Parma Municipal Court



Annual Report
January 1, 2003 to December 31, 2003

Timothy P. Gilligan
Presiding Judge
Administrative Judge

Kenneth R. Spanagel Judge

Mary L. Dunning Judge





PARMA MUNICIPAL COURT

5555 POWERS BOULEVARD

440-887-7400

PARMA, OHIO 44129

EDWARD J. FINK MAGISTRATE

LYNN W. LEARY MAGISTRATE

JOHN F. SANDS MAGISTRATE

TIMOTHY P. GILLIGAN PRESIDING JUDGE ADMINISTRATIVE JUDGE

> MARY L. DUNNING JUDGE

KENNETH R. SPANAGEL JUDGE

TO THE CITY COUNCIL OF THE CITY OF PARMA

TO THE BOARD OF COUNTY COMMISSIONERS OF CUYAHOGA COUNTY

Ladies and gentlemen:

Enclosed is the Parma Municipal Court's Annual Report for 2003, which is being submitted in my capacity as Presiding Judge for the year ending December 31, 2003, pursuant to statute, for the information of all persons interested in the operation of Ohio's largest suburban Municipal Court District.

Sincerely yours,

Timothy P. Gilligan

Presiding and Administrative Judge

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ANNUAL COURT REVENUE

(Civil and Criminal)

		<u>2001</u>		2002		<u>2003</u>
Fines and Costs-Criminal (Parma) Transcript Costs Costs- Civil and Marriage Fee Fees- Trusteeships Costs- Small Claims Court Apportionment- Suburbs** Rent Escrow Incarcerations Interest Earned Capital Improvement*** Computer Fee (2)	\$	1,949,427 4,831 193,756 3 17,745 119,782 291 - - 106,835 32,012	\$	1,010,010 4,751 209,127 - 19,460 215,848 72 - 63,073 18,915	\$	955,836 4,616 307,860 - 29,602 230,698 86 - - 60,107 18,000
TOTAL CITY OF PARMA REVENUE	<u>\$</u>	2,424,682	<u>\$</u>	1,541,256	\$	1,606,805
Fines (other than Parma) Reparations Rotary Fund (3) State Civil Costs	\$ \$ \$	461,842 336,240 43,743	\$ \$ \$	455,252 167,969 48,032	\$ \$ \$	422,218 157,247 53,916
TOTAL ANNUAL COURT REVENUE	\$	3,266,507	<u>\$</u>	2,212,509	<u>\$</u>	2,240,186

^{**}Apportionment of operating costs for courts having territorial jurisdiction outside municipal corp. in which located (O.R.C. 1902.26 effective 8-28-81). Source: Parma Clerk of Court.

^{***}Court assessed \$5.00 fee for Capital Improvement Fund (O.R.C. 2303.20 1901.26).

^{(2) \$1.50} fee for information, development legal research.

⁽³⁾ Fund established by State of Ohio to reimburse crime victims (O.R.C. 2949.091).

ANNUAL COURT EXPENDITURES

EXPENDITURES		<u>2001</u>		<u>2002</u>		<u>2003</u>
Judges Referee/Magistrate Bailiff *Deputy Bailiff Full Time Deputy Bailiff Part Time Jury Commission Chairman Jury Commission Members Jury Commission Secretary Sick Leave & Disability Empls.Ins. Life - Acc. Hospitalization Longevity P.E.R.S. Medicare	\$	112,050 38,224 40,573 474,665 189,741 1,500 1,438 1,500 - 1,663 121,845 5,300 107,110 11,220	\$	112,050 38,234 41,221 441,651 198,393 1,500 2,200 1,500 - 1,309 136,650 5,450 118,481 10,996	\$	112,534 38,821 41,733 388,925 214,104 1,500 1,844 1,500 - 1,174 137,181 5,394 147,990 11,068
TOTAL PERSONAL SERVICES	\$	1,106,829	<u>\$</u>	1,109,635	<u>\$</u>	1,103,768
Travel and Transportation Contractual Services Supplies and Materials Capital Outlay	\$	8,878 45,558 6,315 18,740	\$	9,727 48,377 5,853 17,919	\$	11,209 51,191 7,259 20,933
TOTAL OPERATING EXPENSES	<u>\$</u>	79,491	\$	81,876	<u>\$</u>	90,592
TOTAL MUNICIPAL COURT	\$	1,186,320	<u>\$</u>	1,191,511	\$	1,194,360

