

**Criminal Court
of the
City of New York
Annual Report
2008**

Hon. Fern A. Fisher
Deputy Chief Administrative Judge—NYC

William H. Etheridge III
Chief Clerk

DEDICATION



Hon. Alex Zigman

1949 - 2009

Judge Alex Zigman sat on the New York City Criminal Court bench from January 2005 until his death in May 2009, first in Brooklyn and then in Queens. Judge Zigman was a gifted jurist and truly committed to bringing justice to the people of New York City. He will be missed by his colleagues on the bench, the non-judicial staff and the lawyers who appeared before him. This report is dedicated to his memory.



CRIMINAL COURT OF THE CITY OF NEW YORK
2008 ANNUAL REPORT
Published August 2009

This Report was published by the Office of the Deputy Chief Administrative Judge—New York City.

Editor/Writer/Photographer

Justin Barry

Writer

Lisa Lindsay

Contributors

Tara Begley

Hon. Michael Yavinsky

Judith Caragine, Esq.

Toy Holloway

Robert Cassidy

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This report features photographs of the judges presiding in Criminal Court in 2008. Not shown in these pages are Hon. Anthony Ferrara, Hon. William Harrington, Hon. Evelyn Laporte and Hon. Pauline Mullings.



Courthouse Locations

Queens Criminal Court

125-01 Queens Blvd., Kew Gardens, NY 11415

Queens Summons

120-55 Queens Blvd., Kew Gardens, NY 11415

Midtown Community Court

314 W.54th Street, New York, NY 10019

Citywide Summons

346 Broadway, New York, NY 10013

Manhattan Criminal Court

100 Centre Street, New York, NY 10013

Brooklyn Criminal Court

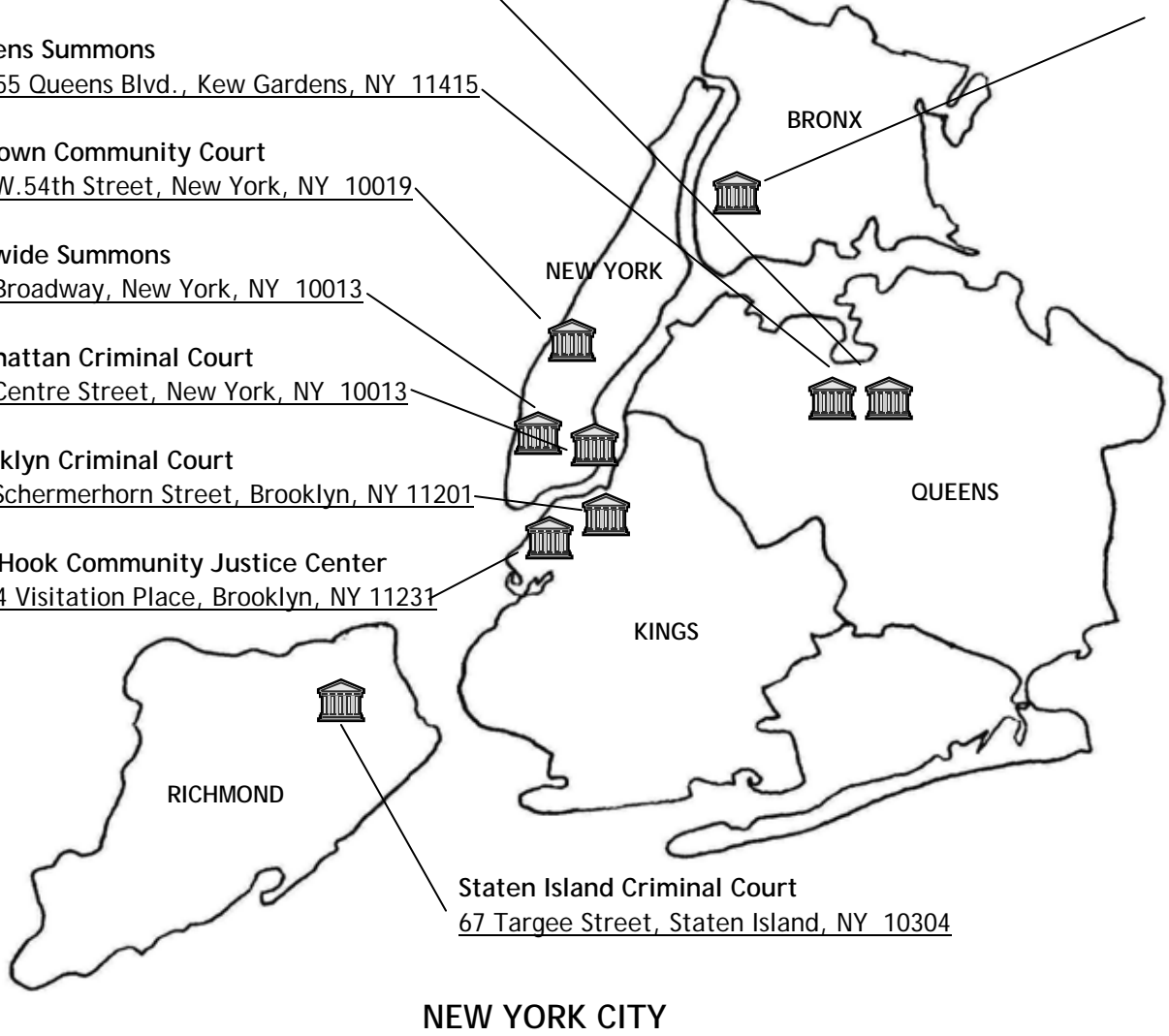
120 Schermerhorn Street, Brooklyn, NY 11201

Red Hook Community Justice Center

88-94 Visitation Place, Brooklyn, NY 11231

Bronx Arraignments and Summons

215 E.161st Street, Bronx, NY 10451





NYC Criminal Court Jurisdiction

New York City Criminal Court is a court of citywide jurisdiction but, since November 2004, has exercised full administrative oversight of all Criminal Court operations in four of five boroughs of New York City.* In 2008 Criminal Court administration assigned fifty-seven judges to preside over cases in five main courthouses, two community courthouses, a citywide summons operation in Manhattan and a summons operation in the Queens Borough Hall.

Criminal Court has preliminary jurisdiction over all arrests processed in the five counties of New York City by state and local law enforcement agencies. Criminal Court arraigns the vast majority of felony, misdemeanor and petty offense cases in the city.

Misdemeanors

Criminal Court has trial jurisdiction over all misdemeanor cases not prosecuted by indictment – and adjudicates these cases in Kings, New York, Queens and Richmond Counties from their initial court appearance until final disposition. (In Bronx County, misdemeanors that survive Criminal Court arraignment are transferred to the Criminal Division of Bronx Supreme Court). Outside Bronx County, Criminal Court handles all aspects of the hundreds of thousands of misdemeanor cases filed each year including arraignment, trial readiness, motion practice, pre-trial hearings and trial. The vast majority of misdemeanor cases are disposed

by guilty plea or other disposition but the Court presides over two to three hundred trials each year.

Summonses

Cases initiated by a summons make up a very large portion of the cases heard in Criminal Court. Summonses are typically issued by police officers for minor Penal Law violations or by peace officers/enforcement agents (and, again, police officers) whose duties mandate enforcement of the local laws (e.g., the NYC Administrative Code). Criminal Court has trial jurisdiction over summons matters, hearing these cases from arraignment to trial or final disposition.

Felonies

Criminal Court has preliminary jurisdiction over felony cases. Felonies are typically arraigned in Criminal Court. Cases are usually adjourned to a Felony Waiver Part to await the decision of the Grand Jury on whether the defendant should stand trial on the felony charges. Felony cases are transferred to Supreme Court after a grand jury votes an indictment.

While Criminal Court does not have jurisdiction to hear trials on felony matters, a very large number of final dispositions on felonies are adjudicated by our Criminal Court judges sitting in Felony Waiver Parts. (These judges are designated by administrative orders to sit as Acting

Justices of the Supreme Court). These parts act as both Criminal Court and Supreme Court Parts, allowing prosecutor and defense counsel to agree in certain cases to waive the presentation to the Grand Jury and instead prosecute the case with a Superior Court Information (SCI). Cases disposed of by SCI make up a substantial percentage of all felony dispositions throughout the city.

Criminal Court Jurisdiction for Matters Outside Bronx County		
Types of Matters Heard in New York City Criminal Court		
	Misdemeanors and Petty Offenses	Felony Offenses
Arraignment	NYC Criminal Court Has Trial Jurisdiction over misdemeanors and petty offenses (those where the defendant faces no more than one year in jail upon conviction after trial).	NYC Criminal Court Has Preliminary Jurisdiction over felony offenses (those where the defendant faces more than one year in jail upon conviction after trial).
All Purpose Part	Trial Jurisdiction means that once the defendant has been accused of the offense, the Court has the authority to accept a plea of guilty, conduct a trial, or otherwise dispose of the charges. Criminal Court handles all aspects of these cases from arraignment to trial readiness to final disposition. Criminal Court never loses jurisdiction over these cases as it might with a case over which it has Preliminary Jurisdiction . The one exception is when the district attorney files notice that they intend to present the case to a grand jury and seek indictment. If the district attorney obtains an indictment the case is then transferred to Supreme Court. If no indictment follows, Criminal Court retains Trial Jurisdiction.	Preliminary Jurisdiction means that a criminal action is started in the Court and the Court may conduct proceedings which will lead to prosecution and final disposition in another court that has trial jurisdiction. Felonies are arraigned in Criminal Court and typically sent to the Felony Waiver Part to await grand jury action. Dispositions are taken in the Felony Waiver Part. If a Grand Jury indicts, the case is transferred to Supreme Court.
Trial		

* See Bronx Criminal Division Section on page 24



Calendar Year 2008 - Executive Summary

This report profiles the work and accomplishments of the Criminal Court of the City of New York in 2008. The report is divided into three sections; the first part is an introduction and summary of the organizational structure of the Court, the second part describes court operations - a summary of the Court's work, arraignments, all-purpose parts, trial parts and community courts and other specialized courtrooms, along with a description of the Court's back office - the last section takes a look at the laws and legislation that effected the Court over the course of 2008. This report explains how each court operation functions and then provides a quantitative analysis of the work in an effort to give the reader a snapshot of the volume and outcomes.

In 2004, the Bronx Criminal Division assumed administrative responsibility over many aspects of misdemeanor case processing in the Bronx. For the most part we do not address statistical information relating to Bronx misdemeanor operations. There are exceptions, however. We do report on summons, arraignment statistics and revenue numbers in the Bronx as part of the entire Criminal Court picture. We have also clearly marked any table or graph that contains Bronx statistics. (See page 26

for further information).

Here are some 2008 Criminal Court milestones :

- 24.80 hour average arrest-to-arraignment time;
- 358,559* online arrest/DAT cases arraigned;
- 563,157* summons filings;
- 282,788* online arrest/DAT dispositions;
- 982,105 cases calendared;
- 582,110 cases calendared in all purpose parts;
- 22,739 felony dispositions in Criminal Court felony waiver parts compared to 20,321 dispositions in all corresponding four Supreme Courts, Criminal Term;
- 741 pre-trial hearings commenced;
- 1,295 trial verdicts (combined arrest/DAT and summons);
- \$35,419,167* in revenue; and
- \$125,166,343* operating budget.

In addition to the analysis of work done by the entire Criminal Court, this report also includes a description of new initiatives and improved services implemented during the past year and the Court's response to new laws and legislation and executive branch initiatives.

NYC Criminal Court 2008 By the Numbers

Budget:	\$125,166,343	Trials (summons cases):	904*
Total revenue:	\$35,419,167*	Hearings commenced:	741
Fine revenue:	\$15,047,617*	Court officers:	530
Bail revenue:	\$11,870,664*	Trial verdicts (arrest cases):	391
Summons revenue:	\$8,228,491*	Clerks:	208
Summons filings:	563,157*	Judges authorized by statute:	107
Arraignments (Online/DATs):	358,559*	Court Reporters:	84
Misdemeanor arraignments:	259,119*	Judges actually sitting:	61*
Felony arraignments:	59,886*	Court Interpreters:	61
Jurors serving:	3,775	Court Attorneys:	57
Non-judicial personnel:	1,246	Courthouses:	9*

* Includes Bronx information



2008
New York City Criminal Court

Hon. Juanita Bing Newton

Administrative Judge

NEW YORK

Hon. Melissa Jackson
Supervising Judge

Criminal Court Judges

Hon. James Burke
Hon. Abraham Clott
Hon. Ellen Coin
Hon. Anthony Ferrara
Hon. James Gibbons
Hon. Barry Kamins
Hon. Elisa Koenderman
Hon. Robert Mandelbaum
Hon. Kevin McGrath
Hon. Felicia Mennin
Hon. Neil Ross
Hon. Larry Stephen
Hon. Marc Whiten

Civil Court Judges

Hon. Tanya Kennedy
Hon. Rita Mella
Hon. Shawndya Simpson

Acting Supreme Court Justice

Hon. Patricia Nunez

Midtown Community Court

Hon. Richard Weinberg

KINGS-RICHMOND

Hon. William Miller
Supervising Judge

Criminal Court Judges

Hon. Miriam Best
Hon. Miriam Cyrulnik
Hon. Alexander Jeong
Hon. William McGuire
Hon. Matthew Sciarrino (SI)
Hon. Ruth E. Smith
Hon. Alvin Yearwood
Hon. Stephanie Zaro

Civil Court Judges

Hon. Frederick Arriaga
Hon. Dena Douglas
Hon. Michael Gerstein
Hon. Desmond Green (SI)
Hon. Robert Kalish
Hon. Evelyn Laporte
Hon. Shari Michels
Hon. Eileen Nadelson
Hon. Geraldine Pickett
Hon. Betty Williams
Hon. Jacqueline Williams
Hon. John Wilson

Acting Supreme Court Justices

Hon. Joseph Gubbay
Hon. Alan Meyer (SI)
Hon. Suzanne Mondo

Red Hook CJC

Hon. Alex Calabrese

QUEENS

Hon. Deborah Stevens Modica
Supervising Judge

Criminal Court Judges

Hon. Lenora Gerald
Hon. William Harrington
Hon. Gene Lopez
Hon. Suzanne Melendez
Hon. Mary O'Donoghue
Hon. Robert Raciti
Hon. Toko Serita
Hon. Joseph Zayas
Hon. Alex Zigman*

Civil Court Judges

Hon. Charles Lopresto
Hon. Ira Margulis

Acting Supreme Court Justices

Hon. Dorothy Chin Brandt
Hon. Pauline Mullings

BRONX

Criminal Court Judge

Hon. Gilbert Hong

Civil Court Judge

Hon. Doris Gonzalez

*deceased May 2009



Organizational Structure of NYC Criminal Court

By statute, Criminal Court has 107 authorized judgeships. Each Criminal Court judge must be a resident of New York City. The judges are appointed for terms of ten years by the Mayor of the City of New York. Any vacancies which occur prior to the expiration of a term also are filled through appointment by the Mayor.

