# The 2019 Annual Report of the Garfield Heights Municipal Court

# Introduction

This is the 2019 Annual Report of the Garfield Heights Municipal Court 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.

# **Highlights of 2019**

#### Retirement of the Clerk of Court

Donna Marcoguiseppe served the Court constituents and four judges for 36 years in the Office of the Clerk of Court. She began service in the Civil Division and transferred to the Criminal/Traffic Division as her predecessors retired. She was appointed the Clerk of Court in 2010. Among her many successes, Ms. Marcoguiseppe expertly managed radical change as the Court moved from traditional paper systems to electronic records and was an integral part of preparing for the Virtual Court planned for 2020.

Attorney and Magistrate Je'Nine Nickerson succeeded Ms. Marcoguiseppe. Ms. Nickerson has served as Prosecutor for the City of Garfield Heights, Cuyahoga County Juvenile Court Magistrate and Garfield Heights Municipal Court Magistrate prior to being appointed as the Clerk of Court. She has attained a Master's Degree in Business Administration in addition to her *Juris Doctor* degree. Her education and experience will be invaluable in adjusting to the loss of Ms. Marcoguiseppe's wealth of knowledge and experience.

#### **Trends**

The declining caseload which began in 2018 continued into 2019. The Court received 583 fewer new cases in 2019, which was due mainly to fewer traffic tickets being filed.

Operating costs increased by \$168,216.71 due to the training of new bookkeeping staff and a new Clerk of Court as well as a deficit in the Probation Fund.

Revenues decreased for the first time in several years in the General Fund in the amount of \$33,044.48 and in the Probation Fund and Computer/Technology Funds. Although the Court established a Collection Division in 2018, the limitations on collection techniques imposed on Ohio municipal courts significantly reduced collections. Also, the decline of new traffic cases obviously reduces revenues. If the amount collected does not offset the costs of operation of the Collection Division, the Court will need to eliminate that Division in the future.

## **Help Center**

Judge Deborah J. Nicastro and the Cuyahoga County Library partnered in 2019 to locate a Help Center in the Maple Heights Branch of the Library. The purpose of the Help Center is to provide a location with essential technology to aid self-represented litigants when the Court is closed. The Help Center is open on Tuesday evenings and Saturdays. A deputy clerk is on-site to answer questions and show interested persons the services provided on-line. The Help Center will be an integral part of the Virtual Court which will debut in 2020.

### **Mediation Program Discontinued**

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 provided mediators who met with unrepresented litigants and attempted to find an amicable resolution for all parties without the need for a trial. In the prior year, 75% of cases referred to mediation were resolved with an agreement between the parties without the need for bailiffs to remove the tenant from the rental properties. Unfortunately, due to reduced revenues, the contract with the Cleveland Mediation Center was terminated in 2019.

#### **Virtual Court**

Judge Nicastro began the development the Virtual Court which will go on-line in 2020. Currently, the Court's website enables all court users file documents, research all case files and pay all fees, fines and costs on-line. The Virtual Court will enhance these services by permitting court proceedings such as criminal and traffic arraignments to be on-line and court hearings to be conducted remotely. The Court's case management software vendor, Henschen & Associates, is following Judge Nicastro's design in creating the Virtual Court.

# **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
- Ten 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 <u>guidelines</u> 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.

### 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.

A private company, G4S, provides screening services and security at the entrance to the Court. All court users are scanned with a magnetometer as they enter the building.

# **Probation**

Supervision of criminal and traffic offenders sentenced to community control sanctions is performed by the Probation Department. 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.

2019 Probation Department Caseload by Municipalities

Arresting Agencies	Judge Nicastro	Judge Weiler	TOTAL
BRECKSVILLE	11	20	31
CUYAHOGA HTS	15	11	26
GARFIELD HTS	281	228	509
INDEPENDENCE	53	34	87
MAPLE HTS	230	154	384
METRO PARKS	9	1	10
NEWBURGH HTS	26	57	83
O.S.P.	29	34	63
VALLEY VIEW	8	13	21
WALTON HILLS	31	13	44
TOTAL	693	565	1258

2019 Probation Department Caseload by Number of Offenders

Туре	Judge Nicastro	Judge Weiler	TOTAL
CARRIED OVER	462	454	916
NEW ACTIVE	481	381	862
NEW INACTIVE	172	184	356
NEW ACTIVE NON- REPORT	41	3	44
TERMINATED	(682)	(671)	(1353)
CURRENT PENDING	474	351	825

## **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. In 2019, the Court collected \$70,082.50 in restitution for victims.

