

The 2018 Annual Report of the Garfield Heights Municipal Court

Introduction

This is the 2018 Annual Report required to be published each year pursuant to Ohio Revised Code §1901.14(A)(4). This report is intended to explain the court operations and show the work performed by the Court, a statement of receipts and expenditures of the civil and criminal divisions, respectively, and the number of cases heard, decided, and settled. The 2018 report has been revised and condensed for quicker review and analysis.

Highlights of 2018

Trends

After several years of increasing caseloads, there was a decline of 3814 cases in 2018, which was due mainly to fewer traffic tickets being filed.

Operating costs increased by \$72,732.22 due to the hiring of additional staff. Two new employees were hired to be trained before the retirement of Bookkeeper Maureen Caputo and Deputy Clerk Annette Fazi in the last quarter of the year. Also, the Court added part-time janitorial staff to address disease and insect control. Fortunately, the increased operating costs were offset by increased revenues of \$84,905.28

Text Reminders

The Court found a new technique to solve an old problem that plagues every municipal court. Especially for traffic cases but also for criminal cases, many offenders simply do not report to court. Offenders fail to appear at every stage of the proceedings, i.e. arraignment, pretrial, trial, sentencing, collection interviews and probation. When an offender fails to appear, the Court issues a warrant for the offender's arrest, issues a driver's license forfeiture in traffic cases and a block in criminal cases. If the offender has unpaid monetary sanctions, the matter is referred to an outside collection agency. Approximately 4000 to 5000 arrest warrants are outstanding at any time.

In an attempt to prompt offenders to appear, the Court began texting reminders to them five days and then one day before each court date. The failure to appear rate was reduced substantially for those offenders with text numbers. With a technology grant from the Ohio Supreme Court, the Court's software developer created a program that automatically texts a court date reminder to everyone from whom the Court was able to obtain a text number. This may include offenders, attorneys, witnesses, police officers and victims. "Failure to appear" rates have been reduced by an estimated sixty per cent. Cases are resolved more quickly.

Arrest warrants are reduced which leaves more time for the police departments and the court staff to focus on substantive matters. In 2019, the texting system will be implemented for civil cases also.

Acquisition of Real Property for Court Expansion

Through special court costs assessed, the City of Garfield Heights was able to enter into an agreement to purchase the two parcels of real estate north of the court house on Turney Road. The immediate, intended use of the newly acquired property is expansion of parking for staff and attorneys which will, in turn, provide more space for court users in the existing parking lot.

Court Structure and Operations

Understanding the structure of the Court will aid in understanding court operations. The Court is comprised of separate divisions, each with a special function. The seven divisions are the Judiciary, Office of the Clerk of Court, Collections, Probation, Security, Victim Advocacy and Mediation.

Judiciary

The judicial functions of the Court are performed by Presiding and Administrative Judge Deborah J. Nicastro and Judge Jennifer P. Weiler. Aiding them in performance of their judicial duties are full time Magistrate Jeffrey R. Short and part time Magistrates Stanley Stein and Richard Kray. Magistrates have the authority to make decisions pursuant to Ohio Criminal Rule 19, Ohio Traffic Rule 14 and Ohio Civil Rule 53 but all decisions must be reviewed and adopted as a final judgment by Judge Nicastro or Judge Weiler.

Office of the Clerk of Court

The record keeping and administrative functions of the Court are performed by Clerk of Court Donna Marcoguiseppe. Ms. Marcoguiseppe serves as the Court Administrator also. The Clerk of Court is appointed by the Presiding Judge. The Office of the Clerk of Court is comprised of deputy clerks who perform the following functions:

- One IT Administrator
- One bookkeeper
- Two cashiers
- Seven full-time and two part-time deputy clerks for processing filings and court orders for all criminal, traffic and civil cases with one dedicated to processing wage and bank garnishments and one dedicated to managing collections of unpaid fines and costs in criminal and traffic cases

- One bailiff for service of documents, seizure of property pursuant to writs, and evictions

Collections

The collection of unpaid fines, victim restitution and costs from traffic and criminal offenders is the responsibility of the Collection Bailiff. The Ohio Supreme Court has provided extensive [guidelines](#) for collection of monies due in traffic and criminal cases. Because payment plans must be granted in many circumstances, offenders are required to meet regularly with the Collection Bailiff.