Many of the 107 judges appointed to the Criminal Court have been assigned to the Criminal Term of the Supreme Court in order to handle felony cases. To assist in processing Criminal Court cases, court administrators have assigned to the Criminal Court, New York City Civil Court Judges and, on occasion, a Judge of the New York City Family Court. All judges presiding over a Criminal Court Part on December 31, 2008 are listed on page 7.

In April 2009, the administration of Criminal Court was changed as part a wider administrative restructuring of the New York City Courts. The position of Administrative Judge of New York City Criminal Court was eliminated and Hon. Fern Fisher, Deputy Chief Administrative Judge—NYC, was named the central administrative authority for Criminal Court by Chief Judge Jonathan Lippman and Chief Administrative Judge Ann Pfau. While Judge Fisher has overall administrative authority over the Criminal Court citywide, Administrative Judges for Criminal Matters in each County of New York City, working in conjunction with the Courts' Supervising Judges, are now responsible for the day-to-day administration of the Criminal Court in their individual County.

In 2008, however, Criminal Court was headed by a citywide Administrative Judge, responsible for the overall operation of the Court. Administrative Judge Juanita Bing Newton was assisted in 2008 in this task by three supervising judges, one for Manhattan - Hon. Melissa Jackson, one for Queens - Hon. Deborah Stevens Modica and a third who supervised the courts in Kings and Richmond counties - Hon. William Miller.

Under the direction of the Administrative Judge, the Chief Clerk of the court oversees the Court's staff of non-judicial personnel. Chief Clerk William

H. Etheridge III is assisted in this task by the First Deputy Chief Clerk for citywide operations, Vincent Modica. In addition, the Chief Clerk is supported by four Borough Chief Clerks who, along with the supervising judges, oversee day-to-day operations in each county - Serena Springle (New York), Brian Wynne (Kings), Joseph Vitolo (Queens) and Andrew Hassell (Richmond). The citywide summons operation is supervised by Robert Cassidy and Antonio Diaz and Toni Bullock-Stallings oversee operations at Midtown Community Court and Red Hook Criminal Justice Center, respectively.

Central Administration staff also include Major Walter Glowacz (court officers); Ada Molina (personnel); Alice Hegarty (technology); Patrick Iannotto (supply and records); Jacqueline Dupree (data entry); Fernando Smith (interpreters); and Marilyn Vializ (court reporters).

The Administrative Judge's staff in 2008 included Justin Barry (Counsel); Michael Yavinsky (Chief Court Attorney)*; and Lisa Lindsay (DV Courts).

* Mayor Michael Bloomberg appointed Michael Yavinsky to the bench as an Interim Civil Court Judge in January 2009. He is currently assigned to Manhattan Criminal Court.

CRIMINAL COURT CITY OF NEW YORK MANAGEMENT ORGANIZATION

2008

SUPERVISING JUDGES

New York



Melissa Jackson



William Miller



Deborah Modica

Queens



Juanita Bing Newton
Administrative Judge

CHIEF COURT ATTORNEY



Michael Yavinsky
Chief Court Attorney

ADMINISTRATIVE JUDGE'S OFFICE



Justin Barry
Counsel & Drug Court
Coordinator



Lisa Lindsay
DV Coordinator

BOROUGH CHIEF CLERKS

New York



Serena Springgle



Brian Wynne



Andrew Hassell

Kings



Joseph Vitolo

Queens



Vincent Modica
1st Dep. Chief Clerk

CITYWIDE SUPERVISORS



Ada Molina
Personnel



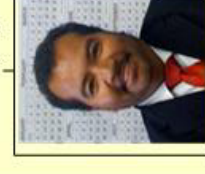
Patrick Iannotto
Supply and Records



Maj. Walter Glowacz
Court Officers



Marilyn Vializ
Court Reporters



Antonio Diaz
Midtown CC



Toni Bullock-Stallings
Red Hook C.J.C.



Jacqueline Dupree
Data Entry



Fernando Smith
Interpreters



Alice Hegarty
Technology





New Initiatives and Improved Service in 2008

Over the past year, Criminal Court continued to look for ways to increase the quality and efficiency of the delivery of justice throughout New York City, as well as making the courthouses more user-friendly. Some of these initiatives are listed below:

Informational Video on Arraignments

Working with the Association of the Bar of the City of New York, New York City Department of Corrections, the Manhattan District Attorney's Office and the defense bar, Criminal Court produced a short informational video for defendants awaiting arraignment. The video explains the arrest-to-arraignment process and what defendants in Central Booking can expect as they go through the process. Criminal Court will be working with Department of Corrections in 2009 to ensure that every defendant arrested in New York County has an opportunity to see the video before their initial court appearance.

Queens Mental Health Recovery Court

An innovative alternative-to-incarceration program designed to connect misdemeanor offenders with mental health issues with necessary services, the Queens Mental Health Recovery Court (QMHC) was implemented in 2007 and expanded its caseload in 2008. The program is a partnership with the local public defenders office, Treatment Alternatives to Street Crime, city agencies and local mental health providers.

e-Arraignments

Criminal Court has been working with the New York City Mayor's Office, the New York City Police Department, Department of Corrections, District Attorney's Offices throughout the City and the Division of Criminal Justice Services to implement e-Arraignments as a pilot project in Manhattan. e-Arraignments is designed to create a more efficient delivery of court documents (complaint, criminal history and bail recommendation) that promises to reduce arrest-to-arraignment times.

UCMS Criminal

Criminal Court has started collaborating with Of-

fice of Court Administration's Division of Technology (DoT) to renew the push to upgrade the Court System's comprehensive database for criminal matters (CRIMS) to a Universal Case Management System (UCMS). While the effort is being coordinated DoT, Criminal Court is contributing staff and expertise in an effort to incorporate some of the innovative programs spearheaded by Criminal Court into a statewide database.

Internship Program

In a major expansion to its summer internship program, the Chief Court Attorney's Office accepted law school and college interns from Courts throughout New York City, not just Criminal Court. The program gives upward of 50 interns working for judges and administrative offices, a comprehensive overview of the criminal justice system and the operations of the City's courts. Among other topics, interns learned about Domestic Violence and Drug Courts, Community Courts and the arrest-to-arraignment process. They also visited City jails, juvenile detention centers and the Medical Examiner's Office.

Gender Fairness Committee

Criminal Court's Gender Fairness Committee was particularly active throughout the City in 2008. Sub-committees in each of the boroughs presented programs on dating violence, transgender issues and employee health and wellness. The Gender Fairness Committee also concentrated on community outreach and developed relationships with local schools to educate young people concerning the criminal justice system and promote careers in the court system, especially for young women.

Career and Education Centers

Criminal Court received grant money from the US Department of Justice to open Career and Education Centers for drug court participants in Brooklyn and Manhattan. Beginning in the summer of 2009, Criminal Court will open these Centers, which will place defendants in recovery in meaningful employment and educational programs



Introduction – Deputy Chief Administrative Judge Fern Fisher

The numbers are staggering— almost 360,000 arrest cases and 565,000 summons cases. Yet the amazing energy, commitment and innovation of the judges and staff of New York City Criminal Court continued to offer the finest justice for the citizens of New York City.

2008 was the last full year Hon. Juanita Bing Newton guided the Criminal Court as Administrative Judge. Since January of 2003, Judge Newton led Criminal Court with energy and innovation. Never losing sight of the fact that the judges and non-judicial staff were critical to the quality of justice administered to the public, she brought a new level of pride and satisfaction in the work of the Court. No one was more committed to the well-being of the Court’s judges than Judge Newton. As a tribute to this dedication, the pages of this report feature the wonderful judges who preside over one of the busiest courts in the world. Judges and staff alike will miss her and we all wish her well in her new position as Dean of the New York State Judicial Institute.



**Honorable Fern Fisher
Deputy Chief Administrative Judge
New York City**

This April, the administration of Criminal Court was changed as part a wider administrative restructuring of the New York City Courts. With Judge Newton’s departure, the position of Administrative Judge was eliminated and central administrative authority for the Criminal Court was vested in my office of Deputy Chief Administrative Judge—NYC. Working with the County Administrative Judges for Criminal Matters and Criminal Court Supervising Judges throughout the City, I look forward to managing this wonderful, citywide Court.

This year the fiscal climate was bleak and the Unified Court System and the Criminal Court tightened its “budgetary belt.” In an effort to economize, vacancies in non-judicial positions from retirement

and resignations went unfilled. In a Court open twenty hours a day, seven days a week, 365 days each year, every shift and every assignment was reviewed with a critical and cost-conscious eye and the Criminal Court achieved significant cost-savings. The work of the Court, however, never diminished. In fact, the Court is busier than ever. New York City law enforcement continues its focus on “quality of life” crimes with summons filing up 20% from 1999 and misdemeanor online/DAT filings and dispositions up 14% from five years ago.

(Continued on page 12)

This report discusses online arrest/Desk Appearance Ticket (DAT) and summonses arraignments and filings. Online arrest/DAT refers to those cases that are filed with the court subsequent to an arrest by a law enforcement officer and the filing of a formal complaint. With online arrest/DAT cases, the defendant is typically detained either at a local police precinct or central booking while fingerprints are taken and a criminal history report returned. Online arrest defendants are held until seen by a judge. DAT defendant are released after printing, at the discretion of law en-

forcement, and given a notice to appear in court on a future date. Unless indicated, this report groups these two types of cases together into one category.

Summons cases are started when a law enforcement officer issues an appearance ticket to a defendant with instructions to report to court on a certain date. Typically, the defendant is not detained prior to release and no fingerprints are taken. A complaint is then filed with the Criminal Court to commence the case.



Introduction – Deputy Chief Administrative Judge Fern Fisher

(Continued from page 11)

With limited resources and increased workload, Criminal Court continues to increase the quality and efficiency of justice. With the Association of the Bar of the City of New York, New York City Department of Corrections, the Manhattan District Attorney's Office and the defense bar, Criminal Court produced a short informational video explaining the arrest-to-arraignment process to defendants in Central Booking awaiting arraignment. This video will help defendants, awaiting their first appearance before a judge, understand the arrest process and what they can expect when they get to the courtroom.

Just in time for the October 2009 implementation of the Judicial Diversion provision of Rockefeller

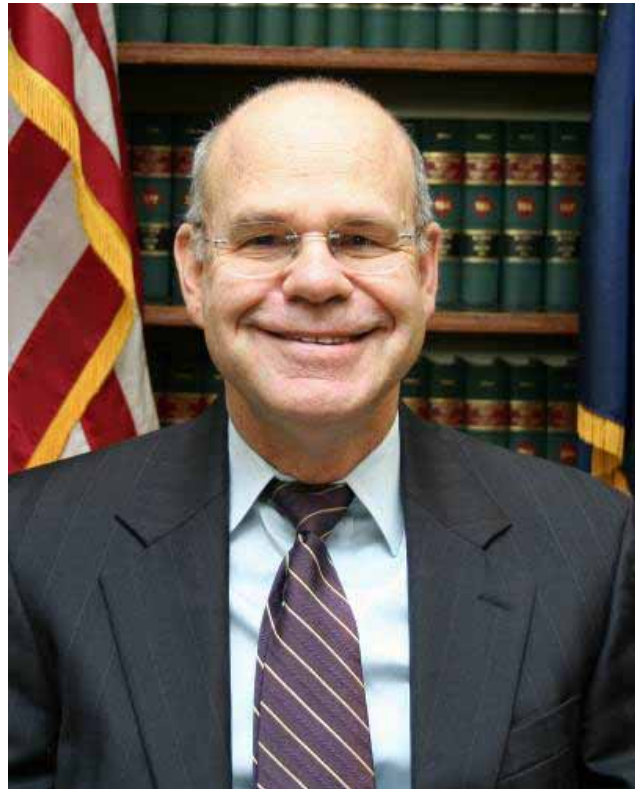
Drug Law Reform that promises to increase the number of defendants eligible and participating in Criminal Court's Drug Court programs, the Court received federal grant money to open Career and Education Centers in its Brooklyn and Manhattan courthouses that will reconnect young adults to schools and other educational programs and place adults in vocational programs and jobs.