^{*\$20,000} of this figure represents Public Defender expense, as mandated by <u>Argersinger vs. Hamlin</u>, 407 U.S. 25,37 (1972)

ANNUAL CLERK OF COURT EXPENDITURES

EXPENSES: PERSONAL SERVICES		<u>2001</u>		2002		2003
Clerk of Court	\$	49,591	\$	50,804	\$	51,552
Chief Deputy Clerk	·	52,265		52,680		52,278
Deputy Supervisor		37,932		37,872		37,932
Coordinator Chief Deputy		58,735		58,757		58,757
Deputy Clerk of Court		383,632		345,835		337,638
Temp. Dep. Clerk of Court		58,314		55,421		60,749
Special Deputy Clerk		36,378		36,387		36,387
Deputy Secretary		36,378		36,387		36,387
Sick Leave & Disability		-		-		
Emp. Ins. (Life & Acc.)		1,650		1,257		1,048
Hospitalization		126,628		156,520		173,255
Longevity		7,325		8,100		8,350
Hospital Buy Back		3,723		2,799		2,799
P.E.R.S.		88,132		92,043		110,304
Medicare		9,283		8,712		8,314
Workman's Comp.		15,938		4,217		12,831
Eye Care		2,390		2,468		2,528
Overtime/Salary		2,851	******	-		-
TOTAL PERSONAL SERVICES	<u>\$</u>	971,145	\$	937,032	<u>\$</u>	954,722
Travel & Transportation	\$	3,739	\$	3,331	\$	2,553
Contractual Services & other	φ	63,398	Ψ	72,642	Ψ	75,648
Supplies and Materials		28,471		15,447		20,531
Capital Outlay		420		475		20,001
Capital Outlay		420		410	.,	
TOTAL OPERATING EXPENSES	\$	96,028	\$	91,895	<u>\$</u>	98,732
TOTAL CLERK OF COURTS	\$	1,067,173	<u>\$_</u>	1,028,927	\$	1,053,454

DISTRIBUTION TO CITY OF PARMA OF COURT REVENUE FROM CRIMINAL CASES**

		<u>2001</u>		2002		<u>2003</u>
January February March April May June July August September October November	\$	188,514 191,918 220,549 198,821 187,606 187,239 172,427 177,827 156,969 133,020 74,380	\$	53,503 52,348 60,123 87,155 91,352 79,690 84,325 92,583 101,176 116,400 89,002	\$	82,134 76,220 68,782 85,726 68,641 73,699 64,947 64,963 86,048 83,580 61,943
December		44,620		79,752	•	84,217
ANNUAL DISTRIBUTION TOTAL	<u>\$</u>	1,933,890	\$	987,409	\$	900,905
Assessment paid to Cuyahoga County Law Library (O.R.C. 3375.50)	\$	-	<u>\$</u>	1,011	<u>\$</u>	1,018
ANNUAL REVENUE TOTAL	\$_	1,933,890	<u>\$</u>	988,420	<u>\$</u>	901,923

^{**}Non-Traffic misdemeanors, Traffic Misdemeanors Parking, including all waivers.

