

Oberlin Municipal Court  
OBERLIN, OHIO  
ANNUAL REPORT



(For the period January 1, 2006 through December 31, 2006)

“To us this may be just another day at the office. For the participants it is perhaps the single most important event in their life. Endeavor to treat every case with the utmost care and attention whether a simple traffic violation or a serious allegation of wrongdoing, whether a small claim or a claim for the maximum monetary jurisdiction of this Court.”

Thomas A. Januzzi,  
Judge Oberlin Municipal  
Court

# TABLE OF CONTENTS

		<b>Page</b>
1.	<b>INTRODUCTION</b>	
	<b>Contents</b>	1
	<b>Personnel</b>	2
	<b>Organizational Chart</b>	2a
	<b>Judges Comments</b>	3-12
2.	<b>SUMMARY REPORT</b>	
	<b>2006 Summary Report</b>	13
3.	<b>CIVIL BRANCH</b>	
	<b>Civil Case Load</b>	14
	<b>Receipts of Civil Division</b>	14
	<b>Year-end report of Disbursements</b>	15
	<b>2006 Financial Report</b>	16
4.	<b>CRIMINAL BRANCH</b>	
	<b>Criminal Case Load</b>	17
	<b>OVI Case Load</b>	17
	<b>Traffic Case Load</b>	17-18
	<b>Receipts of Criminal Division</b>	18
	<b>Year-end report of Disbursements</b>	19-22
	<b>Detail year-end report of Disbursements</b>	23-42
	<b>2006 Financial Report</b>	43
5.	<b>COST OF OPERATION</b>	
	<b>Expenditure Report [Cost of Operation]</b>	44
	<b>Total paid to City</b>	45-46
6.	<b>SPECIAL FUNDS</b>	
	<b>Summary</b>	47
	<b>Indigent Alcohol Fund</b>	47
	<b>Court Equipment Replacement Fund</b>	47
	<b>Court Improvement Fund</b>	47
	<b>Court Equipment Replacement Fund – Detail</b>	48
7.	<b>COMPUTER GENERATED STATISTICAL ANALYSIS</b>	
	<b>Summary</b>	49
	<b>Power Point Presentation- [Bar Graph Statistical Analysis for Criminal/Traffic cases filed 2001-2006]</b>	50-57

## JUDGE'S COMMENTS-2006

It continues to be an honor and privilege to serve as Judge of the Oberlin Municipal Court. The attached report contains information required by law to be reported to Oberlin City Council and to the Lorain County Commissioners.

Although this commentary is not required we continue to provide it as we have for the past 4 years to help understand the operation of the court including its challenges and accomplishments.

### **Summary of Caseload**

#### Caseload Analysis 1997-2006

The amount of pending cases at the end of 2006 is the lowest in the past 10 years. When Judge Januzzi took office on January 1, 2002 there were 1,930 cases pending in the court. As of December 31, 2006 there were 830 cases pending in the court representing a 57% decrease in pending cases over the past 5 years. This was accomplished even though filings for the period 2002-2006 [50,973] were 13% higher than filings for the 5 year period ending December 31, 2001 [44,213].

#### Overall Caseload- 2006

Overall case filings in 2006 were 9,013, the lowest level since 2000. In the year 2000, 8730 cases were filed or reactivated. The number of filings and reactivations rose rapidly from 2000 to 2003 peaking in 2003 at 11,124. Since 2003 total case filings have decreased each year.

#### Criminal and Traffic

Case filings decreased for the third year in a row to 7702 compared to 7872 in 2005 and down 21% from 9782 in the peak year of 2003. The categories are:

##### Felony Cases

In 2006 there were 239 felony offenses filed compared to 249 in 2005.

Felony cases can either be initiated in a Municipal Court or the Common Pleas Court. Felony cases filed in the Common Pleas Court are typically a result of an indictment issued by the county grand jury and are not included in this number. Also not included are filings against juveniles. Cases initiated in the Municipal Court are usually a result of a person being charged and/or arrested at or near the time of the alleged incident without

further need for investigation. When a person is arrested the person is entitled to a speedy hearing<sup>1</sup> to determine if there is probable cause that a felony has been committed and probable cause that the person accused committed the felony. If probable cause is found the case is “bound over” (transferred) to the Lorain County Court of Common Pleas Grand Jury for consideration of whether an indictment will be issued.