Probation

Supervision of criminal and traffic offenders sentenced to community control sanctions is performed by the Probation Department comprised of Chief Probation Officer Mark Mattern and Probation Officers Melissa Stangry and Sarah Templeman. Community control sanctions include but are not limited to drug and alcohol treatment, electronic monitoring, domestic violence counseling, community service, psychiatric treatment, and parenting programs.

Chief Mattern is also the court liaison to the Greater Cleveland Drug, Veterans, Mental Health and Safe Harbor (Victims of Human Trafficking) Courts where criminal offenders may be sentenced by Judge Nicastro for treatment and supervision with offenders from other municipal courts in Cuyahoga County.

2018 Probation Department Caseload by Municipalities

Arresting Agencies	Judge Nicastro	Judge Weiler	TOTAL
Brecksville	15	25	40
Cuyahoga Heights	7	15	22
Garfield Heights	273	304	577
Maple Heights	65	48	113
Metro Parks	241	241	439
Newburgh Heights	5	6	11
O.S.P.	25	43	68
Valley View	20	20	40
Walton Hills	16	19	35
Independence	19	14	33
Total			1378

2018 Probation Department Caseload by Number of Offenders

Type	Judge Nicastro	Judge Weiler	TOTAL
2016 Carry Over	453	462	915
New Active	475	486	961
New Inactive	171	204	375
Active Non-Report	45	3	48
Terminated	671	679	1350
Current Pending	473	476	949

2018 Judge Nicastro Referrals to Greater Cleveland Specialized Dockets

Action	Drug	Mental Health	Veterans	Human Trafficking	Totals
Referrals	4	4	5	0	13
Graduates	5	0	2	0	7
Terminations	3	1	0	0	4
Referred Back	0	0	3	0	3
Arrest Warrant	4	0	2	0	6
Pending 12/31/2019	7	5	3	0	15

Security

Security for the judges, all employees, all court users and the court premises are the responsibility of the Security Bailiffs. Chief Security Bailiff Matthew March supervises 9 part-time security bailiffs and contractor G4S which provides magnetometer services and other screening of persons entering the court building. Security bailiffs are present in the courtrooms and at the cashier's office during all court proceedings. They also transport all offenders to jail after sentencing.

Victim Advocacy

Victims are represented in all court proceedings by the Court's Victim Advocate Glenn Dugas. The Domestic Violence & Child Advocacy Center from Cleveland provides a specially trained victim advocate for all domestic violence cases at no cost to the Court.

Mr. Dugas advocates for victims and their rights found in the Ohio Constitution, Article I, Section 10a:

- To be treated with fairness and respect for the victim's safety, dignity and privacy;
- Upon request, to reasonable and timely notice of all public proceedings involving the criminal offense or delinquent act against the victim, and to be present at all such proceedings;
- To be heard in any public proceeding involving release, plea, sentencing, disposition, or parole, or in any public proceeding in which a right of the victim is implicated;
- To reasonable protection from the accused or any person acting on behalf of the accused;
- Upon request, to reasonable notice of any release or escape of the accused;
- Except as authorized by section 10 of Article I of this constitution, to refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused;
- To full and timely restitution from the person who committed the criminal offense or delinquent act against the victim;
- To proceedings free from unreasonable delay and a prompt conclusion of the case;
- Upon request, to confer with the attorney for the government; and
- To be informed, in writing, of all rights enumerated in this section.

2018 Victim Advocate Caseload

Case Type		Municipality		Victim Type	
Criminal	323	Garfield Heights	269	Females	282
Traffic	267	Maple Heights	230	Males	198
		Brecksville	10	Business or Property Loss	134
		Cuyahoga Heights	14	Unknown-No report	25
		Independence	29		
		Metro Parks	3		
		Newburgh Heights	8		
		Ohio State Patrol	8		
		Valley View	9		
		Walton Hills	10		
Total	590	Total	590	Total	639
Represents 9.8 increase in cases from 537 cases in 2017				Represents a 7.4% increase in victims from 595 victims in 2017	

Mediation

Mediation of forcible entry and detainer (eviction) cases and small claims cases was initiated by Presiding Judge Deborah J. Nicastro in 2016. The Cleveland Mediation Center provides mediators who meet with unrepresented litigants and attempt to find an amicable resolution for all parties without the need for a trial. Any party or attorney may request mediation but Judge Nicastro's cases are automatically scheduled for mediation when both parties are unrepresented by attorneys.