Our resources are limited and the work never stops, but our incredible judges and staff are always up to the challenge. Never satisfied with the status quo, they continue to look for ways to improve the quality of justice.

- Hon. Fern Fisher



Honorable Juanita Bing Newton
Administrative Judge
2003-2009



Honorable William Miller
Supervising Judge, Kings and Richmond County



Criminal Court Caseload – A 10 Year Overview

The total number of arrest/DAT arraignments remained almost exactly the same from 2007 to 2008. The share of online and DAT arraignment, however, shifted with online arraignments decreasing by 3% and DAT arraignments increasing by almost 37%. Total arraignments are up 12% from five years ago and down 2.5% from 1999.

New York City law enforcement continues its focus on “quality of life” crimes. While summons filings are down 6.5% from 2008 to 2007, they are still up 20% from 1999. Misdemeanor online/DAT filings also continue to rise with numbers 14% higher than they were five years ago. Felony filing saw a slight decrease.

The Court’s workload continues to rise. Criminal Court calendared 982,105 online/DAT cases in 2008, a 17% increase from the 841,894 heard in

2004. Over that same period, the number of judges presiding over all cases has remained static with the Court logging 12,503 judge days in 2008 compared to 12,184 in 2004. A result of this increase in workload handled by the same limited pool of judges is a sharp increase in pending caseloads. Pending caseloads at the end of 2008 were up 42% over those seen at the end of 2004 and 62% higher than 1999.

The Court’s productivity has never been higher. Five years ago the Court brought 252,494 online/DAT cases to final disposition. This year the number was 282,788 - a 14% increase.

Criminal Court judges and personnel are managing an increasing workload with fewer resources than it has had in past years.



Honorable Deborah Stevens Modica
Supervising Judge, Queens County



Honorable Melissa Jackson
Supervising Judge, New York County



COURT OPERATIONS – SUMMARY INFORMATION

The charts on pages 14-20 give a good summary of the work Criminal Court accomplishes using limited resources - judicial and otherwise - over the course of the year.

Caseloads

The charts on pages 14-17 show the number of cases Criminal Court calendars each year and its daily caseload, or number of cases in Criminal Court citywide, pending as of the last day of the year. These pending caseload numbers are a good indication of the amount of work pending in the Court at any given time and the amount of work handled by judges and non-judicial personnel.

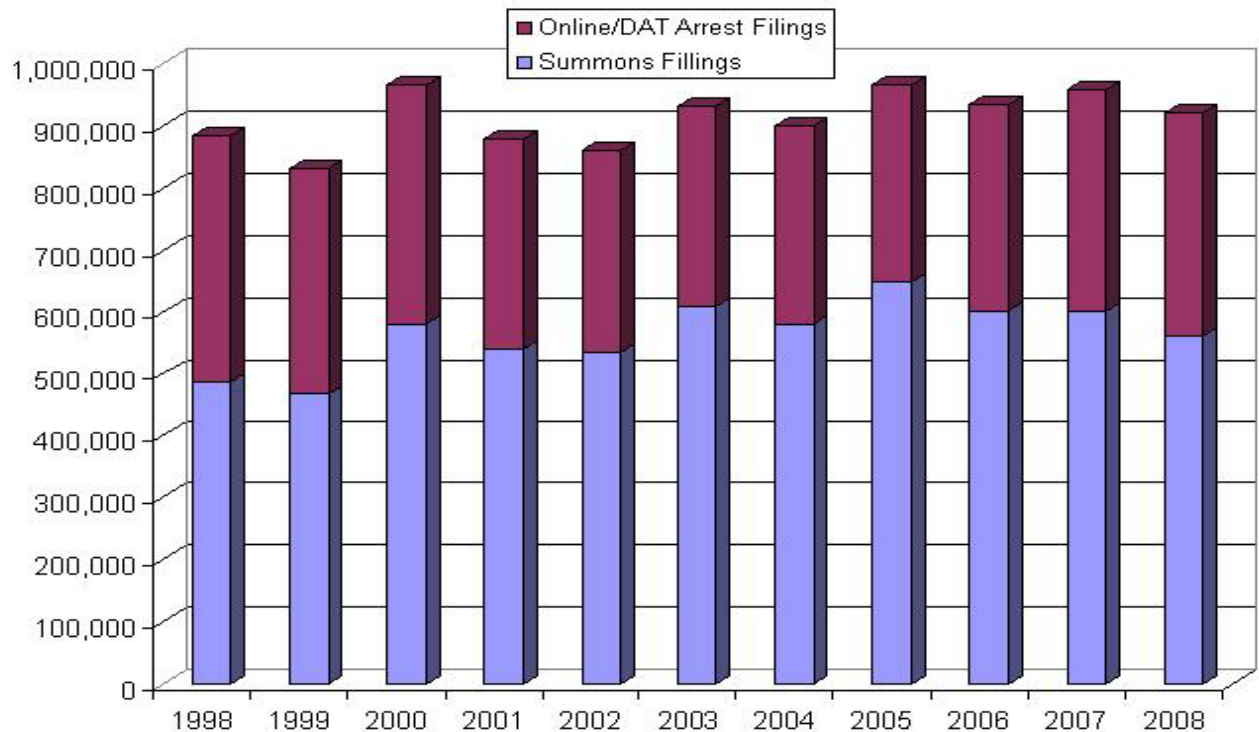
Dispositions

The chart on page 18 indicates the numbers and types of dispositions (or the numbers of cases Criminal Court closes) reported every year since 1998.



Honorable Frederick Arriaga

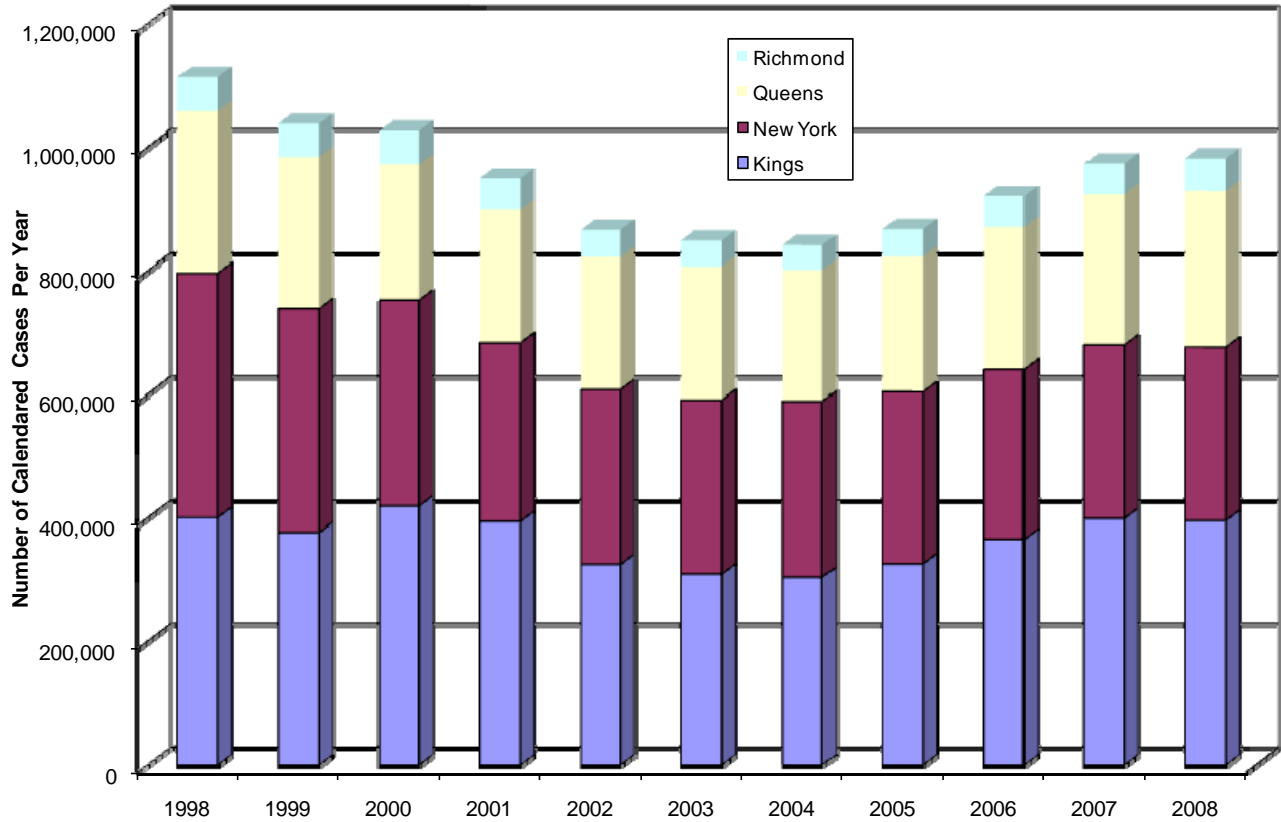
Combined Online/DAT Arrest and Summons Filings





	Number of Calendared Cases				
	Citywide	Kings	New York	Queens	Richmond
2008	982,105	395,929	281,486	251,205	53,485
2007	973,765	399,345	281,697	242,091	50,632
2006	920,043	366,072	274,794	230,191	48,986
2005	867,854	325,857	278,246	218,928	44,823
2004	841,894	303,784	285,290	212,554	40,266
2003	849,238	308,943	282,329	215,626	42,340
2002	866,741	324,795	282,887	214,488	44,571
2001	949,347	394,457	290,179	215,756	48,955
2000	1,026,461	419,609	332,850	219,934	54,068
1999	1,038,085	377,172	361,385	246,048	53,480
1998	1,114,940	400,751	395,730	262,143	56,316

Total Number of Calendared Cases





COURT OPERATIONS – SUMMARY INFORMATION

Dockets Pending on December 31 (Snapshot of Pending Cases)

	Citywide	Kings	New York	Queens	Richmond
2 Total	51,725	19,676	17,667	11,300	3,082
<i>0</i> Total Pending Disposition	48,771	18,570	17,196	10,243	2,762
<i>0</i> Felony	10,522	2,907	3,955	3,068	592
<i>8</i> Misd/Inf/Viol/Oth	38,249	15,663	13,241	7,175	2,170
Total Pending Sentence	2,954	1,106	471	1,057	320
2 Total	47,885	18,503	16,899	10,141	2,342
<i>0</i> Total Pending Disposition	45,151	17,506	16,491	9,091	2,063
<i>7</i> Felony	10,435	2,973	3,999	3,036	427
Misd/Inf/Viol/Oth	34,716	14,533	12,492	6,055	1,636
Total Pending Sentence	2,734	997	408	1,050	279
2 Total	43,858	15,594	15,538	10,271	2,455
<i>0</i> Total Pending Disposition	41,360	14,684	15,133	9,338	2,205
<i>6</i> Felony	9,865	2,639	3,602	3,192	432
Misd/Inf/Viol/Oth	31,495	12,045	11,531	6,146	1,773
Total Pending Sentence	2,498	910	405	933	250
2 Total	38,830	12,530	15,020	9,397	1,883
<i>0</i> Total Pending Disposition	36,071	11,475	14,534	8,407	1,655
<i>5</i> Felony	8,913	1,856	3,808	2,905	344
Misd/Inf/Viol/Oth	27,158	9,619	10,726	5,502	1,311
Total Pending Sentence	2,759	1,055	486	990	228
2 Total	36,325	10,209	15,787	8,671	1,658
<i>0</i> Total Pending Disposition	33,849	9,330	15,206	7,817	1,496
<i>4</i> Felony	8,225	1,248	3,729	2,935	313
Misd/Inf/Viol/Oth	25,624	8,082	11,477	4,882	1,183
Total Pending Sentence	2,476	879	581	854	162
2 Total	35,936	10,355	15,194	8,721	1,666
<i>0</i> Total Pending Disposition	33,720	9,540	14,665	7,951	1,564
<i>3</i> Felony	8,539	1,927	3,659	2,641	312
Misd/Inf/Viol/Oth	25,181	7,613	11,006	5,310	1,252
Total Pending Sentence	2,216	815	529	770	102
2 Total	32,845	9,137	14,297	7,657	1,754
<i>0</i> Total Pending Disposition	30,896	8,474	13,740	7,035	1,647
<i>2</i> Felony	8,446	897	4,620	2,540	389
Misd/Inf/Viol/Oth	22,450	7,577	9,120	4,495	1,258
Total Pending Sentence	1,949	663	557	622	107
2 Total	28,832	8,590	11,709	7,093	1,440
<i>0</i> Total Pending Disposition	27,230	8,021	11,252	6,605	1,352
<i>1</i> Felony	8,091	907	4,455	2,371	358
Misd/Inf/Viol/Oth	19,139	7,114	6,797	4,234	994
Total Pending Sentence	1,602	569	457	488	88