ANNUAL DISTRIBUTION OF COURT REVENUE FROM CRIMINAL CASES

CITY OF DADMA	<u>2001</u>		<u>2002</u>		<u>2003</u>	
CITY OF PARMA Fines Court costs, witness fees OMVI related costs*	\$	1,342,050 550,462 52,083	\$	584,496 370,705 50,057	\$	520,273 362,321 68,626
TOTAL CRIMINAL REVENUE	\$	1,944,595	\$	1,005,258	\$	951,220
Less Cuyahoga County						
Law Library**	<u>\$</u>	-	\$	1,011	\$	1,019
TOTAL DISTRIBUTION- CITY OF PARMA	\$	1,944,595	<u>\$</u>	1,004,247	\$	950,201
DISTRIBUTION- OTHER COMMUNITIES						
Broadview Hts Brooklyn Brooklyn Hts. Cleveland Metro Park Board Linndale North Royalton State of Ohio Parma Hts. Seven Hills Cuyahoga County*** State Seat Belts TOTAL DISTRIBUTION-	\$	50,701 35,913 10,272 18,796 8,108 85,826 7,135 24,338 9,263 208,667 2,822	\$	54,198 33,209 10,021 23,176 12,711 84,069 5,201 24,688 11,804 193,598 2,578	\$	47,500 33,135 9,044 20,558 13,759 81,547 4,865 21,519 11,873 176,522 1,897
OTHER COMMUNITIES	<u>\$</u>	461,841	\$	455,253	<u>\$</u>	422,219
REPARATIONS ROTARY FUND(2)	<u>\$</u>	336,240	\$	167,969	\$	157,247
LEGAL AID SOCIETIES(3)	\$	43,743.00	\$	48,032.00	<u>\$</u>	53,916.00
TOTAL DISTRIBUTION FROM CRIMINAL CASES	<u>\$</u>	2,786,419	\$	<u>1,675,501</u>	\$	1,583,583

- *Fines in OMVI (DUIA) cases include allocations to separate Enforcement, Incarceration and Treatment Funds.
- **Assessment based on receipts of City of Parma from fines levied (O.R.C. 3375.50).
- ***Fines in State of Ohio cases, including Contempt of Court, but excluding fines in wildlife, liquor and other specific cases, which fines go directly to State of Ohio, as appears above opposite State of Ohio.
- (2) To reimburse crime victims, see O.R.C. 2743.70.
- (3) To provide financial assistance to Legal Aid Societies, see O.R.C. 1901.26.

CRIMINAL CASES FILED AND TERMINATED IN 2003

	FELONIES	NON TRAFFIC MISDEMEANORS	OMVI*	OTHER TRAFFIC	TOTAL
PENDING 1/1/03 Arraignments or				***************************************	
Preliminary Hearing	11	225	240	1918	2394
Assigned to Judge	<u>O</u>	<u>366</u>	<u>118</u>	<u>153</u>	<u>637</u>
TOTAL PENDING 1/1/03	<u>11</u>	<u>591</u>	<u>358</u>	<u>2071</u>	<u>3031</u>
New Cases Filed	743	4073	548	5228	10592
Reactivated	<u>0</u>	<u>13</u>	<u>0</u>	<u>14</u>	<u>27</u>
TOTAL NEW,					
REACTIVATED CASES	<u>743</u>	<u>4086</u>	<u>548</u>	<u>5242</u>	<u>10619</u>
TOTAL CASES	<u>754</u>	<u>4677</u>	<u>906</u>	<u>7313</u>	<u>13650</u>
TERMINATIONS	<u>751</u>	<u>4302</u>	<u>661</u>	5393	<u>11107</u>
PENDING 12/31/03 Arraignments or					
Preliminary Hearing	3	375	245	1920	2543
Assigned to Judge	<u>0</u>	<u>352</u>	<u>109</u>	<u>150</u>	<u>611</u>
TOTAL PENDING					
12/31/03	<u>3</u>	<u>727</u>	<u>354</u>	<u>2070</u>	<u>3154</u>

^{*}Driving under the influence of Alcohol and/or Drugs.

CRIMINAL CASES FILED AND TERMINATED

	<u>2001</u>	<u>2002</u>	<u>2003</u>
TOTAL CRIMINAL CASES PENDING 12/31/03	<u>3514</u>	<u>3631</u>	<u>3154</u>