Felony offenses can include OVI<sup>2</sup> offenses and Domestic Violence offenses. With regard to felony OVI the law was amended effective September 23, 2004 to provide that a person who has three prior OVI offenses within the past 6 years or 5 prior OVI offenses within the past 20 years who is again charged with OVI can be charged with a felony offense. The possible penalties for a felony OVI include a maximum fine of \$10,000.00, 5 years in prison, possible lifetime suspension of driving privileges and a forfeiture of the vehicle driven if registered in the offender’s name. With regard to felony Domestic Violence a person charged with causing actual physical harm to a household or family member with one prior conviction for Domestic Violence is charged as a 4<sup>th</sup> degree felony [up to a \$5,000.00 fine and 18 months in prison] and a person charged with causing actual physical harm to a household or family member with two or more prior convictions for Domestic Violence is charged with a 3<sup>rd</sup> degree felony [up to a \$10,000.00 fine and 5 years in prison].

#### OVI Cases

There was an increase in OVI filings from 292 in 2005 to 311 in 2006. OVI filings varied widely from agency to agency with Amherst Police and the Ohio State Highway Patrol accounting for almost 70% of the OVI filings with 117 [38%] and 97 [31%] case filings respectively. OVI cases filed by Amherst Police increased 36% over 2005 and increased from 34 filings in 2001 to 117 in 2006. On the other hand Ohio State Highway Patrol filings of OVI cases have markedly decreased during the same period from 123 in 2001 to 97 in 2006 – the lowest number of OVI filings in the past 6 years for the Ohio State Highway Patrol.

#### Criminal Misdemeanor Cases

Criminal Misdemeanor filings also decreased for the 3<sup>rd</sup> straight year. In 2006 1112 criminal misdemeanor charges were filed. This was a decrease of 18% from 1364 in 2005.

---

<sup>1</sup> Within 10 days if incarcerated and within 15 days if not incarcerated.

<sup>2</sup> OVI stands for Operating a Vehicle while under the Influence of Alcohol or Drugs. The terminology has changed over the years. The offense is still commonly referred to as DUI.

Criminal misdemeanor cases include misdemeanor assault and domestic violence cases, criminal trespass, disorderly conduct, misdemeanor drug offenses, obstructing official business, criminal damaging, petty theft and passing bad checks.

Notably, Oberlin Police filings for these types of cases decreased 27.5% from 2005 and decreased 50% compared to 2001 filings. Wellington filings, on the other hand, increased 43% from 2005 and increased to its highest level since 2001.

### Traffic Cases

Traffic cases increased slightly (1.23%) from 2005 [5967] to 2006 [6040] after dramatically falling in 2004 [6887] and 2005 [5967] from peak filings in 2003 [8208]. Included in this category are speeding offenses and other minor misdemeanor offenses such as assured clear distance ahead, stop sign, red light, improper turn signal, and equipment violations such as a missing or burned out license plate light. Also included in this category are crimes involving operating a motor vehicle without a valid license, with no license or while under suspension.

The agencies with the largest percentage decrease in traffic filings were Lorain County Sheriff [-14.38%] and Village of Kipton [-16.28%]. The largest percentage increases were Village of Wellington [46.7%] and Village of South Amherst [19.87%].

### Civil

Civil filings decreased for the second straight year. In 2006 932 cases were filed compared to 994 in 2005. 110 of these cases were eviction cases, 179 were small claims cases, 593 were cases filed for the collection of money, 14 were for accident cases and 36 were miscellaneous.<sup>3</sup>