In 2018, the Cleveland Mediation Center mediated 192 cases. In 75% or 145 cases, an agreement was reached by the parties. In two small claims cases, agreements were reached. In eviction cases, 84 agreements resolved all issues and 59 agreements resolved the request to have the tenant vacate the premises. In the eviction cases, there were 49 agreements to continue the tenancy and 94 agreements to voluntarily vacate the premises without a court order.

Caseload

The Court caseload consists of all the traffic, criminal and civil cases heard by the Court. A municipal court's caseload is evaluated in two ways. The Ohio Supreme Court requires each Ohio court to file a monthly report with regard to the number of cases filed and terminated and the manner of termination. The number of cases from each municipality served by the Court and the Metro Parks is tracked yearly for purposes of apportionment of operating costs as specified in ORC §1901.026.

Ohio Supreme Court Statistical Reporting

The Supreme Court measures the types of cases heard and the manner in which each case is terminated. The report is very important in ensuring that all cases are heard in a timely manner. The required monthly report is three pages and includes sections for both Judge Nicastro's and Judge Weiler's personal dockets and a section for the Administrative Judge's docket, which are cases that have not been assigned to a particular judge. The Administrative Judge's docket is commonly heard by a magistrate and then reviewed by Judge Nicastro or Judge Weiler on an alternating two week schedule.

The types of cases and their three letter case identifier designated by the Supreme Court are CRA-Felonies; CRB-Misdemeanors; TRD-Traffic; TRC-Operating a Vehicle under Influence of Alcohol/Drug; CVE- Personal Injury; CVF- Contracts; CVG-Forcible Entry and Detainer (Evictions); CVH- Other Civil; and CVI- Small Claims. Reprinted on the following pages are the three parts of the Supreme Court report for the entire year of 2018 in exactly the format submitted monthly to the Supreme Court

THE SUPREME COURT OF OHIO
ADMINISTRATIVE JUDGE REPORT
MUNICIPAL COURT

GARFIELD HEIGHTS MUNICIPAL COURT, Judge Deborah J. Nicastro
Report for the month of Jan - Dec 2018

		A	B	C	D	E	F	G	H	I	T	
		CRA	CRB	TRC	TRD	CVE	CVF	CVG	CVH	CVI	TOTAL	
Pending beginning of period	1	1	173	4	217	11	583	146	4	157	1296	1
New cases filed	2	373	2428	379	7842	35	1860	1076	132	789	14914	2
Case transferred in reactivated or redesignated	3	0	416	24	1986	3	34	48	2	14	2527	3
TOTAL (Add lines 1-3)	4	374	3017	407	10045	49	2477	1270	138	960	18737	4
TERMINATIONS BY:												
		A	B	C	D	E	F	G	H	I	T	
Trial/Hearing by judge	5	0	197	4	453	1	14	12	4	59	744	5
Hearing by Magistrate	6	X	423	8	1949	0	43	335	2	477	3237	6
Transfer	7	305	1551	353	1320	7	178	0	100	0	3814	7
Dismissal for lack of speedy trial or want of prosecution	8	0	0	0	1	2	215	183	1	75	477	8
Other dismissals	9	66	186	1	86	5	249	449	4	223	1269	9
Violations Bureau	10	X	57	X	3773	X	X	X	X	X	3830	10
Unavailability of accused	11	0	449	37	2291	0	0	0	0	0	2777	11
Bankruptcy stay or appeal	12	0	0	0	0	0	49	4	0	8	61	12
Other terminations	13	0	28	1	0	21	1149	109	19	7	1334	13
TOTAL (Add lines 5-13)	14	371	2891	404	9873	36	1897	1092	130	849	17543	14
Pending end of period	15	3	126	3	172	13	580	178	8	111	1194	15
Time Guideline (Months)		1	6	6	6	24	12	12	12	6	X	
Case pending beyond time	16	0	0	0	0	0	0	0	0	0	0	16
Number of months oldest case is beyond time guideline	17	0	0	0	0	0	0	0	0	0	X	17
		A	B	C	D	E	F	G	H	I	T	

