT

## ANNUAL REPORT 2016

JUDGE DEBORAH J. NICASTRO  
PRESIDING JUDGE

JUDGE JENNIFER P. WEILER

DONNA MARCOGUISEPPE  
CLERK OF COURT

Serving: Garfield Heights, Brecksville, Cuyahoga Heights,  
Independence, Maple Heights, Metro Parks, Newburgh  
Heights, Ohio State Patrol, Valley View, Walton Hills

# GARFIELD HEIGHTS MUNICIPAL COURT

## 2016 ANNUAL REPORT

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**March 31, 2017**

To the Cuyahoga County Fiscal Officer, Mayors, Council Members, Finance Directors, Clerk/Treasurers, and all interested persons:

Pursuant to Ohio Revised Code §1901.14, I am submitting the 2016 Annual Report of the Garfield Heights Municipal Court.

The Court's caseload and revenues continued to decline in 2016. Although the caseload declined by only 306 cases, total revenues declined by \$546,507.00. Collection of both civil and criminal/traffic court costs declined. Fines and garnishment payments declined. The decline in revenues is directly attributable to the increase in indigent defendants in criminal and traffic cases who do not have the ability to pay fines and costs and the number of out of work defendants in civil cases. In response to the declining revenues, we decreased payroll by approximately \$100,000.00 and general operating costs. As a result, the municipalities served by the Court will not be liable for any apportionment pursuant to Ohio Revised Code §1901.26 for operating costs from 2016.

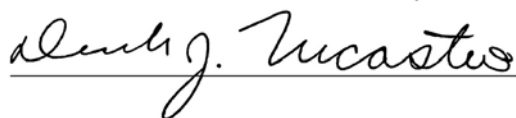
Through the efforts of our victim advocate and probation officers, the Court successfully collected restitution for victims in the amount of \$75,897. Cases assigned to the advocate have increased by 7.5% since 2015. The advocate has been able to successfully contact and advocate for victims in 79% of the criminal cases assigned and 76.5% of the traffic cases assigned.

The Court brought a new, interactive website on-line which enables litigants to learn more about the justice system, their rights and responsibilities, the proper procedures for trying cases and collecting judgments. The website has a virtual assistant and videos explaining many issues. View the website at [ghmc.org](http://ghmc.org).

The Court received technology grants from the Ohio Supreme Court totaling \$62,073.80 to assist the police agencies with software which enables them to file electronically with the Court; to expand the Court's ability to process credit cards and hire a 24 hour call center for payment of fines and costs by telephone and on-line; to purchase a new server; and to add audio technology to the Court's security system.

David Soros, the Court's Network Administrator was appointed to serve on the Ohio Supreme Court's Commission on Technology & the Courts, Case Management Work Group.

Respectfully Submitted,



Judge Deborah J. Nicastro, Presiding Judge 2016

### 2016 Total Receipts and Disbursements

	Receipts	Disbursements
Criminal/Traffic Caseload	\$3,323,255	\$3,323,255
Civil Caseload	\$1,560,699	\$1,560,699
<b>Total</b>	<b>\$4,883,954</b>	<b>\$4,883,954</b>

### 2016 Civil Caseload Receipts and Disbursements

	Receipts	Disbursements
Carried from 2015	\$2,171	
Carried to 2017		\$18,422
Garnishments & Judgments	\$887,933	\$887,933
Court Costs	\$366,015	\$366,738
Deposits Received	\$41,850	
Legal Aid Fund	\$72,287	\$71,564
Capital Improvement Fund	\$33,500	\$33,500
Computer Legal Research Fund	\$10,050	\$10,050
Special Projects Fund	\$96,025	\$96,025
Rent Escrow Deposits	\$21,127	\$8,896
Wedding Fees	\$990	\$990
Deposits Disbursed		\$37,830
Sundries	\$28,751	
Cost Refunds		\$28,751
<b>Total</b>	<b>\$1,560,699</b>	<b>\$1,560,699</b>