CIVIL CASES FILED AND TERMINATED IN 2003

	PERS. INJURY <u>& PROP DAMAGE</u>	CONTRACT	FORCIBLE ENT. <u>& DETAINER</u>	OTHER <u>CIVIL</u>	SMALL <u>CLAIMS</u>	TOTAL
PENDING 1/1/03						
Not at Issue* At Issue**	13 <u>15</u>	41 <u>99</u>	14 <u>8</u>	48 <u>5</u>	169 <u>0</u>	285 <u>127</u>
PENDING 1/1/03	<u>28</u>	<u>140</u>	<u>22</u>	<u>53</u>	<u>169</u>	<u>412</u>
New Cases Filed Reactivated	170 <u>0</u>	1748 <u>0</u>	1139 <u>0</u>	70 <u>0</u>	1136 <u>15</u>	4263 <u>15</u>
TOTAL NEW, REACTIVATED	<u>170</u>	1748	<u>1139</u>	<u>70</u>	<u>1151</u>	<u>4278</u>
TOTAL CASES	<u>198</u>	<u>1888</u>	<u>1161</u>	<u>123</u>	<u>1320</u>	<u>4690</u>
TERMINATIONS	<u>153</u>	<u>1659</u>	<u>1098</u>	<u>64</u>	<u>1116</u>	<u>4090</u>
PENDING 12/31/03 Not at Issue* At Issue**	30 21	130 <u>90</u>	55 <u>17</u>	55 <u>4</u>	204 <u>0</u>	474 132
TOTAL PENDING 12/31/03	<u>51</u>	220	<u>72</u>	<u>59</u>	<u>204</u>	<u>606</u>

^{*}No Answer or Motion Filed

CIVIL CASES FILED AND TERMINATED

		<u>2001</u>	<u>2002</u>	<u>2003</u>
	•			
TOTAL CIVIL CASES				
PENDING AS OF 12/31/03		<u>1716</u>	<u>392</u>	<u>606</u>

^{**}Assigned to a Judge

TRAFFIC AND MISDEMEANORS VIOLATIONS BUREAU

WAIVERS

	<u>2001</u>		<u>200</u>	<u>)2</u>	<u>200</u>	<u>2003</u>		
	Misd.	<u>Traffic</u>	<u>Misd.</u>	<u>Traffic</u>	Misd.	Traffic		
January	12	1235	0	40	3	1010		
February	2	1164	0	71	1	735		
March	8	1383	2	72	4	741		
April	21	1331	8	351	4	795		
May	31	1126	6	402	5	1026		
June	28	1555	15	479	8	614		
July	22	1012	15	427	7	702		
August	22	1416	14	421	10	637		
September	17	1030	14	529	6	939		
October	3	449	15	624	6	823		
November	1	34	4	452	9	993		
December	<u>1</u>	<u>11</u>	<u>3</u>	<u>248</u>	2	<u>893</u>		
TOTAL	<u> 168</u>	<u>11758</u>	<u>96</u>	<u>4116</u>	<u>65</u>	<u>10014</u>		

MONIES COLLECTED FOR PARKING VIOLATIONS

	<u>2001</u>	<u>2001</u>		<u>2002</u>	
January	\$ 13,540	\$	670	\$	1,493
February	8,200		800		1,856
March	5,070		970		2,651
April	5,850		2,640		3,428
May	3,455		1,980		2,854
June	1,951		1,450		1,950
July	1,955		1,200		2,238
August	1,790		1,032		3,048
September	1,920		1,585		2,855
October	700		1,795		1,565
November	770		1,510		2,124
December	965		6,640		3,853
TOTAL	. \$ 46,166	\$:	22,272	\$:	29,91 <u>5</u>

TOTAL CRIMINAL AND TRAFFIC CASES

FILED IN

PARMA MUNICIPAL COURT IN 2003

	CRIMINAL	TRAFFIC	<u>TOTAL</u>
Broadview Hts.	459	430	889
Brooklyn	418	222	640
Brooklyn Hts.	40	38	78
Linndale	25	132	157
Metro Parks	41	399	44
North Royalton	467	584	1051
Parma	2540	3961	6501
Parma Hts.	137	113	250
Seven Hills	106	100	206
Department of Public Safety	7	0	7
State Highway Patrol	0	19	19
Other Cities	0	1	1
POPAS	7	1	8
Domestic Violence	301	1	302
Building Dept.	252	0	252
Stalking	- 6	0	6
City Property	0	1	1
TOTALS	<u>4806</u>	<u>6002</u>	10808