---

<sup>3</sup> There are two employees in the Clerk's office that devote almost all of their time to the Civil Department. Prior to 2002 there was also a part time Magistrate that worked ½ day per week and was compensated the sum of \$24,000.00. The duties of the Magistrate position consisted mainly of hearing small claims cases. Immediately upon taking office in 2002 a decision was made to cut the Magistrate's salary in half to \$12,000.00 per year allowing the additional funds to be used toward establishing a probation department. Effective January 2004 the position of Magistrate was totally eliminated for reasons including that there is not a proper hearing room for a Magistrate in the court facility. The court facility only has one hearing room. This is the courtroom that is shared with City Council that uses the room as its council chambers. The Judge has assumed all duties previously handled by the Magistrate. Pursuant to the Ohio Revised Code 40% of the Magistrate's position is paid by the County. The County realized an immediate savings of \$4,800.00 per year for calendar years 2002 and 2003 and a savings of \$9,200.00 per year for the calendar years 2004, 2005 and 2006 for a total savings of \$35,800.00 since January 2002. The City has not had a Magistrate expense for the past three years (\$14,400.00 per year for three years or \$43,200.00) and \$7,200.00 per year for 2002 and 2003 for a total of \$57,600.00. The grand total savings to County and City from 2001 Magistrate expense for the past 5 years is \$93,400.00.

## **Jury Trials**

In order to keep a current docket and for the efficient operation of the court it is necessary to have jurors available and jury trials scheduled on a regular basis. When a person is charged with a crime that has a possible penalty of a jail sentence or a fine in excess of \$1,000.00 the person is entitled to a jury trial. Also, a person is entitled to a jury trial in any civil case that can result in a money judgment or in certain other cases including an eviction. The court schedules jury trials on most Mondays unless it is a legal holiday.

Jurors are randomly chosen from voting lists. It has been the experience of this Court that the jurors who have served jury duty using this method of selection have taken their duty very seriously and served the community well. Since serving jury duty is an inconvenience for many citizens the court has attempted to minimize this inconvenience. As required by the Ohio Supreme Court the Court has adopted a Jury Management Plan. The Jury Management Plan limits jury duty to a selected juror to no more than four trial dates usually in a one (1) month period that typically consists of initially being called for four consecutive Mondays and serving on no more than two of those dates. The court has implemented a juror information line that informs jurors of the status of upcoming jury trials. We take this opportunity to thank the many citizens who were called for jury duty this past year for their service to this court and to the community.

## **Community Control Department (Probation Department)**

During 2006 the Community Control Department consisted of one full time and one part-time probation officer and a secretary. The chief probation officer, previously served part-time prior to January 2006. In addition, the court continues to utilize interns<sup>4</sup> to assist in the department. Effective January 2007 the assistant probation officer is a full time position.

Alcohol and/or drug abuse are typically contributing factors for the underlying offense that results in a person being placed on probation. Individuals charged with these offenses are often required to obtain evaluations or assessments and the Community Control Department monitors compliance with the assessment for the benefit of the community at

---

<sup>4</sup> Presently, the court has one intern from Ashland University. The court has utilized interns from Tiffin University, Miami of Ohio University, Lorain County Community College and Ashland University.

large, the person charged and their families. The Community Control Department provides seven basic categories of service to the court. They are:

**Intensive Supervised Probation – When a convicted person is placed on Intensive Probation Supervision she/he is required to maintain frequent contact with the Community Control Department and follow the Standard Conditions of Probation and any other conditions imposed by the court or the Community Control Officer assigned to Defendant’s case.**

**Basic Probation Supervision – When a convicted person is placed on Basic Probation Supervision she/he is required to maintain contact with the Community Control Department in order to comply with any sanctions imposed by the court (e.g. attendance at AA meetings, community service, restitution etc.)**

**Basic Probation Supervision Payment of Fine and Costs – Many persons charged with crimes have significant financial problems. Examples include persons charged with petty theft, persons charged with driving without a valid driver’s license and persons charged with alcohol related offenses and other offenses in general. Most persons that have legal problems do not have a steady income and/or cannot hold a steady job. They often commit crimes because of their poor financial condition. While not a justification, this creates significant problems for the court in enforcing the collection of fines and court costs.<sup>5</sup> The law was recently changed to allow a court to charge a fee for placing a person on a payment plan. The court now charges a \$50.00 collection fee for most persons placed on a payment plan. Payment plans are administered by the Community Control Department and the charge for the payment plan is considered a court supervision fee for a person placed on the payment plan.**