**2016 Criminal/Traffic Receipts**

Category	Amount
Fines & Forfeitures	\$779,353
Cash Bail Bonds	\$702,711
Court Costs	\$816,994
State Special Funds	\$360,545
Probation Fund	\$152,340
Capital Improvement Fund	\$75,565
Computer Legal Research Fund	\$22,675
Immobilization Fees	\$900
Special Projects Fund	\$228,394
Indigent Driver Alcohol Treatment Fund	\$5,134
I.D.I.F.-Indigent Interlock/Monitor Fund	\$8,180
I.A.T.C.-Indigent Alcohol Treatment Fund	\$15,888
Victim Restitution	\$75,897
Ohio Board of Pharmacy	\$3,285
Carried from 2014	\$75,394
<b>Total</b>	<b>\$3,323,255</b>

**2016 Criminal/Traffic Disbursements to Municipalities**

Municipalities	Fines	Police Fund	Housing	Total
Brecksville	\$17,106	\$465		\$17,571
Cuyahoga Hts.	\$13,667	\$170		\$13,837
Garfield Heights	\$449,385	\$965		\$450,350
Independence	\$25,956	\$678		\$26,634
Maple Heights	\$50,525	\$1,855		\$52,380
Metro Parks	\$4,449	\$0		\$4,449
Newburgh Hts.	\$8,409	\$160		\$8,569
Valley View	\$10,202	\$431		\$10,633
Walton Hills	\$4,352	\$350		\$4,702
<b>Total</b>	<b>\$584,051</b>	<b>\$5,074</b>		<b>\$589,125</b>

**2016 Criminal/Traffic Disbursement to Cuyahoga County**

Cuyahoga County	
UTT Fines & Forfeitures	\$85,059
Fines & Forfeitures	\$50,090
PS Housing	\$12,281
Liquor Fines	\$438
Jury Fees	\$18
Expungement Fees	\$2,340
OSP	\$8,084
Public Defender	\$7,246
CRIS Fund	\$23,723
Crime Stopper Fee	\$950
Highway Maintenance	\$0
<b>Total</b>	<b>\$190,229</b>

**2016 Criminal/Traffic Disbursement to the State of Ohio**

State of Ohio	
State Revenue Fund	\$554
Victim of Crimes Fund	\$66,074
Seat Belts	\$33,952
Ohio Board of Pharmacy	\$3,285
OSP Fines	\$41,003
Liquor Fines	\$437
Expungement Fees	\$1,560
ODNR	\$50
OSP Police Fund	\$353
OSP Drug Fine	\$1,060
Child Restraints	\$50
I.D.S.F.-Indigent Defense Support Fund	\$14,978
I.D.F.C.-Indigent Defense Support Fund	\$185,043
D.E.F.C.-Drug Enforcement Fund	\$14,756
J.B.S.F. - Justice Program Service Fund	\$433
License Forfeitures & Warrant Block Fees	\$240
<b>Total</b>	<b>\$363,828</b>

**2016 Criminal/Traffic Disbursements to Court Funds**

<b>Court Funds</b>	
General Fund Court Costs	\$816,994
General Fund Immobilization Fees	\$900
Cash Bail Bonds	\$710,085
Probation Fund	\$152,340
Capital Improvement Fund	\$75,565
Computer Legal Research Fund	\$22,675
Special Projects Fund	\$228,394
Victim Restitution	\$75,897
Indigent Driver Alcohol Treatment Fund	\$5,134
I.D.I.F.-Indigent Interlock/Monitor Fund	\$8,180
I.A.T.C.-Indigent Alcohol Treatment Fund	\$15,888
Carried to 2017	\$68,021
<b>Total</b>	<b>\$2,180,073</b>