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.

#### 2019 Victim Advocate Caseload

Case Type		Municipality		Victim Type	
Criminal	268	Garfield Heights	190	Females	224
Traffic	172	Maple Heights	162	Males	173
		Brecksville	17	Business or Property Loss	122
		Cuyahoga Heights	5	Unknown-No report	10
		Independence	29		
		Metro Parks	0		
		Newburgh Heights	19		
		Ohio State Patrol	3		
		Valley View	7		
		Walton Hills	8		
Total	440	Total	440	Total	529
Represents 7.5% decrease from 590 cases in 2018				Represents 8.3% decrease from 2018	n 639 in

# **Court 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 2019 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 2019

Written July 1991

		A	В	С	D	E	F	G	H	I	T	
		CRA	CRB	TRC	TRD	CVE	CVF	CVG	CVH	CVI	TOTAL	
Pending beginning of period	1	3	126	3	172	13	580	178	8	111	1194	1
New cases filed	2	421	2764	422	6508	19	2177	1175	139	706	14331	2
Case transferred in reactivated or redesignated	3	5	491	46	2012	1	14	25	3	14	2611	3
TOTAL (Add lines 1-3)	4	429	3381	471	8692	33	2771	1378	150	831	18136	4
TERMINATIONS BY:	,	A	В	С	D	Е	F	G	Н	I	Т	
Trial/Hearing by judge	5	0	98	4	219	0	6	10	3	38	378	5
Hearing by Magistrate	6	х	447	5	1939	0	0	337	4	420	3152	6
Transfer	7	350	1529	401	1205	2	218	0	101	0	3806	7
Dismissal for lack of speedy	8	0	0	0	0	0	92	159	0	19	270	8
trial or want of prosecution Other dismissals	9	67	344	8	78	5	384	544	7	237	1674	9
Violations Bureau	10	х	423	Х	3210	х	Х	х	х	х	3633	10
Unavailability of accused	11	8	470	48	1806	0	0	0	0	0	2332	11
Bankruptcy stay or appeal	12	0	0	0	0	1	34	8	0	6	49	12
Other terminations	13	0	12	2	55	22	1368	141	28	6	1634	13
TOTAL (Add lines 5-13)	14	425	3323	468	8512	30	2102	1199	143	726	16928	14
Pending end of period	15	4	58	3	180	3	669	179	7	105	1208	15
Time Guideline (Months)		1	6	6	6	24	12	12	12	6	Х	
Case pending beyond time	16	0	0	0	0	0	0	0	0	0	0	16
Number of months oldest case	17	0	0	0	0	0	0	0	0	0	Х	1
is beyond time guideline		A	В	С	D	Е	F	G	Н	I	Т	
Henschen and Associates, Inc.		Admini	istrati	ve Jud	lge			Date				

Preparer and Telephone Number

Date

# THE SUPREME COURT OF OHIO INDIVIDUAL JUDGE REPORT MUNICIPAL COURT

Date of most recent physical case inventory 8/22/2019

		В	C	D	E	F	G	H	T	V	
		CRB	TRC	TRD	CVE	CVF	CVG	CVH	TOTAL	VISIT	
Pending beginning of period	1	128	27	57	0	27	0	2	241	0	1
New cases assigned	2	711	182	579	1	113	0	46	1632	0	2
Case transferred in	3	142	28	146	0	1	0	1	318	0	3
reactivated or redesignated TOTAL (Add lines 1-3)	4	981	237	782	1	141	0	49	2191	0	4
TERMINATIONS BY:		В	С	D	Е	F	G	Н	Т	V	
Jury trial	5	0	0	0	0	0	0	0	0	0	5
Court trial	6	5	2	8	0	0	0	0	15	0	6
Default	7	Х	Х	Х	0	0	0	0	0	0	7
Guilty or no contest to	8	252	105	236	X	Х	Х	Х	593	3	8
orginal charge Guilty or no contest to	9	206	50	280	X	Х	Х	Х	536	0	9
reduced charge Dismissal for lack of speedy	10	1	0	0	0	15	0	1	17	0	1
trial or want of prosecution Other dismissal	11	228	8	63	0	25	0	8	332	2	1
Transfer to another judge	12	9	0	0	0	0	0	0	9	0	1
or court Referral to private judge	13	Х	Х	Х	0	0	0	0	0	0	13
Unavailability of accused	14	128	36	109	0	0	0	0	273	0	14
Bankruptcy stay or appeal	15	0	0	0	0	5	0	0	5	0	15
Other termination	16	9	0	13	0	66	0	36	124	0	16
TOTAL (Add lines 5-16)	17	838	201	709	0	111	0	45	1904	5	17
Pending end of period	18	143	36	73	1	30	0	4	287	0	18
Time Guideline (Months)		6	6	6	24	12	12	12	Х	Х	
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	Х	0	20
Cases submitted awaiting sentencing or judgment	21	0	0	0	0	0	0	0	0	0	21
beyond time guideline		В	C	D	E	F	G	Н	Т	V	
Henschen and Associates, Inc Written July 1991	•	Judge						Date			
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# THE SUPREME COURT OF OHIO INDIVIDUAL JUDGE REPORT MUNICIPAL COURT