**Monitored Time<sup>6</sup> – When a convicted person is placed on Monitored Time she/he is required to lead a law abiding life for a stated period of time. This includes but is not limited to not committing any similar offense, any offense of violence or any alcohol related offense if alcohol was a contributing factor to the offense(s) that gave rise to the filing of the charges in the case.**

**Diversion Cases – In certain types of cases (e.g. Underage Consumption) the law permits the court to place an offender into a diversion program with the opportunity to complete a program and have the charges filed dismissed. The Community Control Department monitors compliance with the terms and conditions of the diversion programs. The Community Control Department also screens**

---

<sup>5</sup> There are a vast number of persons driving vehicles without valid driving privileges. One of the main reasons that they do not have valid privileges is because they do not pay their car insurance or owe fine and costs from another driving related offense. The law requires a court to suspend a person’s license if they do not pay fines and costs in a driving related case. Once a person’s license is suspended in many cases they are required to carry “high risk” insurance. Due to their financial situation the people do not pay their insurance premiums and do not pay their fine and costs resulting in license suspensions. The police have recently been given additional tools to use to enforce driving laws. Both the Supreme Court of Ohio and the Supreme Court of the United States now allow a police officer to run a driver’s license check on any vehicle driving or parked in areas permitted to be used by the public. Even though the person may otherwise be obeying the traffic or other laws the police are permitted to check their license plate and then determine if the driver has a valid license. This has resulted in hundreds of cases being filed against persons who do not have valid driving privileges. Most times the person is required to reinstate their license and to pay a fine and court costs. In 2005 approximately 700 of these types of cases were filed in this court.

<sup>6</sup> Effective 1-1-04 the law was changed so that what was commonly referred to as “good behavior” is now defined as “monitored time.” It is a form of probation or community control, a violation of which can result in the imposition of a suspended jail sentence.

candidates and makes recommendations to the court regarding whether an offender qualifies for diversion.

**Community Supervised Release** – In any pending charge where jail is a possible penalty the court may set conditions on the bond of an accused. The court may: (1) Place the person in the custody of a designated person or organization agreeing to supervise the person;(2) Place restrictions on the travel, association, or place of abode of the person during the period of release;(3) Place the person under a house arrest or work release program;(4) Regulate or prohibit the person's contact with the victim;(5) Regulate the person's contact with witnesses or others associated with the case upon proof of the likelihood that the person will threaten, harass, cause injury, or seek to intimidate those persons;(6) Require a person who is charged with an offense that is alcohol or drug related, and who appears to need treatment, to attend treatment while on bail;(7) Any other constitutional condition considered reasonably necessary to ensure appearance or public safety.<sup>7</sup> In certain cases the court evaluates a person's record when they appear for arraignment on an alcohol related offense and if the court determines that it is necessary for public safety and/or a person appears to need treatment the court places conditions on the person's bond including obtaining an alcohol assessment and reporting to the Community Control Department.

**Basic Probation Supervision – DUS record check** – A new category of probation has been added for selected persons convicted of driving under suspension. House Bill 490 – Misdemeanor Sentencing – effective 1-1-04 includes a provision that the court is to consider the community resources when imposing a sentence. In the past, jail sentences were commonly given to a multiple DUS offender. But due to the population at the Lorain County Jail and the need for jail space for more serious offenders the court is attempting to find alternate ways to curb the incidence of repeat DUS offenders. In these cases the person is typically given a fine, community service and a suspended jail sentence. The jail sentence is suspended conditioned on no further violations for a stated period of time. In order to monitor compliance the Community Control Department runs periodic records checks using public record searches. The offender pays a supervision fee and is warned that if there is a repeat offense within the monitoring period that they will have to serve their suspended sentence.

As of December 31, 2006 there were 611<sup>8</sup> persons being supervised or monitored including – 82 on Intensive Supervised Probation, 213 on Basic Probation Supervision, 155 on Basic Probation Supervision Money Review, 13 on Community Supervised Release and 11 on Basic Probation Supervision – DUS record check. The Community Control Department also continues to utilize the services of the Lorain County Adult Probation Department for conflict cases and a few serious offenders.<sup>9</sup>

The Community Control Department continues to experience growth and change. But the funding for the department has not become a burden on the general operating fund of the court.<sup>10</sup> As the department continues to

---

<sup>7</sup> See Rule 46 of the Ohio Rules of Criminal Procedure.