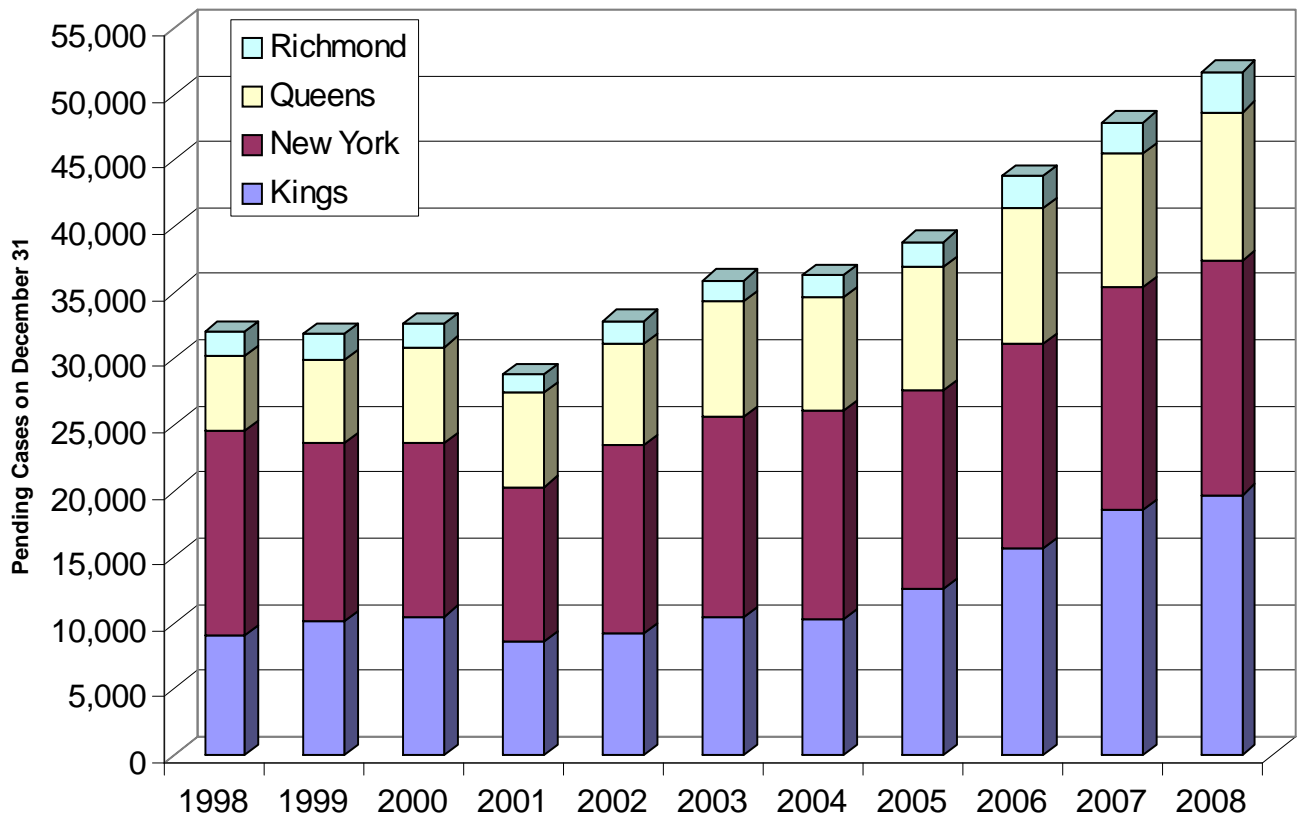


COURT OPERATIONS – SUMMARY INFORMATION

Dockets Pending on December 31 (Snapshot of Pending Cases)

	Citywide	Kings	New York	Queens	Richmond
2 Total	32,688	10,501	13,103	7,276	1,808
0 Total Pending Disposition	30,999	9,821	12,593	6,904	1,681
0 Felony	8,077	1,143	4,361	2,105	468
0 Misd/Inf/Viol/Oth	22,922	8,678	8,232	4,799	1,213
Total Pending Sentence	1,689	680	510	372	127
1 Total	31,908	10,047	13,596	6,241	2,024
9 Total Pending Disposition	30,472	9,589	13,118	5,878	1,887
9 Felony	9,274	2,102	4,338	2,318	516
Misd/Inf/Viol/Oth	21,198	7,487	8,780	3,560	1,371
Total Pending Sentence	1,436	458	478	363	137
1 Total	31,991	9,016	15,524	5,696	1,755
9 Total Pending Disposition	30,406	8,507	15,056	5,283	1,560
8 Felony	9,499	2,144	4,977	1,984	394
Misd/Inf/Viol/Oth	20,907	6,363	10,079	3,299	1,166
Total Pending Sentence	1,585	509	468	413	195

Pending Cases





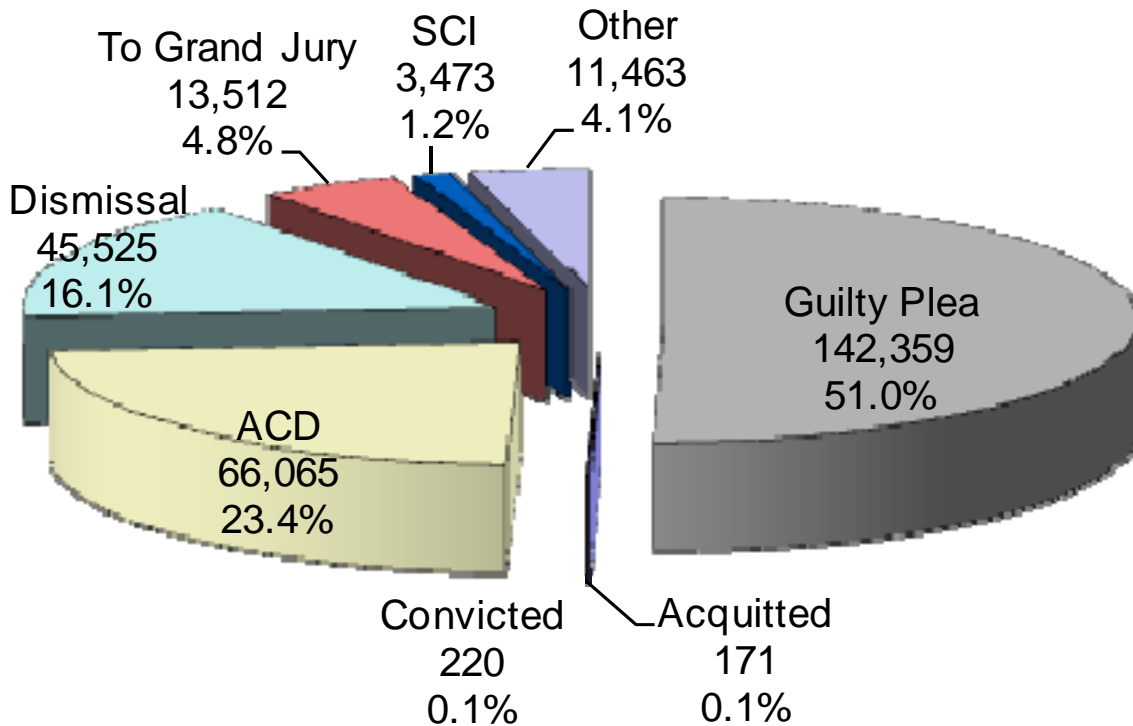
COURT OPERATIONS – SUMMARY INFORMATION

Citywide Dispositions

	Total	Guilty Plea	Convicted	Acquitted	ACD	Dismissal	To Grand Jury	SCI	Other*
2008	282,788	142,359	220	171	66,065	45,525	13,512	3,473	11,463
2007	282,684	144,187	217	190	65,675	43,733	13,265	4,161	11,256
2006	264,295	133,981	283	216	58,650	43,244	12,819	4,698	10,404
2005	251,684	125,139	330	252	59,161	41,130	12,296	4,457	8,919
2004	252,494	124,438	305	253	57,348	40,607	12,194	4,582	12,767
2003	249,824	121,485	325	261	60,311	35,729	12,614	4,462	14,637
2002	254,743	122,920	419	295	60,468	38,644	13,580	4,839	13,578
2001	274,545	132,233	329	245	66,595	41,813	13,394	4,794	15,142
2000	303,981	146,642	335	247	71,176	45,265	14,859	5,231	20,226
1999	292,454	136,540	327	241	74,331	42,291	16,280	4,700	17,744
1998	320,155	151,830	263	215	77,552	47,119	19,276	6,094	17,806

* Dispositions in the "Other" category include resolutions of Criminal Court warrants outstanding in another county; resolutions of Family Court warrants and Orders of Protection outstanding; removals to Family Court; extradition matters; and transfers to another court.

Criminal Court Dispositions 2008





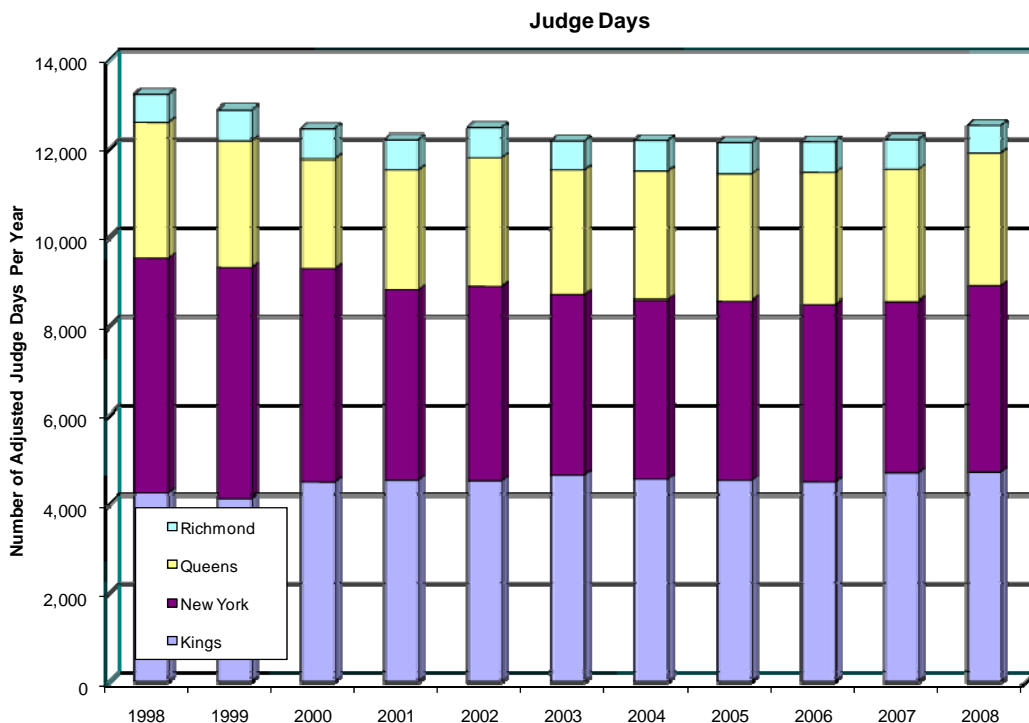
COURT OPERATIONS – SUMMARY INFORMATION

This page and the following show the amount of judicial resources that Criminal Court has available to handle the workload that it is mandated to handle over the past ten years. Adjusted Judges Days shows the combined number of days each Criminal Court judge worked over the course of a year. More judges assigned to the Court generally means more judge days. Less judges generally means less judge days for a given year.

While judge days have remained relatively static, workload, as evidenced in the calendared cases chart on page 15 has been steadily increasing. The chart on the following page is an attempt to show the relationship between judges assigned to the Court and its workload, or caseload per judge. The statistics show that this ratio has been steadily increasing in every county for the past four years.

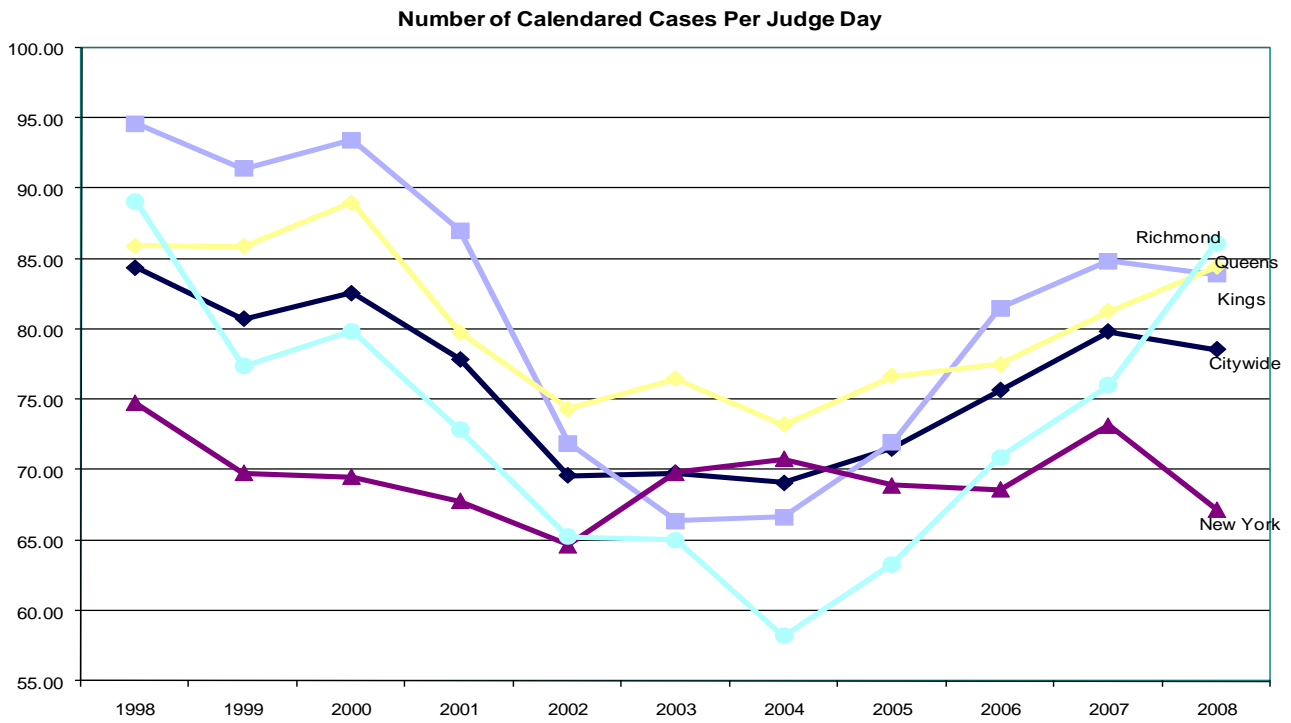
	Number of Adjusted Judge Days				
	Citywide	Kings	New York	Queens	Richmond
2008	12,503	4,719	4,188	2,975	621
2007	12,199	4,705	3,849	2,979	666
2006	12,167	4,492	4,015	2,969	691
2005	12,130	4,528	4,038	2,856	708
2004	12,184	4,558	4,031	2,903	692
2003	12,168	4,654	4,043	2,820	651
2002	12,457	4,516	4,374	2,884	683
2001	12,189	4,533	4,280	2,704	672
2000	12,427	4,490	4,790	2,470	677
1999	12,860	4,125	5,179	2,865	691
1998	13,210	4,235	5,293	3,050	632

Note: The Judge day recorded was adjusted by a macro in the SAS program and this count is recorded on the executive summaries. Judge Days are entered on the CC1 Part Activity form. A count of one is recorded for each judge per day. If a judge works more than one part, the SAS macro written by OCA adjusts the judges day to total 1 per judge per day by part hierarchy (Arraignments Parts > All Purpose Parts > Jury Parts > Other Parts).