Administrative Judge

Date

Henschen and Associates, Inc.
Written July 1991

Preparer and Telephone Number

Date

THE SUPREME COURT OF OHIO
INDIVIDUAL JUDGE REPORT
MUNICIPAL COURT

GARFIELD HEIGHTS MUNICIPAL COURT, Judge Deborah J. Nicastro
Report for the month of Jan - Dec 2018

Date of most recent physical case inventory 8/10/2018

		B	C	D	E	F	G	H	T	V	
		CRB	TRC	TRD	CVE	CVF	CVG	CVH	TOTAL	VISIT	
Pending beginning of period	1	139	42	116	1	34	0	5	337	0	1
New cases assigned	2	738	162	627	2	86	0	47	1662	0	2
Case transferred in reactivated or redesignated	3	165	23	149	0	6	0	0	343	0	3
TOTAL (Add lines 1-3)	4	1042	227	892	3	126	0	52	2342	0	4
TERMINATIONS BY:		B	C	D	E	F	G	H	T	V	
Jury trial	5	0	0	0	0	0	0	0	0	0	5
Court trial	6	6	0	14	1	17	0	1	39	0	6
Default	7	X	X	X	0	0	0	0	0	0	7
Guilty or no contest to original charge	8	289	124	272	X	X	X	X	685	0	8
Guilty or no contest to reduced charge	9	228	40	314	X	X	X	X	582	0	9
Dismissal for lack of speedy trial or want of prosecution	10	0	0	0	0	8	0	4	12	0	10
Other dismissal	11	217	4	65	1	37	0	8	332	0	11
Transfer to another judge or court	12	7	2	1	0	0	0	0	10	0	12
Referral to private judge	13	X	X	X	0	0	0	0	0	0	13
Unavailability of accused	14	166	30	169	0	0	0	0	365	0	14
Bankruptcy stay or appeal	15	0	0	0	0	3	0	0	3	0	15
Other termination	16	1	0	0	1	34	0	37	73	0	16
TOTAL (Add lines 5-16)	17	914	200	835	3	99	0	50	2101	0	17
Pending end of period	18	128	27	57	0	27	0	2	241	0	18
Time Guideline (Months)		6	6	6	24	12	12	12	X	X	
Cases pending beyond time	19	0	0	0	0	0	0	0	0	0	19
Number of months oldest case	20	0	0	0	0	0	0	0	X	0	20
Cases submitted awaiting sentencing or judgment beyond time guideline	21	0	0	0	0	0	0	0	0	0	21
		B	C	D	E	F	G	H	T	V	

Henschen and Associates, Inc.
Written July 1991

Judge	_____	Date	_____
Prepare and Telephone Number	_____	Date	_____
Administrative Judge	_____	Date	_____

THE SUPREME COURT OF OHIO
INDIVIDUAL JUDGE REPORT
MUNICIPAL COURT

GARFIELD HEIGHTS MUNICIPAL COURT, Judge Jennifer P. Weiler
Report for the month of Jan - Dec 2018

Date of most recent physical case inventory 8/10/2018

		B	C	D	E	F	G	H	T	V	
		CRB	TRC	TRD	CVE	CVF	CVG	CVH	TOTAL	VISIT	
Pending beginning of period	1	90	46	96	0	17	0	5	254	0	1
New cases assigned	2	729	178	649	5	88	0	53	1702	0	2
Case transferred in reactivated or redesignated	3	159	35	188	0	4	0	0	386	0	3
TOTAL (Add lines 1-3)	4	978	259	933	5	109	0	58	2342	0	4

TERMINATIONS BY:

		B	C	D	E	F	G	H	T	V	
Jury trial	5	0	0	0	0	0	0	0	0	0	5
Court trial	6	4	1	25	1	3	0	2	36	0	6
Default	7	X	X	X	0	0	0	0	0	0	7
Guilty or no contest to original charge	8	242	143	320	X	X	X	X	705	0	8
Guilty or no contest to reduced charge	9	164	33	256	X	X	X	X	453	0	9
Dismissal for lack of speedy trial or want of prosecution	10	0	0	0	0	11	0	3	14	0	10
Other dismissal	11	264	11	96	1	30	0	5	407	0	11
Transfer to another judge or court	12	10	0	3	0	0	0	0	13	0	12
Referral to private judge	13	X	X	X	0	0	0	0	0	0	13
Unavailability of accused	14	161	32	167	0	0	0	0	360	0	14
Bankruptcy stay or appeal	15	0	0	0	0	0	0	0	0	0	15
Other termination	16	3	0	4	0	46	0	46	99	0	16
TOTAL (Add lines 5-16)	17	848	220	871	2	90	0	56	2087	0	17
Pending end of period	18	130	39	62	3	19	0	2	255	0	18
Time Guideline (Months)		6	6	6	24	12	12	12	X	X	
Cases pending beyond time	19	0	0	0	0	0	0	0	0	0	19
Number of months oldest case	20	0	0	0	0	0	0	0	X	0	20
Cases submitted awaiting sentencing or judgment beyond time guideline	21	0	0	0	0	0	0	0	0	0	21

Henschen and Associates, Inc.
Written July 1991

Judge	Date
Prepare and Telephone Number	Date
Administrative Judge	Date

Caseload by Municipality

The Court tracks all cases filed by each municipality and other government entities which the Court serves. The Court performs much more work than is depicted in the case count and Supreme Court statistical reports which is described in **Other Work of The Court** below.

The purpose of the case count by municipality is to calculate the apportioning of operating expenses. ORC §1901.026 requires apportionment of any deficiencies in operating costs to each municipality in the Court's jurisdiction.

ORC §1901.026 provides that the current operating costs of any municipal court shall be apportioned among all of the municipalities within the territory of the court. Each municipality shall be assigned a proportionate share of the current operating costs that is equal to the percentage of the total criminal and civil caseload of the court that arose in that municipality. Each municipality then shall be liable for its assigned proportionate share of the current operating costs of the court, except that it is not required to pay that part of its proportionate share of the current operating costs that exceeds the total amount of fines or other monies received from the Court. The chart below describes the caseload and the percentage of the caseload by municipality.

The chart below summarizes the caseload by the number of cases originating in each municipality in the Court's jurisdiction. In traffic and criminal cases, the case may be generated by a law enforcement agency other than the local police as can be seen from the number of cases generated by the Ohio Highway Patrol.

In 2018 and for over ten years, none of the municipalities served by the Court are required to pay a proportionate share of the operating costs because the Court collected court costs which paid in full for court operations.

2018 Caseload by Municipality

Municipality	Felony	Misdemeanor	OVI	Traffic	Civil	Small Claims	Total	%
Garfield Heights	132	1253	108	5783	1451	220		
Ohio State Patrol	0	9	10	160	0	0		
Sheriff	0	0	0	19	0	0		
Subtotal	132	1262	118	5962	1451	220	9,145	61
Brecksville	41	134	16	129	77	44		
Ohio State Patrol	0	1	0	31	0	0		
Sheriff	0	0	0	1	0	0		
Subtotal	41	134	16	161	77	44	473	3
Cuyahoga Heights	8	25	7	224	10	98		
Ohio State Patrol	0	0	0	20				
Subtotal	8	25	7	244	10	98	392	3
Independence	28	168	26	208	126	45		
Ohio State Patrol	0	0	5	152				
Sheriff	0	0	1	20				
Subtotal	28	168	32	380	126	45	779	5
Maple Heights	112	640	111	237	1282	345		
Ohio State Patrol	0	15	5	581				
Sheriff	0	1	0	0				
Subtotal	112	656	116	818	1282	345	3329	
Metro Parks	1	27	5	104	0	0	137	22
Newburgh Heights	38	93	41	95	61	23		
Ohio State Patrol	0	5	8	15				
Sheriff	0	1	2	3				
Subtotal	38	99	51	113	61	23	385	3
Valley View	11	26	16	32	73	7		
Ohio State Patrol	0	1	4	9				
Subtotal	11	27	20	41	73	7	179	1
Walton Hills	2	29	14	19	16	5	85	1
ODNR		1					1	0
Other Cities					7	2	9	0
Total	373	2428	379	7842	3103	789	14,914	100

Other Work of the Court

The Court performs other substantial functions which are not measured by the Ohio Supreme Court and which are not reflected in the court caseload for apportionment of current operating costs. The work of the Collection, Probation, Mediation and Victim Advocacy Divisions of the Court are not considered. Not considered in these measurements for 2018 are 1) collection of victim restitution in the amount of \$119,171.70; 2) 1850 new parking tickets filed by the Garfield Heights Police Department; 3) the collection of \$1,147,248.17 in civil judgments and 4) the 8835 actions taken to collect civil judgments as illustrated in the chart below