<sup>8</sup> There are also 81 active bench warrants for persons on some form of probation that are not included in this number.

<sup>9</sup> As of December 31, 2006 only 5 persons were being supervised by the County Probation Department.

<sup>10</sup> Actually the Probation office generates near sufficient funds to pay for salaries for its operation through the collection of Supervision Fees that are permitted by law. In 2006 the sum of \$107,178.42 was collected.

expand<sup>11</sup> there is need for quality space. There is no dedicated space in the building for a probation department. Finding space for the probation department has been a challenge. Although this remains an obstacle to the expansion and proper operation of the department the court remains committed to the continued growth and improvement of this most valuable part of the administration of justice in the Oberlin Municipal Court.

### **Security**

A metal detection device was installed in and placed into operation in July 2004. The device was installed very economically. The device was placed in a location that avoided any major modification to the structure of the building so that the costs of installation of the device were limited to the cost of the device itself, labor to install the device and signage. These costs were paid out of the Court Improvement Fund and did not interfere with the general operating costs of the court.

The device is presently staffed by three retired police officers working on a rotating basis.<sup>12</sup> They are also available to provide additional security on heavy court days and to substitute for the regular bailiffs in their absence due to vacation or illness. In addition to court personnel the Oberlin Police Department, located adjacent to the court in the same building, continues to supply additional security when needed. The court thanks Chief Tom Miller and the entire Oberlin Police Department for its courteous and efficient response during the past year to the needs of the court.

### ***Court Costs***

There are several different components in the costs charged by the court as court costs. One of the components is “local court costs.” These local court costs are intended to fund the operation of the court. There are also court costs that are required by the State of Ohio and court costs for special projects (e.g. Court Improvement Fund, Computerization Fund, Indigent Alcohol Fund). These costs are not used to fund the basic operations of the court.

---

In addition, as of 2002 the Magistrate’s salary was cut from \$24,000.00 to \$12,000.00 to provide room in the Court’s budget for the probation department.

<sup>11</sup> In mid 2004 a secretarial position was created with the intent that the secretary would service both the Judge and the probation department. However, due to the large volume of probation cases the duties of the secretary are almost entirely devoted to the probation department.

<sup>12</sup> The court has chosen to employ the security staff rather than impose this burden on the Oberlin Police Department. The Ohio Revised Code permits the court to order the police to provide security. However, the court has chosen to carry this economic burden and assesses a court cost of \$4.00 per criminal and traffic case filed to defray the cost of providing security. In 2006 court costs in the amount of \$26,968.00 was collected to defer the costs of providing additional security.

Presently, there is a basic court cost of \$75.00 per criminal and traffic case<sup>13</sup> filed with the court that consists of:

Local Court Costs	\$32.00
Probation Costs	\$ 3.00
Computer Costs	\$ 2.00
Court Security Costs	\$ 4.00
Section #169 SVCF	\$ 9.00
Court Improvement Costs	\$10.00
General (State) Costs	\$15.00

Basic court costs in a Civil Case presently are \$72.00.

### **Magistrate**

The Court operated without a Magistrate for the fourth year in a row. Prior to 2003 the court had a Magistrate for approximately 15 years. The Magistrate retired at the end of 2003 and has not yet been replaced. The court continues to evaluate this void in the court staff. In past years the Magistrate handled the small claims docket. In 2001 the Magistrate was being paid the sum of \$24,000.00 per year to hear small claims cases one half day per week excluding Monday holidays. In 2002 the salary was decreased to \$12,000.00. The decreased salary allowed the Court to partially fund and create a probation department.

There is a need for a Magistrate based on the volume of cases in this Court. Since there is not a separate hearing room with proper recording facilities it is impractical to fill the position at this time.