COURT OPERATIONS – SUMMARY INFORMATION



Honorable James Burke

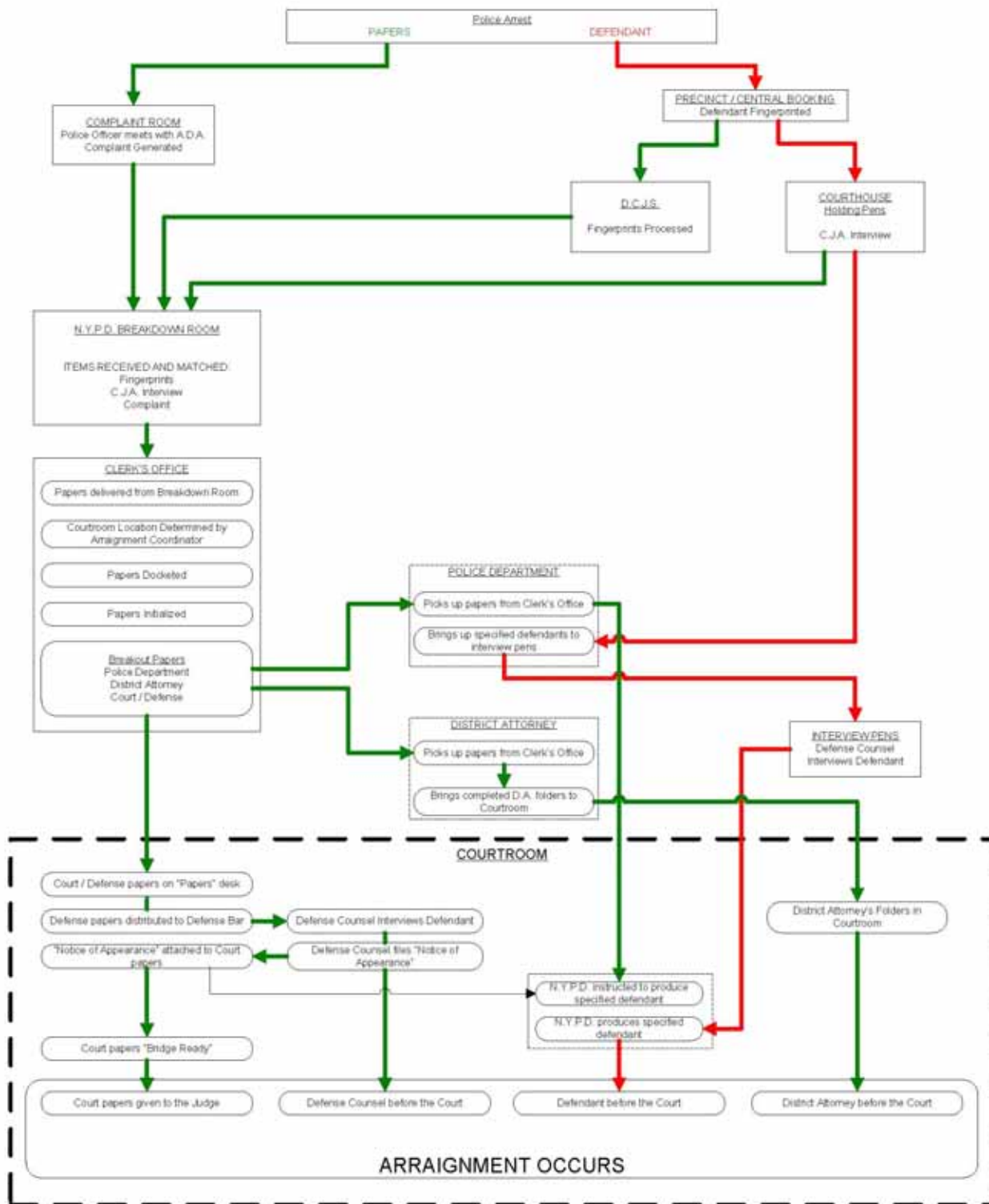


Honorable Alex Calabrese



Arrest to Arraignment – The Path of the Case

ARREST TO ARRAIGNMENT FLOWCHART





Arrest to Arraignment – The Process

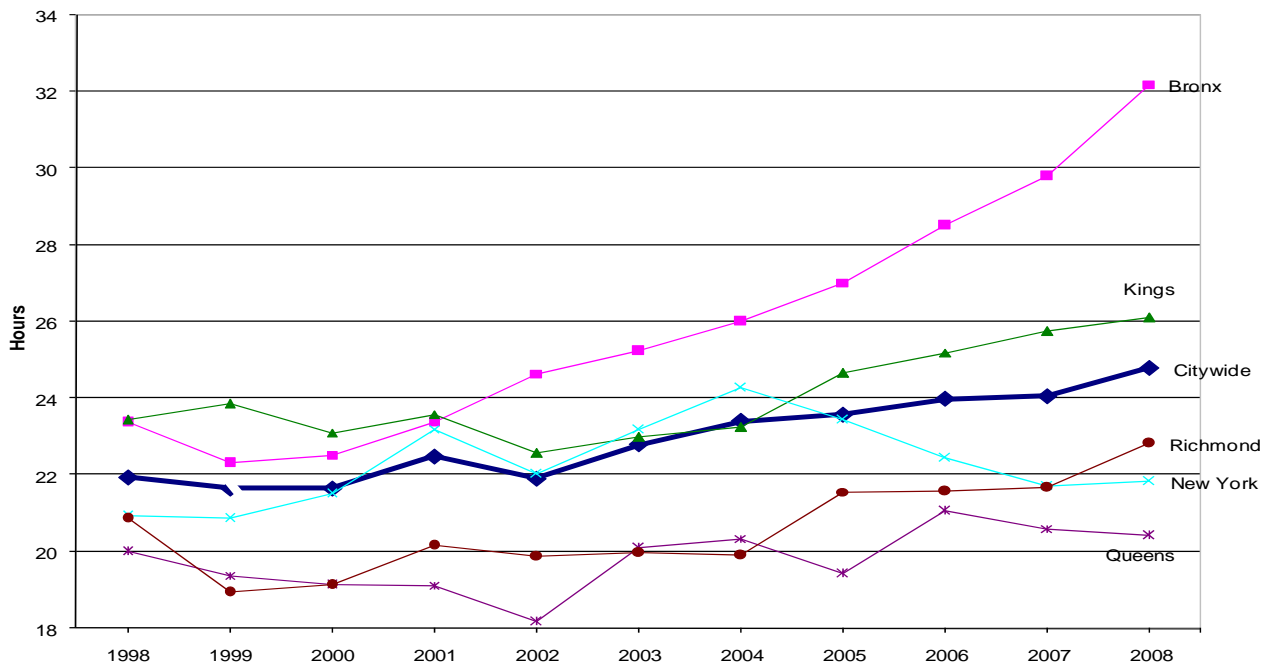
There is a tremendous amount of work that must be done after the police arrest a defendant and before the defendant is ready to appear in front of a judge at arraignment. The police must meet with the District Attorney’s Office, which will in turn draft a complaint. The police must also send the defendant’s fingerprints to DCJS in Albany and await the return of a criminal history. The court arraignment clerks must create a court file, docket number and enter the information into the court’s database. Meanwhile, the Criminal Justice Agency

must interview the defendant and make a bail recommendation.

Only after all of this takes place, does a defense attorney speak to the defendant and file notice that the defendant is ready to be arraigned by the Court. This page highlights the average time between arrest and arraignment for 2008 and how that compares with the previous 10 years. This time period is made all the more important by a mandate from the Court of Appeals to complete this process within twenty-four hours.

Average Arrest to Arraignment Times (Hours)*

	Citywide	Bronx	Kings	New York	Queens	Richmond
2008	24.80	32.20	26.11	21.84	20.41	22.83
2007	24.07	29.80	25.75	21.71	20.60	21.68
2006	23.99	28.52	25.19	22.44	21.06	21.58
2005	23.58	27.02	24.67	23.45	19.42	21.56
2004	23.40	26.00	23.25	24.28	20.34	19.91
2003	22.79	25.25	22.99	23.19	20.09	19.96
2002	21.91	24.65	22.58	22.03	18.17	19.88
2001	22.49	23.37	23.58	23.20	19.12	20.17
2000	21.65	22.53	23.10	21.51	19.13	19.14
1999	21.65	22.32	23.85	20.87	19.38	18.94
1998	21.95	23.37	23.45	20.94	20.00	20.88



* Includes Bronx information



Honorable Dorothy Chin Brandt



Honorable Abraham Clott



Honorable Ellen Coin



Honorable Miriam Cyrulnik



Bronx Criminal Division

In an effort to better utilize scarce judicial resources and react more efficiently and effectively to changes in arrest patterns, Criminal Court has participated in a pilot project to reorganize the case processing structure of the Bronx criminal justice system. Starting in 2004, administrative oversight of many Criminal Court operations in the Bronx was transferred to the newly created Bronx Criminal Division. Criminal Court continues to maintain an operational and support presence in the Bronx. Criminal Court adjudicates all summons matters in the Bronx. All felony and misdemeanor

arraignments are heard by judges sitting in the Criminal Court and misdemeanor cases are only transferred to the Bronx Criminal Division if they survive this initial court appearance.

This report details information relating to Bronx Criminal Court's budget and its summons operation. We also list, below, a statistical overview of arraignments in the Bronx from 1998 to 2008. Other statistics relating to misdemeanor and preliminary felony case processing are not reported at length here.

Bronx Online/DAT Arrest Arraignment Statistics

	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998
Arraignments - Total	76,923	76,631	67,839	66,764	67,170	69,995	70,972	70,759	84,234	76,292	83,513
Felony Arraignments	15,543	16,042	14,120	14,003	14,262	14,239	16,825	17,166	17,865	19,418	23,459
Misd. Arraignments	57,588	56,439	49,053	47,782	46,353	48,560	48,241	46,955	58,471	50,395	54,625
Inf/Viol Arraignments	1,173	1,319	2,022	2,498	3,020	3,067	1,818	1,982	2,558	2,100	1,571
Other Arraignments	2,619	2,831	2,644	2,481	3,535	4,129	4,088	4,656	5,340	4,379	3,858



Honorable Dena Douglas



Honorable Lenora Gerald



COURT OPERATIONS – ARRAIGNMENTS

The arraignment marks the first time that a criminal defendant appears in court. Criminal Court operates arraignment parts day and night, every day of the year in all five counties of the city. In 2008, 358,559 cases were arraigned citywide on On-Line arrest or Desk Appearance Ticket (DAT) cases.

Arraignments are actually the final stage of the arrest process in New York City. Before the defendant appears before the Judge, a complicated series of steps must occur, all typically within a twenty-four hour period. The flowchart on page 21 shows all of the necessary steps that must occur between a defendant’s arrest and the time that he or she first appears in court. The defendant must be brought to Central Booking where his or her arrest photo and fingerprints are taken. The fingerprints are electronically sent to the Division of Criminal Justice Services (DCJS) where a criminal history or rap sheet is produced and returned to the police in Central Booking. Meanwhile the Criminal Justice Agency (CJA) interviews each defendant for the purpose of making a bail recommendation and the arresting officer meets with an Assistant District Attorney in order to draft the complaint that will start the criminal prosecution. All of these items - complaint, rap sheet and CJA report - must be compiled before the court may arraign the defendant. Once the necessary paperwork is completed, it is all delivered to court arraignment clerks who prepare a final file for the court and attorneys, assign a docket number to the case and initialize the case in the court’s computer system. Defense counsel - either assigned or private - is then given an opportunity to interview the defendant before he or she sees the judge.