Date of most recent physical case inventory 8/22/2019

GARFIELD HEIGHTS MUNICIPAL COURT, Judge Jennifer P. Weiler Report for the month of Jan - Dec 2019

		В	С	D	E	F	G	Н	T	V	
		CRB	TRC	TRD	CVE	CVF	CVG	CVH	TOTAL	VISIT	
Pending beginning of period	1	130	39	62	3	19	0	2	255	0	1
New cases assigned	2	710	203	558	1	105	0	55	1632	0	2
Case transferred in	3	170	39	160	1	3	0	0	373	0	3
reactivated or redesignated TOTAL (Add lines 1-3)	4	1010	281	780	5	127	0	57	2260	0	4
TERMINATIONS BY:		В	С	D	Е	F	G	Н	Т	V	
Jury trial	5	0	0	0	0	0	0	0	0	0	5
Court trial	6	9	2	15	0	0	0	0	26	0	6
Default	7	х	х	х	0	1	0	0	1	0	7
Guilty or no contest to	8	223	145	265	Х	Х	х	х	633	1	8
orginal charge Guilty or no contest to	9	183	43	200	х	х	х	х	426	1	9
reduced charge Dismissal for lack of speedy	10	0	0	0	0	9	0	0	9	0	10
trial or want of prosecution Other dismissal	11	313	8	97	1	27	0	8	454	3	11
Transfer to another judge	12	4	1	0	0	1	0	0	6	0	12
or court Referral to private judge	13	х	х	х	0	0	0	0	0	0	13
Unavailability of accused	14	183	43	134	0	0	0	0	360	0	14
Bankruptcy stay or appeal	15	0	0	0	0	3	0	0	3	0	15
Other termination	16	2	1	4	3	57	0	45	112	0	16
TOTAL (Add lines 5-16)	17	917	243	715	4	98	0	53	2030	5	17
Pending end of period	18	93	38	65	1	29	0	4	230	0	18
Time Guideline (Months)		6	6	6	24	12	12	12	х	х	
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	Х	0	20
Cases submitted awaiting sentencing or judgment	21	0	0	0	0	0	0	0	0	0	21
beyond time guideline		В	С	D	E	Ë	G	Н	Т	V	
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## **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 and 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 and the Cuyahoga County Sheriff's Office.

# 2019 New Cases Filed by Municipality

Municipality	Felony	Misdemeanor	OVI	Traffic	Civil	Small Claims	Total	%
Garfield Heights	157	1685	149	4208	1698	205		
Ohio State Patrol	0	7	27	253	0	0		
Sheriff	0	0	0	11	0	0		
Subtotal	157	1692	176	4472	1698	205	8400	59
Brecksville	27	83	10	80	121	34		
Ohio State Patrol	0	3	5	486	0	0		
Sheriff	0	0	0	0	0	0		
Subtotal	27	86	15	566	121	34	849	6
Cuyahoga Heights	9	29	7	260	11	4		
Ohio State Patrol	0	0	1	13	0	0		
Subtotal	9	29	8	273	11	4	334	2.4
Independence	27	158	23	251	84	50		
Ohio State Patrol	0	1	11	157	0	0		
Sheriff	0	0	1	139	0	0		
Subtotal	27	159	35	547	84	50	902	6.3
Maple Heights	157	600	75	184	1410	366		
Ohio State Patrol	0	6	1	140	0	0		
Subtotal	157	606	76	324	1410	365	2938	20.6
Metro Parks	3	44	2	165	0	0	214	1
Newburgh Heights	21	81	65	87	73	29		
Ohio State Patrol	0	5	12	7	0	0		
Sheriff	0	1	_	5	0	0		
Subtotal	21	87	78	99	73	29	387	2.8
Valley View	12	12	8	27	54	4		
Ohio State Patrol	0	0	2	16	0	0		
Subtotal	12	12	10	43	54	4	135	.94
Walton Hills	7	49	22	29	28	8	143	.96
ODNR	1	0	0	0	0	0	1	
Other Cities	0	0	0	0	31	7	38	
Total	421	2764	422	6508	3510	706	14331	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 2019 are