### **Prosecutor Offices**

There are several prosecutors that serve the different law enforcement agencies that make arrests in the Oberlin Municipal Court jurisdiction. At present the Prosecutors in the court are:

Jurisdiction	Prosecutor
--------------	------------

---

<sup>13</sup> Research showed that the “local court costs” of \$22.00 per case had not increased since at least as far back as February 1996. No records could be located that indicates exactly the last increase in “local court costs”. During this time period the cost to operate the court has increased dramatically. Hospitalization costs alone increased over \$50,000.00. Workers compensation costs recently increased almost three-fold. As a result, effective 9-26-03 the local court costs increased to \$26.00 per case. Although the increase has helped defray the rising costs it was not sufficient to cover operating costs of the court. The law provides that any operating expenses not covered by court costs are to be borne by the host City, in this court the City of Oberlin. As mentioned in the 2003 annual report the increase in local court costs should have been more. After evaluating the needs of the court, the history of the court cost increases, and the usage of the court by the various jurisdictions the court increased the local court costs to \$32.00 effective April 2005.

City of Amherst	Margaret O'Bryon <sup>14</sup>
City of Oberlin	James Leo Walsh <sup>15</sup> Michelle Nedwick
Townships of Amherst, Brighton, Camden, Henrietta, Huntington, New Russia, Penfield, Pittsfield, Rochester and Wellington.	James Leo Walsh <sup>16</sup> Michelle Nedwick
Village of South Amherst	Michelle Nedwick <sup>17</sup>
Village of Wellington	Margaret O'Bryon <sup>18</sup>
Village of Kipton	Margaret O'Bryon

Significant changes have been made in the operation of the Prosecutor offices since January 2002. Shortly after taking the bench in January 2002 Judge Januzzi had immediate concerns regarding the staffing and operation of the prosecutor's offices. Other than the City of Oberlin, none of the other prosecutors maintained their own files nor did they use the services of a secretary. The clerk of court office was handling many of the duties that would ordinarily and properly be handled by a staff member of the prosecutor office. In March 2002 the Court issued a Memorandum to each prosecutor recommending and requesting that the prosecutors maintain separate files and utilize a secretary to perform basic duties including having contact with victims and prosecution witnesses, maintaining separate files and requesting subpoenas be issued.

The court also requested a prosecutor be present at each arraignment session. State law requires a prosecution representative to provide a statement of facts whenever a no contest plea or guilty plea is entered. Previously a deputy clerk or a bailiff was reading the statement of facts. A prosecutor is also needed at the arraignment session to represent the rights of victims in domestic violence and other crimes including requests for protection orders and to represent the State's interest in setting an appropriate bond for an accused being held in jail pending disposition of the case.

There is now a prosecutor in the courtroom at the arraignment session and now all of the prosecutor's offices have an on site secretary and

<sup>14</sup> Prosecutor O'Bryon is appointed by the Amherst City Law Director – Kenneth Stumphauzer.

<sup>15</sup> Prosecutors Walsh and Nedwick are appointed by the Oberlin City Law Director Eric Severs. Prosecutor Walsh has announced that he will be retiring at the end of April 2007.

<sup>16</sup> Pursuant to law the Prosecutor for the home city of the court prosecutes all cases filed in the unincorporated areas of the jurisdiction of the court.

<sup>17</sup> Prosecutor Nedwick is appointed by the South Amherst Law Director – Quentin Nolan

<sup>18</sup> Prosecutor O'Bryon is appointed by the Village of Wellington Law Director – Stephen Bond

maintain separate files. The Court is very pleased with these changes. These changes have provided for a more efficient and effective handling of cases. Most importantly, the utilization of a secretary and the presence of the prosecutor in the courtroom allow the Judge to maintain the impartiality and independence that is one of the hallmarks of our justice system.

### **Video Hearings**

Video Hearings continue to be utilized by the court whenever possible. Thanks to cooperation between the court and the various law enforcement agencies that serve the Oberlin Municipal Court jurisdiction a countless number of hours and a significant undetermined amount of money has been saved for the relatively small cost of the operation of the video system. The Court utilizes the system for most arraignments when a person has not posted bond and for certain probation hearings and sentence reviews. The court does have a local rule that allows any person or his/her attorney to request a live appearance instead of a video appearance. The rule is rarely invoked.