In the Arraignment Part, defendants are notified of



Honorable Michael Gerstein

the charges that have been filed against them and their rights. The judge will also hear arguments from the assistant district attorney and defense counsel concerning bail - whether it is appropriate and, if so, what form the bail should take and how much.

Arraignment is also the first opportunity to dispose of misdemeanor cases. In 2008 there were 177,209 cases disposed of throughout all of Criminal Court’s five county arraignment parts, over 55% of all arrest cases arraigned.

	Number of Weekly Arraignment Parts - 2008							
	Citywide	Bronx	Kings	Midtown	New York	Queens	Red Hook	Richmond
Arraignment Parts	26.6*	5.9	8.3	1.0	7.8	4.1*	0.5*	1.1*
Day	9.4*	2.2	2.5	1.0	3.0	1.1*	0.5*	0.6*
Night	5.6	1.0	1.8	0	1.8	1.0	0	0
Weekend Day	6.2*	1.7	2.0	0	1.0	1.0	0	0.5*
Weekend Night	6.0	1.0	2.0	0	2.0	1.0	0	0

* Some arraignment parts are listed as a fraction. In Queens, the arraignment part that is only open one day/week is listed as 0.1. In Red Hook and Richmond the parts listed operate half of the time as an arraignment part and the other half as either an all-purpose part or a trial part. Summons courtrooms are not included in this list.



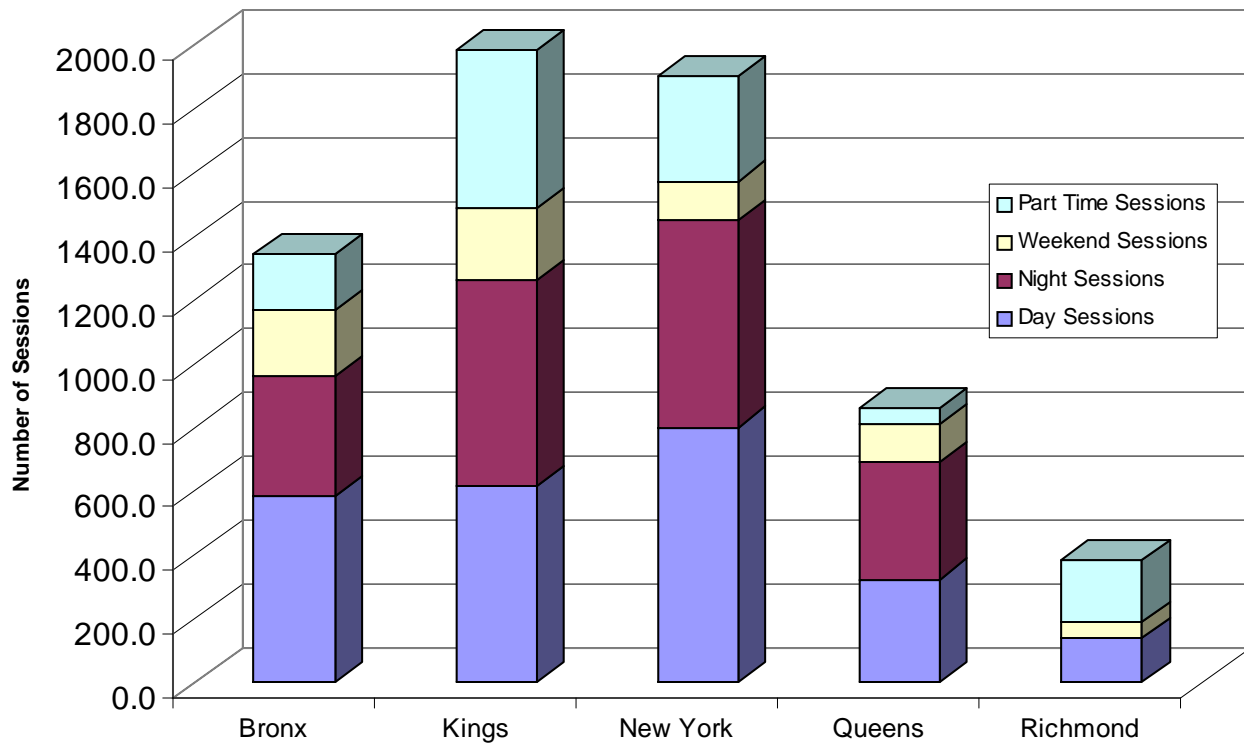
COURT OPERATIONS – ARRAIGNMENTS

Arraignment Sessions* - 2008

	Citywide	Bronx	Kings**	Midtown	New York	Queens	Red Hook	Richmond***
Total Sessions	5,590.1	1,168.0	1,489.5	244.0	1,574.0	814.0	108.0	192.6
Day Sessions	2,823.1	588.0	615.5	244.0	802.0	326.0	108.0	139.6
Night Sessions	2,041.0	374.0	647.0	0	652.0	368.0	0	0.0
Weekend Day Sessions	726.0	206.0	227.0	0	120.0	120.0	0	53.0

* Arraignment sessions are the number of judge days for the year devoted to arraignments. ** Kings County APAR6 opened for 1/2 day. The total sessions for this part is the adjusted judge days times 1/2. *** Richmond County sessions were computed as follows: APAR1 # of judge days times 1/2, APAR2 # of judge days times 1/4, APAR4 # of judge days times 1/2. Richmond DAT is not credited with a part day since it is only opened 1/2 hour per day. **** Counties did not enter data for the Hospital ARR Part, except for NY County.

Arraignment Sessions - 2008





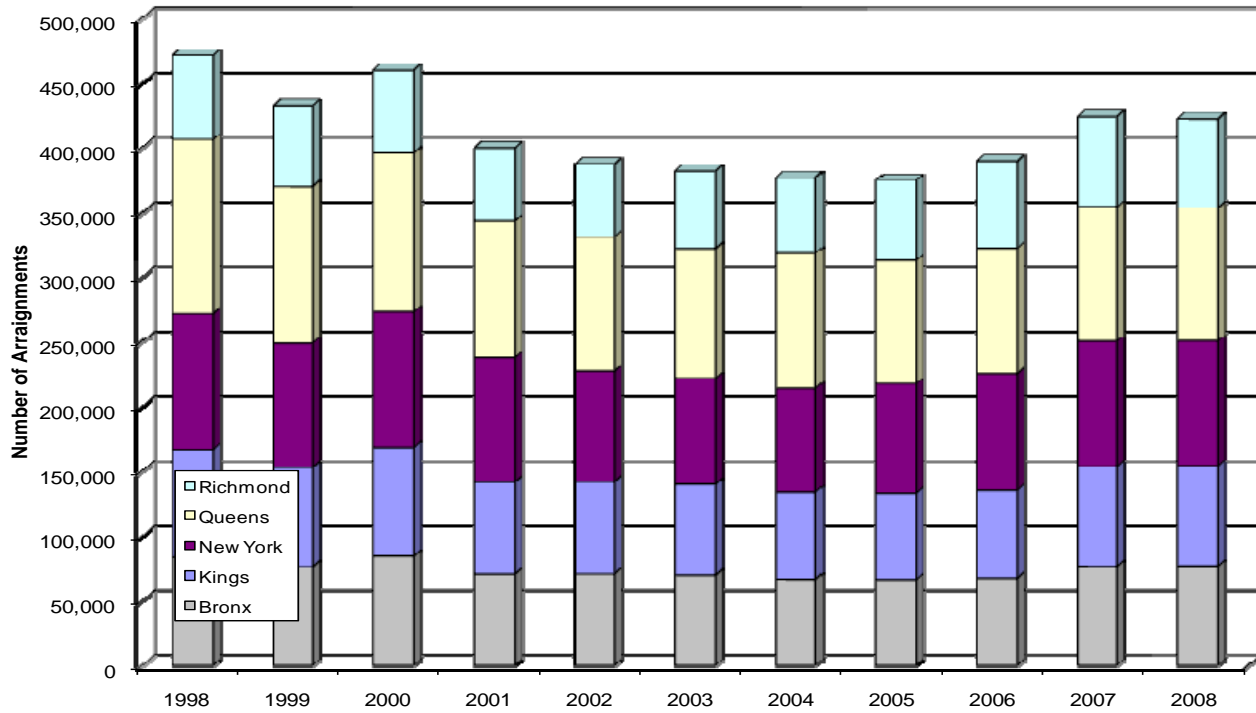
		DAT/On-Line Arraignments*					
		Citywide	Bronx	Kings	New York	Queens	Richmond
2008	Total Arraignments	358,559	76,923	96,498	103,398	68,669	13,071
	<i>DAT</i>	37,094	11,508	5,524	13,369	5,278	1,415
	<i>On-Line Arrests</i>	321,465	65,415	90,974	90,029	63,391	11,656
2007	Total Arraignments	358,079	76,631	96,760	104,333	69,500	10,855
	<i>DAT</i>	27,146	9,423	3,742	10,275	2,931	775
	<i>On-Line Arrests</i>	330,933	67,208	93,018	94,058	66,569	10,080
2006	Total Arraignments	332,496	67,839	89,975	96,876	67,003	10,803
	<i>DAT</i>	17,950	3,840	2,427	8,496	2,510	677
	<i>On-Line Arrests</i>	314,546	63,999	87,548	88,380	64,493	10,126
2005	Total Arraignments	317,286	66,764	83,692	95,661	61,926	9,243
	<i>DAT</i>	20,515	4,842	3,245	9,450	2,262	716
	<i>On-Line Arrests</i>	296,771	61,922	80,447	86,211	59,664	8,527
2004	Total Arraignments	319,306	67,170	79,506	104,857	58,386	9,387
	<i>DAT</i>	21,687	4,469	3,745	10,175	2,335	963
	<i>On-Line Arrests</i>	297,619	62,701	75,761	94,682	56,051	8,424
2003	Total Arraignments	322,385	69,995	82,241	100,076	59,668	10,405
	<i>DAT</i>	20,049	4,662	4,520	7,131	2,424	1,312
	<i>On-Line Arrests</i>	302,336	65,333	77,721	92,945	57,244	9,093
2002	Total Arraignments	327,592	70,972	85,541	103,671	56,318	11,090
	<i>DAT</i>	17,773	3,404	3,626	6,597	2,809	1,337
	<i>On-Line Arrests</i>	309,819	67,568	81,915	97,074	53,509	9,753
2001	Total Arraignments	339,993	70,759	96,174	105,746	55,937	11,377
	<i>DAT</i>	17,793	4,512	3,420	5,563	2,959	1,339
	<i>On-Line Arrests</i>	322,200	66,247	92,754	100,183	52,978	10,038
2000	Total Arraignments	387,094	84,234	104,325	122,803	63,786	11,946
	<i>DAT</i>	17,695	4,713	3,534	5,040	2,948	1,460
	<i>On-Line Arrests</i>	369,399	79,521	100,791	117,763	60,838	10,486
1999	Total Arraignments	367,962	76,292	95,904	121,068	62,632	12,066
	<i>DAT</i>	18,853	4,555	4,541	5,154	3,099	1,504
	<i>On-Line Arrests</i>	349,109	71,737	91,363	115,914	59,533	10,562
1998	Total Arraignments	400,886	83,513	104,389	134,404	65,772	12,808
	<i>DAT</i>	51,569	10,610	14,499	16,676	7,627	2,157
	<i>On-Line Arrests</i>	349,317	72,903	89,890	117,728	58,145	10,651