- 21 weddings
- Collection of victim restitution in the amount of \$70, 082.50;
- 1834 new parking tickets filed by the Garfield Heights Police Department;
- Collection of \$1,362,236.32 in civil judgments and
- The 9,862 actions taken to collect civil judgments as illustrated in the chart below

# 2019 Civil Executions of Judgments

Category	Totals
Bank Account Attachments	397
Wage Garnishments	1417
Debtor Exams	16
Judgment Liens	728
Writs of Restitution in Evictions	889
Garnishment Payments Received	6415
Total	9862

# **Financial Report**

The monies collected by the Court fall into four categories:

- Costs collected for operations and chemical dependency treatment of indigent offenders
- Fines and fees collected on behalf of other municipalities and government agencies
- Restitution for victims of crime
- 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 2019, there was a deficiency to apportion. However, the Garfield Heights Finance Director and Presiding Judge Nicastro are anticipating that workforce reductions and other operational modifications in 2020 may enable to the Court to recoup sufficient funds to avoid rebilling the guest municipalities.

# Revenues and Expenditures by Court Operating Funds

FUND	BEGINNING BALANCE	REVENUES	EXPENDITURES	ENDING BALANCE
General Fund	0	\$1,380,906.60	\$1,543,465.63	(\$162,559.03)
Special Project Fund	\$158,827.00	\$435,463.07	\$430,767.22	\$163,522.85
Probation Fund	\$11,888.82	\$172,381.15	\$166,821.83	\$17,448.14
Computer/Technology Fund	\$17,745.87	\$182,313.58	\$194,649.03	\$5,415.42
Indigent Driver Alcohol Treatment Fund	\$434,307.41	\$57,748.33	\$55,203.79	\$436,851.95

If apportionment of any deficiency had been required for 2019, only the following expenditures would be considered in calculating the deficiency pursuant to ORC §1901.026

# 2019 General Fund Expenditures

Expenditures	Amount
Salaries & Wages	909,789.48
Overtime	8,983.87
Jury/Witness Fees	186.00
Pension - PERS	126,295.89
Hospitalization	273,478.28
Worker's Compensation	26,594.15
Medicare	13,060.73
Life Insurance	2064.33
Special Services	42,383.39
Training & Education	19,000.00
Dues & Subscriptions	\$350.00
Telephone	6526.48
Employee Bonds	100.00
Office Supplies	13,550.73
Operating Supplies	71,805.09
City Equipment Rental	9,514.62
Building Maintenance Supplies	3,832.98
Insurance - Property	5240.90
Payroll Preparation	9,707.82
Total Expenditures	\$1,543,465.63
Receipts over Expenditures	(\$162,559.03)

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 is required for 2019, the amount each municipality served by the Court would have to pay would be capped at the amount of fines collected by the Court in 2019. The following chart summarizes the monies distributed to these government agencies.

2019 Disbursements of Fines & Special Fees

Agencies	Fines & Fees
Brecksville	\$6,897.00
Cuyahoga Hts.	\$5,715.00
Garfield Heights	\$428,779.90
Independence	\$10,068.00
Maple Heights	\$24,766.20
Metro Parks	\$11,963.00
Newburgh Hts.	\$6,357.00
Valley View	\$2,305.00
Walton Hills	\$4,771.90
Cuyahoga County	\$153,216.49
State of Ohio	\$371,810.75

Other Agencies that receive revenue from the Court from costs assessed by state statute are

- State Legal Aid Fund \$94,074.75
- County CRIS Fund \$23,916.00
- Ohio Board of Pharmacy -\$2,374.00

# **CONCLUSION**

In 2019, the Court caseload decreased and the revenues decreased. The main issue confronting the Court in 2019 will be the decreasing caseload and necessary reduction in operating expenses and the deteriorating physical condition of the Court building. Without substantial funds available to relocate, the Court will continue to develop cutting edge technologies which may solve the need for a new building.

Respectfully Submitted,

Judge Deborah J. Nicastro

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Presiding Judge