### **Night Court**

The court continues to monitor the possible implementation of a “night court.” Several issues, both economic and practical, pose significant barriers to the implementation of “night court”.<sup>19</sup>

### **Website**

Effective October 2004 Oberlin Municipal Court has a Website. Public access to court records was added to the Website in December 2004. The address of the Website is [Oberlinmunicipalcourt.org](http://Oberlinmunicipalcourt.org). The Website contains information about the daily operations of the court and general

---

<sup>19</sup> Space, security, court staffing, clerk staffing and Prosecutor staffing are included among the issues. The courtroom is shared with Oberlin City Council. Council meets on Monday evening and sometimes has public hearings on other evenings. As a practical matter there are many Tuesday and Wednesday afternoons that the regular court docket is not completed until after 5:00 P.M. so that the late afternoon or early evening arraignments might conflict with use of the courtroom. Security personnel, at least one bailiff, and at least two employees in the Clerk of Court’s office would have to be present. Although there may be options for re-arranging the hours of the deputy clerks the cost of the bailiff and security personnel would be an added expense.

A prosecutor would need to be present. Even if the Night Court were limited to minor misdemeanor traffic arraignments a prosecutor would need to be present to read reports and represent the interests of the State. If anything other than simple traffic arraignments were scheduled the various jurisdictions would have to provide a prosecutor for hearings. As set forth above under “Prosecutor Offices” because there are so many different jurisdictions there would have to be cooperation with all of the various jurisdictions to provide a Prosecutor for the “night court” and compensation for that person. The Court will continue to monitor this situation.

information about the office of the Clerk of Court, the office of the Judge, and the Community Control Department. The website also provides other information for those involved in a court proceeding as a party, a witness, a juror or attorney.

The website also has two informational power point presentations titled: "Roles in the Justice System and The Four Most Dangerous Words" and "Misdemeanor Sentencing" The Judge has made presentations to local high schools on the "Roles in the Justice System and The Four Most Dangerous Words". Persons charged with Underage Consumption in this court are also often referred to this power point in conjunction with a paper that they are required to write regarding the effects of alcohol. The Judge presented the "Misdemeanor Sentencing" power point at a seminar given for the Lorain County Bar Association.

### **Interpreter Services**

The court continues to use the services of the Oberlin College foreign languages department to provide interpretation services for both victims and those accused of crimes. Languages that interpreters have been provided include Spanish, Chinese and Russian. The services of the Cleveland Hearing & Speech Center are also used for persons deaf and hard of hearing.

### ***Conclusion***

Thank you for the opportunity to allow me to serve as Judge of the Oberlin Municipal Court. It is a position that I truly enjoy and consider it an honor and a privilege to serve. We will continue to work toward improving the operation of the court to better serve both the community and the participants in the proceedings.

## CIVIL BRANCH

### Civil Case Load

Civil filings in 2006 decreased for the second straight year after rising significantly from 2001 and 2002 to 2003 and 2004. 932 cases were filed in 2006.

Year	Cases Filed
2001	732
2002	818
2003	1,042
2004	1,047
2005	994
2006	932

### Receipts of Civil Division

Receipts also dropped for the second straight year to \$71,591.23 due to a decrease in the number of filings.

Year	Amount
2001	\$52,239.45
2002	\$53,262.86
2003	\$74,023.46
2004	\$84,301.37
2005	\$78,545.54
2006	\$71,591.23

## CRIMINAL AND TRAFFIC BRANCH

### Criminal Case Load [Felony and Misdemeanor filings – excluding OVI and Traffic cases]

Criminal case filings dropped for the 2<sup>nd</sup> straight year. After peaking in 2004 at 1653 cases only 1351 cases were filed in 2006. There was a 16.25% decrease in case filings from 2005 [1613] to 2006 [1351]. The largest percentage decrease was in the City of Oberlin where case filings were down 25.12 % from 2005 [219] to 2006 [164]. City of Oberlin filings are down from peak filings in 2001 [299] for a percentage decrease of 45% from 2001 to 2006.