2018 Civil Executions of Judgments

Category	Totals
Bank Account Attachments	364
Wage Garnishments	1137
Debtor Exams	16
Judgment Liens	581
Writs of Restitution in Evictions	776
Garnishment Payments Received	5961
Total	8,835

Financial Report

The monies collected by the Court fall into four categories: (1) Costs collected for operations and chemical dependency treatment of indigent offenders; (2) Fines and fees collected on behalf of other municipalities and government agencies; (3) restitution for victims of crime; and (4) judgments for the prevailing party in civil lawsuits.

The following chart sets forth the revenue and expenditures in the Court's operating funds. Court costs are deposited into these funds and are used exclusively for court operations. Any deficiency in the General Fund at the end of each year is assessed against the municipalities within the Court district in accordance with their share of the caseload pursuant to ORC §1901.026. In 2018, there was no deficiency to apportion.

Revenues and Expenditures by Court Operating Funds

FUND	BEGINNING BALANCE	REVENUES	EXPENDITURES	ENDING BALANCE
General Fund	0	\$1,413,951.08	\$1,375,248.92	\$38,702.16
Special Project Fund	\$121,451.11	\$360,280.95	\$322,904.16	\$158,827.90
Probation Fund	\$9,081.63	\$186,582.51	\$183,775.32	\$11,888.82
Computer/Technology Fund	\$24,132.96	\$195,324.65	\$201,711.74	\$17,745.87
Indigent Driver Alcohol Treatment Fund	\$363,683.54	\$106,228.87	\$35,605.00	\$434,307.41
Total	\$518,349.24	\$2,262,368.06	\$2,119,245.14	\$661,472.13

If apportionment of any deficiency had been required for 2018, only the following expenditures would be considered in calculating the deficiency pursuant to ORC §1901.026

2018 General Fund Expenditures

Expenditures	Amount
Salaries & Wages	834,719.76
Overtime	19,467.87
Jury/Witness Fees	198.00
Pension - PERS	109,517.85
Hospitalization	253,799.89
Worker's Compensation	19,724.39
Medicare	12,111.47
Life Insurance	1,707.59
Special Services	27,856.13
Telephone	6,841.91
Employee Bonds	100.00
Office Supplies	6,205.20
Operating Supplies	54,928.32
City Equipment Rental	8,620.00
Building Maintenance Supplies	4,429.40
Insurance - Property	5,411.64
Payroll Preparation	9,609.49
Total Expenditures	1,375,248.92
Receipts over Expenditures	\$38,702.16

The Court assesses fines as penalties in criminal and traffic cases and is charged by the State of Ohio and Cuyahoga County to assess fees for various for state and local programs. The monies collected are remitted monthly to each municipality, the County and the State. If apportionment of any deficiency in operating costs had been required for 2018, the amount each municipality served by the Court would have to pay would be capped at the amount of fines collected from the Court in 2018. The following chart summarizes the monies distributed to these government agencies.

2018 Disbursements to Other Government Agencies

Agencies	Fines & Fees
Brecksville	\$13,211.00
Cuyahoga Hts.	\$8,617.00
Garfield Heights	\$486,442.80
Independence	\$11,085.30
Maple Heights	\$34,223.70
Metro Parks	\$8,399.00
Newburgh Hts.	\$10,394.00
Valley View	\$4,190.00
Walton Hills	\$5,475.00
Cuyahoga County	\$182,259.94
State of Ohio	\$505,235.06
Total	\$1,269,532.80

CONCLUSION

In 2018, the Court caseload decreased but the revenues increased which allowed the Court to continue operating without contribution for operating costs by the municipalities it serves. The Court continued to expand services to court users by implementation of new technology.

The main issue confronting the Court in 2019 will be the deteriorating physical condition of the Court building. Without substantial funds available to relocate, the Court is beginning to study possible alternatives and developing other strategies.

Respectfully Submitted,

A handwritten signature in black ink, reading "Deborah J. Nicastro", written over a horizontal line.

Judge Deborah J. Nicastro
Presiding Judge