* Includes Bronx information



COURT OPERATIONS – ARRAIGNMENTS

Online/DAT Arraignments



Honorable James Gibbons

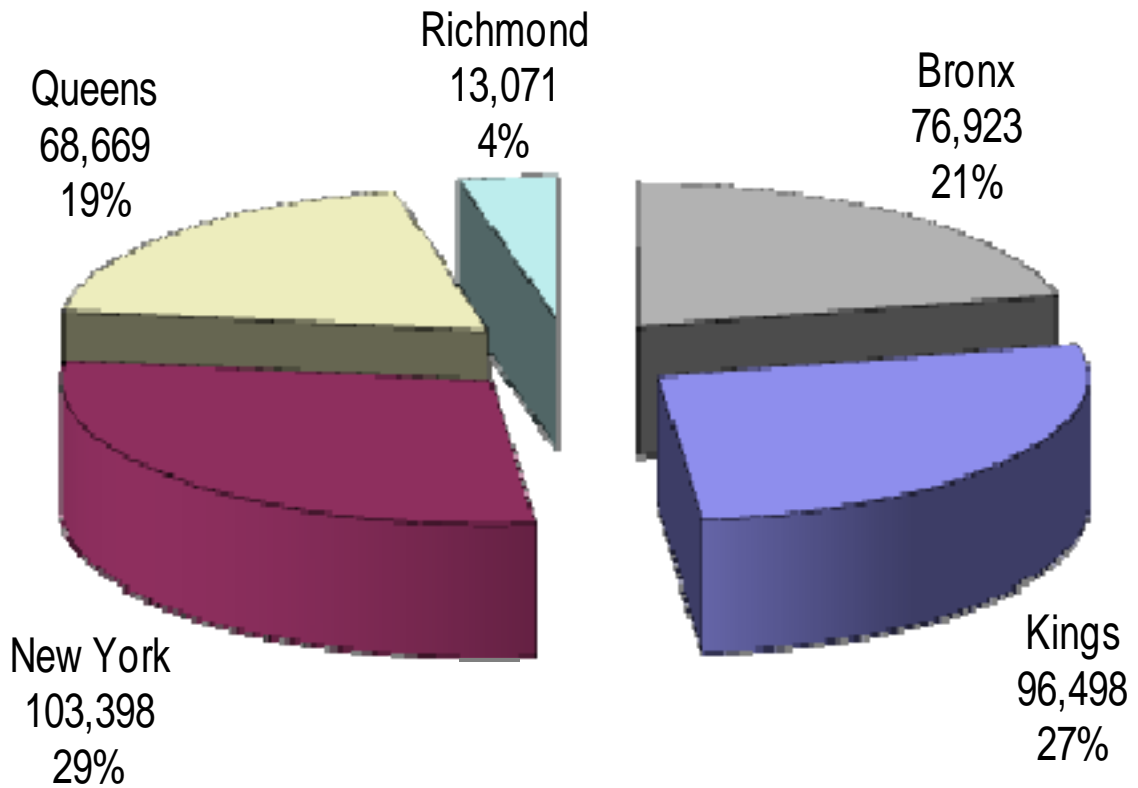


Honorable Doris Gonzalez



Honorable Desmond Green

Criminal Court Arraignments - 2008





COURT OPERATIONS – ARRAIGNMENTS

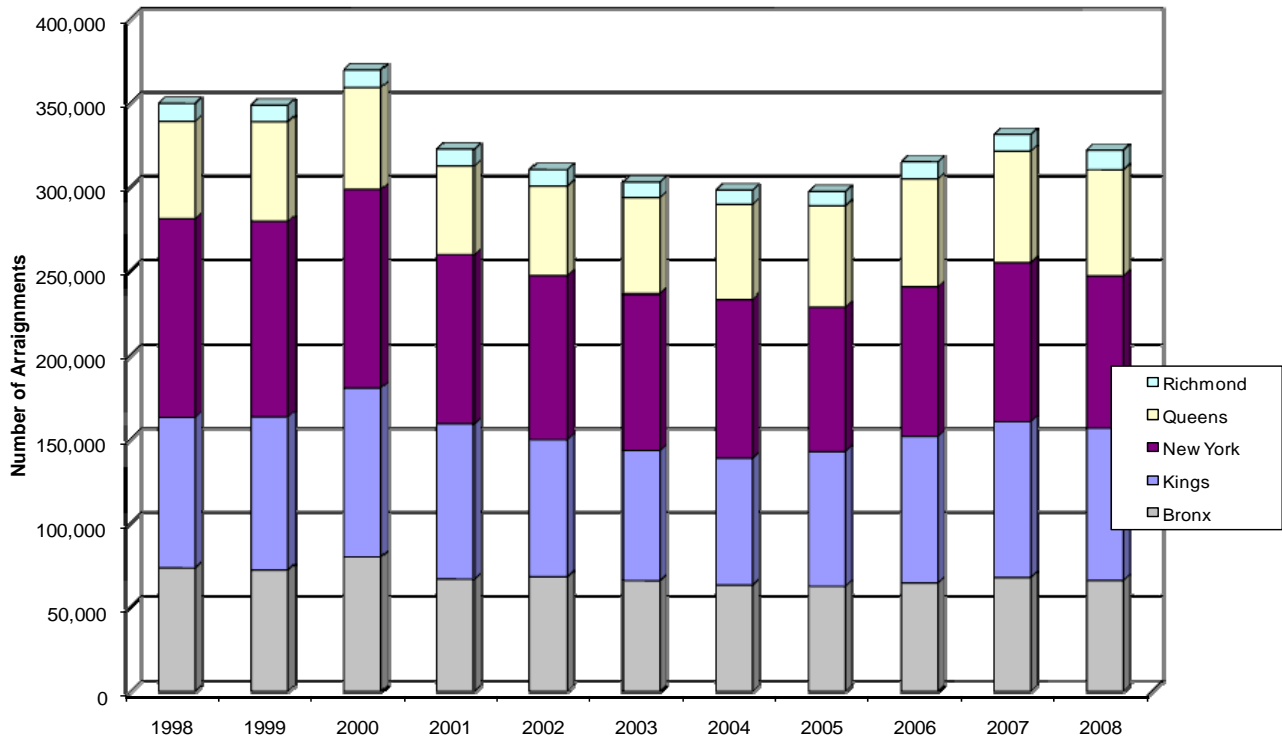


Honorable Joseph Gubbay



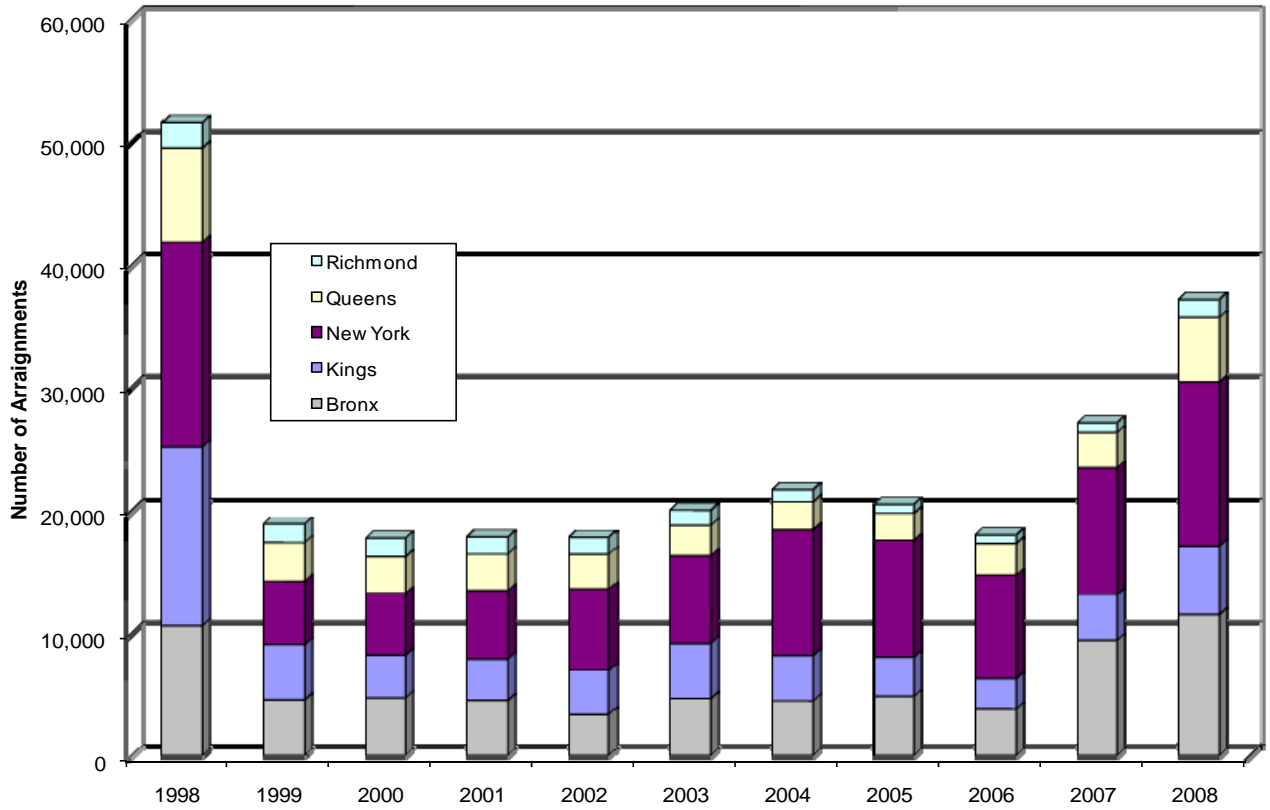
Honorable Gilbert Hong

Online Arraignments





DAT Arraignments



Honorable Alexander Jeong



Honorable Robert Kalish



Arraignments – Types of Charges

		Types of Online/DAT Arraignments*†					
		Citywide	Bronx	Kings	New York	Queens	Richmond
2008	Total	358,559	76,923	96,498	103,398	68,669	13,071
	Felony	59,886	15,543	16,543	15,732	9,685	2,383
	Misdemeanor	259,119	57,588	68,335	74,542	48,809	9,845
	Infraction/Violation	27,267	1,173	8,479	9,486	7,716	413
	Other	12,287	2,619	3,141	3,638	2,459	430
2007	Total	358,079	76,631	96,760	104,333	69,500	10,855
	Felony	61,396	16,042	16,497	16,215	10,602	2,040
	Misdemeanor	257,202	56,439	68,776	75,882	47,973	8,132
	Infraction/Violation	27,090	1,319	8,288	8,640	8,502	341
	Other	12,391	2,831	3,199	3,596	2,423	342
2006	Total	332,496	67,839	89,975	96,876	67,003	10,803
	Felony	59,637	14,120	16,377	16,344	10,735	2,061
	Misdemeanor	238,665	49,053	63,860	70,216	47,443	8,093
	Infraction/Violation	22,527	2,022	6,448	7,067	6,670	320
	Other	11,667	2,644	3,290	3,249	2,155	329
2005	Total	317,286	66,764	83,692	95,661	61,926	9,243
	Felony	57,475	14,003	14,314	16,846	10,465	1,847
	Misdemeanor	228,285	47,782	60,506	69,396	43,803	6,798
	Infraction/Violation	20,946	2,498	5,765	6,432	5,912	339
	Other	10,580	2,481	3,107	2,987	1,746	259
2004	Total	319,306	67,170	79,506	104,857	58,386	9,387
	Felony	55,187	14,262	11,615	17,357	10,349	1,604
	Misdemeanor	226,769	46,353	59,659	73,222	40,629	6,906
	Infraction/Violation	21,749	3,020	4,388	8,950	4,857	534
	Other	15,601	3,535	3,844	5,328	2,551	343
2003	Total	322,385	69,995	82,241	100,076	59,668	10,405
	Felony	55,422	14,239	11,962	17,548	9,996	1,677
	Misdemeanor	229,524	48,560	62,436	68,457	42,521	7,550
	Infraction/Violation	19,065	3,067	3,609	7,028	4,609	752
	Other	18,374	4,129	4,234	7,043	2,542	426
2002	Total	327,592	70,972	85,541	103,671	56,318	11,090
	Felony	60,021	16,825	11,401	19,747	9,972	2,076
	Misdemeanor	233,325	48,241	66,015	71,456	40,114	7,499
	Infraction/Violation	16,714	1,818	3,796	5,783	4,382	935
	Other	17,532	4,088	4,329	6,685	1,850	580

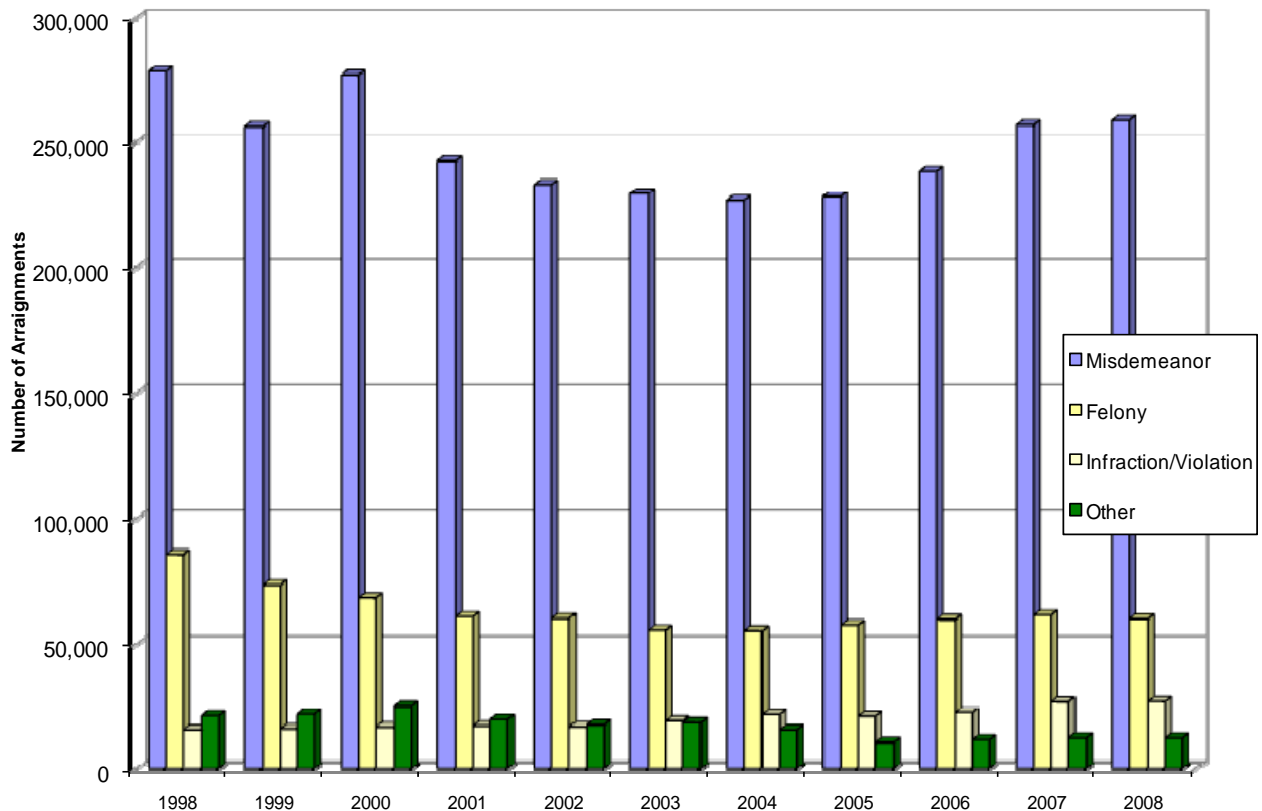
* Includes Bronx information

† Excludes arraignments on summonses. For discussion of summons matters, see page 37.