## 2016 General Fund Revenues & Expenditures

As Compiled by the City of Garfield Heights for ORC §1901.26 Apportionment

Revenues	Expenditures	
\$1,248,961.74	Salaries & Wages	\$712,440.92
	Pension	99,427.37
	Healthcare	255,297.99
	Life Insurance	1,533.87
	Medicare	9,993.38
	Dues & Subscriptions	1,248.12
	Training & Education	163.30
	Special Services	33,135.27
	Office Supplies	6,381.38
	Operating Supplies	54,380.00
	Telephone	8,089.91
	Jury & Witness Fees	862.00
	Worker's Compensation	22,339.15
	City Equipment Rental	10,344.00
	Bldg. Maint. & Supplies	4,828.37
	Liability Insurance	5,451.60
	Payroll Preparation	9,055.01
<b>\$1,248,961.74</b>	<b>Totals</b>	<b>\$1,234,971.04</b>
	<b>Revenues In Excess Of Expenditures</b>	<b>\$13,990.70</b>

## 2016 Court Funds Revenues and Expenditures

As Compiled by the City of Garfield Heights as Fiscal Officer for the Court

Fund	Beginning Balance	Revenues	Expenditures	Encumbrances	Ending Balance
<b>Probation</b>	-5878.61	216,455.59	190,831.05	0	19,745.93
<b>Special Projects</b>	157,151.05	275,400.47	325,915.98	7505.00	99,130.54
<b>Computer</b>	41,863.74	207,447.77	221,755.01	1363.31	26,193.19



**2016 Civil Caseload**

	Civil	Small Claims	Rent Escrow	Trustee-ship	Total
<b>Cases Pending From 2015</b>	476	191	2	0	669
New Cases Filed In 2016	2,729	1,003	9	0	3,741 <sup>1</sup>
Cases Reactivated In 2016	57	15	0	0	72
Cases Terminated In 2016	2,622	1,009	9	0	3,640
Cases Carried To 2017	640	200	2	0	842

**2016 New Civil Cases by Municipalities**

Municipality	Civil	Small Claims	Rent Escrow	Total
Garfield Heights	1,191	236	9	1,436
Brecksville	56	127	0	183
Cuyahoga Heights	7	8	0	15
Independence	162	124	0	286
Maple Heights	928	449	0	1,377
Newburgh Heights	62	36	0	98
Valley View	16	9	0	25
Walton Hills	9	4	0	13
Other <sup>2</sup>	31	10	0	41
<b>Total</b>	<b>2,462</b>	<b>1,003</b>	<b>9</b>	<b>3,474</b>

**2016 Civil Case Dispositions**

Type of Disposition	Small Claims	Civil
Trial By Judge	69	136
Trial By Magistrate	568	304
Trial By Jury	0	0
Transfer to Judge or Other Courts	0	276
Dismissal for Lack of Prosecution	15	290
Other Dismissals Including Agreed Judgment Entries	352	624
Stayed by Reason of Bankruptcy	2	33
Other Terminations	3	962
Rent Escrow		9
<b>Total</b>	<b>1,009</b>	<b>2,634</b>

<sup>1</sup> Includes 267 cases that were assigned to individual judges' dockets from the administrative judge's docket as required by the Rules of Superintendence.

<sup>2</sup> "Other" indicates that the Defendant is not a resident of the Court district but the transaction or occurrence took place within the Court district.

### 2016 Civil Executions of Judgments

Category	Totals
Bank Account Attachments	374
Wage Garnishments	875
Debtor Exams	41
Judgment Liens & Transfers	720
Writs of Restitution in Evictions	824
Garnishment Payments Received	5,007
<b>Total</b>	<b>7,841</b>

### 2016 Criminal/Traffic Caseload

	Felony	Misdemeanor	OVI	Traffic	Total
Cases Pending From 2015	1	324	65	248	638
New Cases Filed In 2016	386	3,627	607	8,299	12,919 <sup>3</sup>
Cases Reactivated In 2016	2	727	74	1,993	2,796
Cases Terminated In 2016	388	4,461	690	10,344	15,883
Cases Carried to 2017	1	217	56	196	470