The breakdown in criminal filings for the major police agencies in the jurisdiction of the court for the past six years is:

Agency	2001	2002	2003	2004	2005	2006
Amherst	285	341	458	760	763	657
Oberlin	299	253	276	203	219	164
Wellington	132	122	117	97	97	149
Sheriff	205	190	238	197	152	174
South Amherst	37	59	12	41	10	28
Kipton	11	4	2	3	1	5
Ohio State Patrol	74	93	87	168	141	107

### OVI Case Load [Operating a Motor Vehicle Under the Influence]

OVI case filings increased by 6.5% from 2005 [292] to 2006 [311]. The largest percentage increase was in the City of Amherst where case filings were up 36 % from 2005 [86] to 2006 [117]. City of Amherst filings are up from 2001 [34] for a percentage increase of 244% from 2001 to 2006.

The breakdown in OVI filings for the major police agencies in the jurisdiction of the court for the past six years is:

Agency	2001	2002	2003	2004	2005	2006
Amherst	34	67	102	121	86	117
Oberlin	31	17	14	22	28	32
Wellington	35	37	31	37	44	45
Sheriff	25	22	9	13	8	10
South Amherst	15	16	8	14	7	7
Kipton	5	2	1	2	2	3
Ohio State Patrol	123	115	106	108	113	97

### **Traffic Case Load**

Traffic cases filed increased slightly (1.23%) from 2005 [5967] to 2006 [6040] after dramatically falling in 2004 [6887] and 2005 [5967] from peak filings in 2003 [8208]. City of Oberlin filings are down from peak number in 2001 [868] for a percentage decrease of 61% from 2001 to 2006. State Highway Patrol filings are down from peak number in 2002 [5836] for a percentage decrease of 36% from 2002 to 2006. The breakdown in Traffic filings for the major police agencies in the jurisdiction of the court for the past six years is:

<b>Agency</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Amherst</b>	<b>905</b>	<b>1145</b>	<b>1636</b>	<b>1411</b>	<b>927</b>	<b>971</b>
<b>Oberlin</b>	<b>868</b>	<b>425</b>	<b>360</b>	<b>446</b>	<b>370</b>	<b>338</b>
<b>Wellington</b>	<b>267</b>	<b>333</b>	<b>197</b>	<b>209</b>	<b>272</b>	<b>399</b>
<b>Sheriff</b>	<b>275</b>	<b>271</b>	<b>263</b>	<b>323</b>	<b>160</b>	<b>137</b>
<b>South Amherst</b>	<b>108</b>	<b>193</b>	<b>309</b>	<b>334</b>	<b>302</b>	<b>362</b>
<b>Kipton</b>	<b>59</b>	<b>54</b>	<b>59</b>	<b>237</b>	<b>172</b>	<b>144</b>
<b>Ohio State Patrol</b>	<b>4630</b>	<b>5836</b>	<b>5360</b>	<b>3880</b>	<b>3726</b>	<b>3719</b>

### **Receipts of the Criminal and Traffic Division**

In 2006 total receipts from the Criminal and Traffic Divisions was \$1,475,211.40.

COMPUTER GENERATED STATISTICAL ANALYSIS

The following is a list of number of cases filed for various cases of interest from the criminal and traffic division in 1997- 2006.

<u>Type of Case</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
DUI	247	278	320	296	268	279	270	317	292	311
Felony	187	157	143	137	166	176	197	255	249	239
Misdemeanor	731	798	948	927	1,024	1,031	1,107	1,398	1,364	1,112
Traffic	6,700	5,622	7,819	6,753	7,119	8,208	8,208	6,887	5,967	6,040

The following is a list of total cases filed, terminated and pending in the court in 1997-2006.

<u>Year</u>	<u>New cases filed/transferred</u>	<u>Terminations</u>	<u>Pending 12/31</u>
1997	8,599	8,920	2,328
1998	7,585	7,738	2,175
1999	9,948	9,959	2,164
2000	8,730	8,872	2,022
2001	9,351	9,453	1,920
2002	10,765	11,396	1,289
2003	11,124	11,212	1,206
2004	10,530	10,642	1,103
2005	9,541	9,758	888
2006	9,013	9,068	833

-END-