PROBATION

	<u>2001</u>	<u>2002</u>	<u>2003</u>
New Cases assigned to Probation	<u>1443</u>	<u>1351</u>	<u>1458</u>
Active Monthly Reporting Cases	<u>639</u>	<u>616</u>	<u>733</u>
Open Failure to Comply Warrants	<u>161</u>	<u>188</u>	<u>223</u>
REPORTS Pre-Sentence Expungements Probation Review Hearings before Judge Violation Hearings before Judge TOTAL REPORTS	496 59 282 <u>75</u> 912	390 39 358 <u>80</u> 867	433 40 390 <u>76</u> 935
REGISTRATIONS 72 HR. Weekend Intervention	<u>140</u>	<u>150</u>	<u>145</u>
TOTAL REGISTRATIONS	<u>140</u>	<u>150</u>	<u>145</u>
SPECIAL PROBATION REQUIREMENTS Ignition Interlock County Jail Reduction Program *** House Arrest- EMHA Court Community Service Court Ordered Immobilizations (clubs) Immobil. From other Courts TOTAL	29 18 70 ** 72 <u>1</u> 190	40 0 81 ** 98 <u>1</u> 220	23 0 71 ** 77 <u>0</u> <u>171</u>
D.O.V.Edomestic violence intervention D.O.V.E. (assessments only) Freedom House (impatient program) P.E.G.S. (parenting classes) JOHNS (sexual offenders course) AMAC (anger management course) Shoplifting class TOTAL	35 1 5 2 1 17 2 63	18 2 3 0 0 27 0 50	27 0 2 0 0 32 0 61

^{**} Unable to calculate due to computerization of records.

*** County Prisoners released to House Arrest under jurisdiction of the Cuy. Cty. Sherrif's Dept. to relieve jail overcrowding.

INDIGENT COUNSEL

As a result of the United States Supreme Court Decision in the Argersinger case, legal representation must be provided, without charge, to all indigent persons accused of certain crimes.

The Parma City Council, in 1974, passed Ordinance #192-74 providing for payment of Indigent legal representation.

Attorney James Gallagher represented indigent persons in the following misdemeanors and felonies for 2003.

MISDEMEANORS

Aggravated menacing	16	Making false alarms	1
Alcohol consumption in m.v.	1	Menacing	10
Alter labels contr. subs.	1	Mis-use credit card	3
Assault	18	Noise disturb. In m.v.	1
Assault of a P.O.	2	Obstruct justice	1
Attempt B & E	1	Obstruct off. Business	17
Attempt Disorderly Conduct	1	Petit theft	29
Attempt obstr. Off. Business	2	Poss. Crim. Tools	5
Attempt falsification	1	Poss. Drug abuse instruments	10
Att. Theft	2	Poss. Of drugs	5
Carry concealed weapon	9	Poss. Drug paraphanalia	15
Child endangering	18	Rec. stolen property	30
Complicity	6	Resisting arrest	27
Contempt	38	Telephone harassment	12
Contr. Unruly child	1	Theft	23
Consumption minor	2	Theft of Identity	1
Contr. deling. of a minor	28	Unauth. Oper. of m.v.	1
Criminal mischief	5	Underage consumption	3
Crim. Simulation	3	Unreg. Unoper. Vehicle	1
Crim. Tresspassing	13	Viol. restraining order	1
Disch. Firearms	1	Viol. of a T.P.O.	1
Disorderly conduct	103		
Dist. The peace	5		
Domestic violence	41		
Drug abuse	35		
Drug paraphanalia	11		
Exterior property areas	2		
Failure to comply with Police	1		
Failure to pay/file taxes	12		
Falsification	26		
Fleeing and eluding	1		
Identity fraud	1		
Intimidation	1		
Intox. Disorderly	7		
Liquor sales to minor	14		
Loitering	3		
-		TATAL	41