### 2016 Criminal/Traffic Caseload by Municipality

Municipality	Felony	Misdemeanor	DUI	Traffic	Total
Garfield Heights	140	1,092	68	4,355	5,655
Parking				2,171	2,171
Brecksville	24	119	24	114	281
Cuyahoga Heights	3	32	6	223	264
Independence	38	115	30	133	316
Maple Heights	136	733	96	328	1,293
Metro Parks	2	19	4	99	124
Newburgh Heights	24	70	28	61	183
Ohio Highway Patrol	0	25	27	1,345	1,397
Valley View	7	33	14	56	110
Walton Hills	12	35	22	31	100
Cuyahoga County Sheriff	0	15	7	235	257
ODNR	0	1	0	0	1
RTA	0	11	0	0	11
<b>Total</b>	<b>386</b>	<b>2,300</b>	<b>326</b>	<b>9,151</b>	<b>12,163</b>

<sup>3</sup> Includes 2,927 cases that were assigned to individual judges' dockets from the administrative judge's docket as required by the Rules of Superintendence.

### 2016 Criminal/Traffic Case Dispositions

Type of Disposition	Amount
Trial By Judge	643
Trial By Magistrate	2,044
Transfer to Individual Judges or Another Court	3,407
Dismissal for Lack of Prosecution	5
Other Dismissals	799
Violations Bureau	3,715
Unavailability of Accused	2,929
Other Terminations	20
Guilty/No Contest Plea to Original Charge	1,455
Guilty/No Contest Plea to Reduced Charge	861
Jury Trial	4
<b>Total</b>	<b>15,882</b>

### 2016 Criminal/Traffic Charges<sup>4</sup> by Municipality

Municipality	Felony	Misdemeanor DV	Other	OVI	Traffic	Total
Garfield Heights	186	75	1,418	85	8,139	9,903
Parking Tickets					2,171	2,171
Brecksville	44	3	181	41	229	498
Cuyahoga Heights	3	0	46	11	334	394
Independence	55	6	170	52	285	568
Maple Heights	183	117	851	153	824	2,128
Metro Parks	1	0	31	6	141	179
Newburgh Heights	31	5	90	43	142	311
Ohio Highway Patrol	0	0	28	44	1,762	1,834
ODNR	0	0	1	0	0	1
RTA	0	0	11	0	0	11
Sheriff	0	0	18	7	285	310
Valley View	9	0	51	21	106	187
Walton Hills	21	1	69	37	82	210
<b>Total</b>	<b>533</b>	<b>207</b>	<b>2,965</b>	<b>500</b>	<b>14,500</b>	<b>18,705</b>

<sup>4</sup> CHARGE" is defined as the number of offenses, which the arresting agency files against a single defendant, i.e. a single defendant may be charged with DUI and red light violations. This system of measurement is not consistent with the Rules of Superintendence of the Ohio Supreme Court but was the system used by the Garfield Heights Municipal Court prior to 2000. Under this system, parking tickets are measured. The number of "Charges" will always exceed the number of "Cases."

### 2016 Probation Department Caseload

	Judge Nicastro	Judge Weiler	Total
2015 Carried Over	369	445	814
New Active Probation	449	419	868
New Inactive Probation	141	176	317
Active Non-Reporting Probation	70	12	82
Terminated	-594	-636	-1230
Carried Over to 2017	435	416	851

### 2016 Judge Nicastro Referrals to Greater Cleveland Specilized Dockets

Action	Drug Court	Mental Health Court	Veterans Court
Referrals	19	1	3
Graduates	5		
Terminations	2	1	
Referred Back to Judge Nicastro	2		
Death	1		
Arrest Warrant-Failure to Appear	2		1
Administrative Discharge	1		

### 2016 Victim Advocate Caseload

Caseload does not include domestic violence cases as advocacy is provided by the Domestic Violence & Child Advocacy Center

Case Type	Case by Municipality or Agency		Victim Type		
Criminal	239	Garfield Heights	178	Females	205
Traffic	189	Maple Heights	168	Males	160
		Brecksville	12	Business or Property	87
		Cuyahoga Heights	12	Report Not Available	21
		Independence	24		
		Valley View	10		
		Ohio State Patrol	5		
		Newburgh Heights	8		
		Walton Hills	6		
		Metro Parks	5		
<b>Total</b>	<b>428</b>	<b>Total</b>	<b>428</b>	<b>Total</b>	<b>473</b>