<u>TOTAL</u> <u>473</u>

INDIGENT COUNSEL

FELONIES

Abduction	1	Carry concealed weapon	4
Abuse harmful intox.	1	Comp. To burglary	1
Agg. Crim. Tresspassing	1	Comp. Assault a P.O.	1
Aggr. trafficking drugs	3	Compl. Felony theft	1
Aggr. Burglary	1	Compl. Robbery	1
Aggr.menacing	1	Conspiracy	1
Aggr. Robbery	9	Convey drugs	3
Aggr. Trespassing	2	Corrupt another w/drugs	3
Arson	3	Corrupt a minor	2
Assault	5	Counterfeit contr. subs.	1
Assault a P.O.	3	Criminal damaging	1
Att. Burglary	1	Criminal simulation	1
Att. Felony theft	1	Deception to attain drugs	9
Att. Felony assault	1	Disorderly conduct	5
Att. Pass bad checks	1	Disrupt public service	2
Att. Rec. stolen property	2	Domestic violence	19
Attempt B & E	2	Drug abuse	23
Att. burglary	2	DUIA refused	1
Att. Drug abuse	1	Endangering children	1
Attempt forgery	1	Escape	2
Att. Kidnapping	1	Fel. Theft of a m.v.	2
Attempt vandalism	1	Felonious assault	17
Breaking and entering	9	Felonious assault of a P.C	1
Burglary	16	Felony drugs	1

FELONIES CONTINUED

Felony fleeing	2	Poss, Crim. Tools	38
Felony theft	58	Poss.of drugs	10
Forgery	17	Rape	2
FT comply w/police order	3	Rec.stolen prop.	40
Grand theft	3	Resisting arrest	1
Gross sexual imposition	5	Robbery	21
Identity fraud	2	Safecracking	5
Illegal proc. Drug docs.	2	Selling drugs	2
Inducing panic	1	Transp. Controlled subs.	21
Kidnapping	2	Tamper with evidence	8
Mis-use credit card	4	Tampering with records	1
Obstruct justice	8	Theft	4
Obstruct Off. Business	1	Trafficking	9
Passing bad checks	2	Unauth. Oper. of a veh.	21
Permit drug abuse	8	Uttering	3
Petit theft	4	Vandalism	1
Poss. Drug heroin	1	Weapons under disability	4
Poss, Drugs	1		

TOTAL 493

TRUSTEESHIP

	<u>2001</u>	<u>2002</u>	<u>2003</u>
Active trusteeships as of Jan.1 Applications granted	0	0	0
Jan. 1 - Dec. 31	0	0	0
TOTAL	<u>o</u>	<u>o</u>	<u>0</u>
Applications dissolved or paid Active trusteeships 12/31/03	3 <u>0</u>	0 <u>0</u>	0 <u>0</u>

SMALL CLAIMS

	<u>2001</u>	<u>2002</u>	<u>2003</u>
Cases pending Jan. 1 New cases filed Cases transferred in	4 1014 <u>0</u>	33 1112 <u>0</u>	169 1136 <u>15</u>
TOTAL FOR YEAR	<u>1018</u>	<u>1145</u>	<u>1320</u>
Cases terminated	<u>-985</u>	<u>-976</u>	<u>-1116</u>
TOTAL PENDING DEC. 31	<u>33</u>	<u>169</u>	<u>204</u>

BAILIFF EXECUTIONS AND WRITS SERVED

	<u>2001</u>	<u>2002</u>	<u>2003</u>
Garnishment of wages	457	340	472
Examinations	180	216	169
Citations & Motions to Show Cause	69	79	73
Levy (executions against property)	33	27	31
Bailiff sales	8	7	3
Forcible entries	1100	1150	1684
Immobilizations	79	87	92
Evictions/ lock-outs	156	183	194
Replevin	3	2	3
Writs of restitution	399	770	808
Civil subpoenas	46	26	22
Small claims summons	<u>25</u>	<u>15</u>	<u>16</u>
TOTAL EXECUTIONS			
AND WRITS SERVED	<u>2555</u>	<u>2902</u>	<u>3567</u>

JURY COMMISSION

	<u>2002</u>	<u>2003</u>
Number of jurors polled	1200	1225
Number of jury trials set	66	71