		Citywide	Bronx	Kings	New York	Queens	Richmond
2001	Total	339,993	70,759	96,174	105,746	55,937	11,377
	Felony	60,791	17,166	12,738	19,459	9,068	2,360
	Misdemeanor	242,518	46,955	74,637	73,000	40,719	7,207
	Infraction/Violation	17,069	1,982	3,619	6,320	3,952	1,196
	Other	19,615	4,656	5,180	6,967	2,198	614
2000	Total	387,094	84,234	104,325	122,803	63,786	11,946
	Felony	67,827	17,865	15,155	21,544	10,458	2,805
	Misdemeanor	277,280	58,471	80,104	84,095	47,196	7,414
	Infraction/Violation	16,615	2,558	3,768	5,268	3,878	1,143
	Other	25,372	5,340	5,298	11,896	2,254	584
1999	Total	367,962	76,292	95,904	121,068	62,632	12,066
	Felony	73,664	19,418	16,898	23,542	10,863	2,943
	Misdemeanor	256,511	50,395	69,889	83,568	45,422	7,237
	Infraction/Violation	15,893	2,100	4,071	4,043	4,280	1,399
	Other	21,894	4,379	5,046	9,915	2,067	487
1998	Total	400,886	83,513	104,389	134,404	65,772	12,808
	Felony	85,380	23,459	20,185	26,650	12,214	2,872
	Misdemeanor	278,727	54,625	74,291	94,057	47,789	7,965
	Infraction/Violation	15,538	1,571	4,695	4,370	3,354	1,548
	Other	21,241	3,858	5,218	9,327	2,415	423

Types of Arraignment Charges - Citywide





Most Frequently Charged Offenses At Arraignments

Top 10 Arraignment Charges Citywide					
Comparison by most frequently arraigned					
	2008	2003	1998	1993	
PL 221.10	Crim poss marihuana 5°	1	1	3	—
PL 220.03	Crim poss CS 7°	2	2	1	3
PL 120.00	Assault 3°	3	3	4	4
PL 155.25	Petit larceny	4	—	6	5
PL 165.15	Theft of Services	5	—	2	1
PL 140.15	Criminal trespass 2°	6	8	8	—
VTL 511.1A	Agg unlicense op MV 3°	7	6	7	—
PL 220.39	Crim sale CS 3°	8	7	5	2
PL 265.01	Crim poss weapon 4°	9	—	—	—
PL 205.30	Resisting arrest	10	—	—	—
PL 165.20	Fraudulently obt signat	—	4	—	—
AC 20-453	Unlicensed gen vendor	—	10	—	—
PL 155.30	Grand larceny 4°	—	5	—	—
PL 140.10	Crim trespass 3°	—	9	—	—
PL 120.05	Assault 2°	—	—	9	7
VTL 511.2	Agg unlicensed op MV 2°	—	—	10	—
PL 160.15	Robbery 1°	—	—	—	6
PL 240.37	Loitering/prostitution	—	—	—	9
PL 220.16	Crim poss CS 3°	—	—	—	8
PL 160.10	Robbery 2°	—	—	—	10

Top 10 Felony Arraignment Charges Citywide					
Comparison by most frequently arraigned					
	2008	2003	1998	1993	
PL 220.39	Crim sale CS 3°	1	1	1	1
PL 220.16	Crim poss CS 3°	2	3	3	4
PL 120.05	Assault 2°	3	2	2	3
PL 160.10	Robbery 2°	4	5	5	5
PL 160.15	Robbery 1°	5	4	4	2
PL 155.30	Grand larceny 4°	6	8	10	8
PL 265.03	Crim poss weapon 2°	7	—	—	—
PL 155.35	Grand larceny 3°	8	9	9	—
PL 170.25	Crim poss forged ln 2°	9	6	—	—
PL 140.25	Burglary 2°	10	10	8	10
PL 265.02	Crim poss weapon 3°	—	7	7	6
PL 215.51	Criminal contempt 2°	—	—	6	—
PL 220.06	Crim poss CS 5°	—	—	—	7
PL 140.20	Burglary 3°	—	—	—	9

Top 10 Misdemeanor Arraignment Charges Citywide					
Comparison by most frequently arraigned					
	2008	2003	1998	1993	
PL 221.10	Crim poss marihuana 5°	1	1	3	—
PL 220.03	Crim poss CS 7°	2	2	1	2
PL 120.00	Assault 3°	3	3	4	3
PL 155.25	Petit larceny	4	5	5	4
PL 165.15	Theft of services	5	4	2	1
PL 140.15	Criminal trespass 2°	6	7	7	—
VTL 511.1A	Agg unlicensed op MV 3°	7	6	6	6
PL 265.01	Crim poss weapon 4°	8	—	—	—
PL 205.30	Resisting arrest	9	—	—	7
VTL 1192.2	DWI	10	—	—	—
AC 20-453	Unlicensed gen vendor	—	9	—	—
PL 120.14	Menacing 2°	—	10	—	—
PL 140.10	Criminal trespass 3°	—	8	9	—
VTL 511.2	Agg unlicensed op MV 2°	—	—	—	—
PL 221.40	Crim sale marihuana 4°	—	—	8	9
PL 120.14	Menacing 2°	—	—	10	—
PL 240.37	Loitering/prostitution	—	—	—	5
PL 140.40	Unlaw poss radio dev	—	—	—	8
PL 145.00	Crim Mischief 4°	—	—	—	10

Top 10 DAT Arraignment Charges Citywide					
Comparison by most frequently arraigned					
	2008	2003	1998	1993	
PL 221.10	Crim poss marihuana 5°	1	1	2	—
PL 155.25	Petit larceny	2	4	5	3
VTL 511.1A	Agg unlicensed op MV 3°	3	10	—	—
PL 220.03	Crim poss CS 7°	4	8	3	2
PL 120.00	Assault 3°	5	3	6	4
PL 165.15	Theft of services	6	2	1	1
PL 140.15	Criminal trespass 2°	7	9	8	—
AC 20-453	Unlicensed vendor	8	6	7	5
PL 240.30	Agg harassment 2°	9	7	10	—
PL 165.71	Trademark counter 3°	10	—	—	—
PL 145.00	Crim mischief 4°	—	—	—	8
VTL 511.1	Agg unlicensed op MV 3°	—	5	4	—
PL 140.10	Criminal trespass 3°	—	—	9	7
PL 205.30	Resisting arrest	—	—	—	6
PL 165.40	Crim poss stol prop 5°	—	—	—	9
PL 225.30	Poss gambling device	—	—	—	10



Top Ten Arraignment Charges 2008





Arraignment Dispositions

While only the first court appearance, more cases are disposed of in arraignment than at any other stage in the life of a Criminal Court filing. City-wide, slightly less than half of all case filings were disposed of at their initial court appearance. Al-

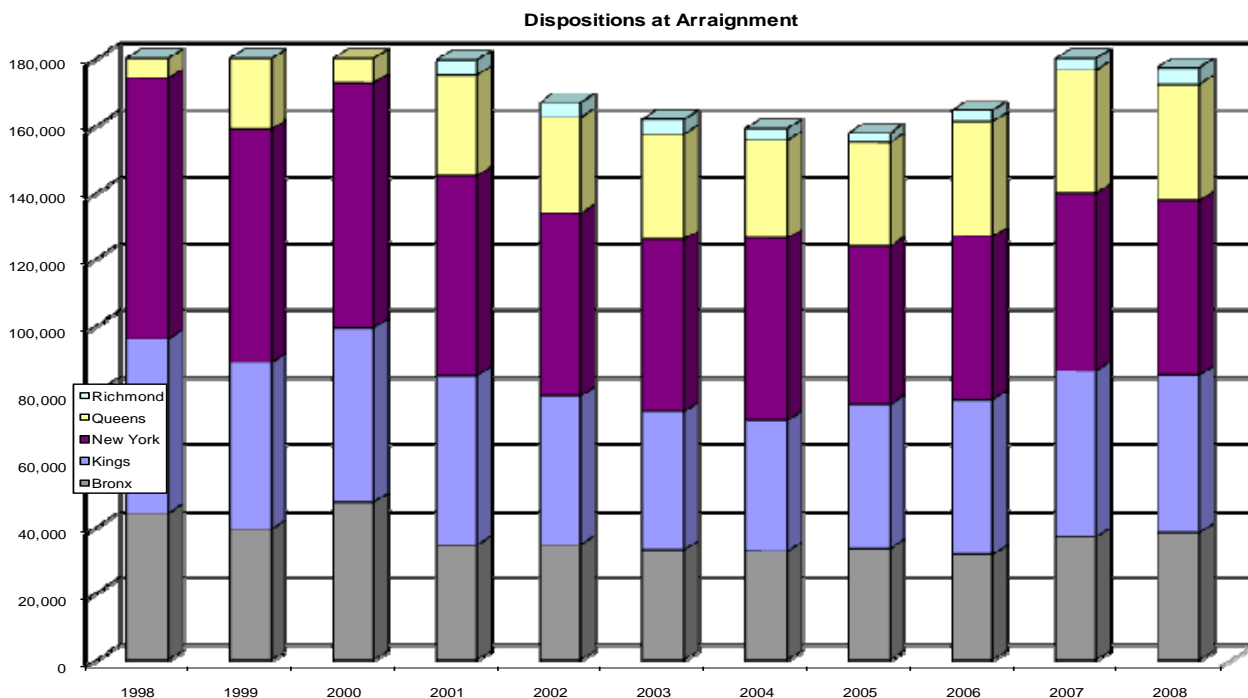
most all of these dispositions involved misdemeanor or other petty offenses. Disposition rates in the five counties are fairly consistent except for Staten Island where only a little less than one third of all cases are disposed of in arraignments.

Dispositions at Arraignment**†

	Citywide		Bronx		Kings		New York		Queens		Richmond	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2008	177,209	55.1	38,323	48.9	46,978	47.6	52,397	50.6	34,586	50.7	4,925	39.5
2007	179,973	49.9	37,026	48.3	49,504	50.5	53,335	51.5	36,611	52.2	3,497	31.8
2006	164,491	49.3	31,793	46.9	46,127	50.7	48,831	50.4	34,427	52.0	3,313	32.3
2005	157,728	49.4	33,524	50.2	42,885	50.3	47,233	49.1	31,249	51.2	2,837	31.3
2004	159,017	48.1	32,744	48.7	39,018	48.7	54,350	52.1	29,506	50.5	3,399	35.7
2003	161,759	51.0	33,187	49.2	41,165	50.5	51,365	51.8	31,684	54.1	4,358	41.2
2002	166,782	51.3	34,695	49.2	44,276	51.7	54,847	53.7	28,536	51.0	4,428	40.4
2001	179,567	52.0	34,607	49.0	50,502	51.1	59,882	55.8	30,060	53.2	4,516	37.8
2000	210,513	54.3	47,417	56.4	51,898	49.4	73,361	59.3	33,942	54.1	3,895	31.5
1999	197,022	53.5	39,408	51.9	49,621	51.9	69,875	56.9	34,020	54.8	4,098	34.5
1998	212,119	52.6	44,111	53.2	51,927	48.9	78,105	58.2	33,794	50.5	4,182	32.7

* Includes Bronx information

† Figures listed are the percentage of all of that year's dispositions





Citywide Summons Operation

In the past year, the personnel supporting the Citywide Summons Operation processed almost 600,000 summons filings.

The twenty-nine clerks, data entry and office assistants who comprise the Citywide Summons Operation are responsible for scanning, initializing and docketing every summons case filed with Criminal Court.

Summonses come from over forty certified agencies including the New York City Police Department, Metropolitan Transportation Authority, the New York City Fire Department, the American Society for the Prevention of Cruelty to Animals, Taxi and Limousine Commission, Off Track Betting Corporation, Tax Enforcement, Roosevelt Island Authority and the Unified Court System.

Authorized agencies deliver summonses to the Court's Central Receiving Unit. The Central Receiving Unit separates these summonses by county and appearance date and then looks for serious defects which would prohibit the summons from being docketed, such as a missing signature or narrative, or improper return date. The summonses are then copied into the Court's computer system by high speed scanners which recognize each ticket's bar coded summons number and then produce a digital image of the ticket.

Once the summonses are scanned into the Sum-

mons Automated Management System (SAMS), data entry personnel enter all the pertinent information into the SAMS database and assign each summons a docket number.

After data entry staff log the information and create a docket, the summonses are then forwarded to the appropriate county's summons office where the Associate Court Clerk in charge coordinates with the Supervising Judge's office to ensure that a timely review for legal sufficiency takes place prior to the scheduled arraignment date. Summonses that survive judicial review are then calendared for arraignment.

While individual counties still hear and, if necessary, try the individual summons cases, the Citywide Summons Operations responsibilities do not end when the cases are sent to the individual counties (Brooklyn and Manhattan cases are heard at 346 Broadway). The Summons team also sends out notices to defendants for cases rejected because of defect or dismissed after judicial review. They are also the central repository for all summons records. Certificates of disposition are given after a review of the SAMS system for cases adjudicated after 1999. For older cases books and computer printouts are used by the Summons clerical staff to locate and verify summons dispositions going back to 1970.

Summonses – Revenue

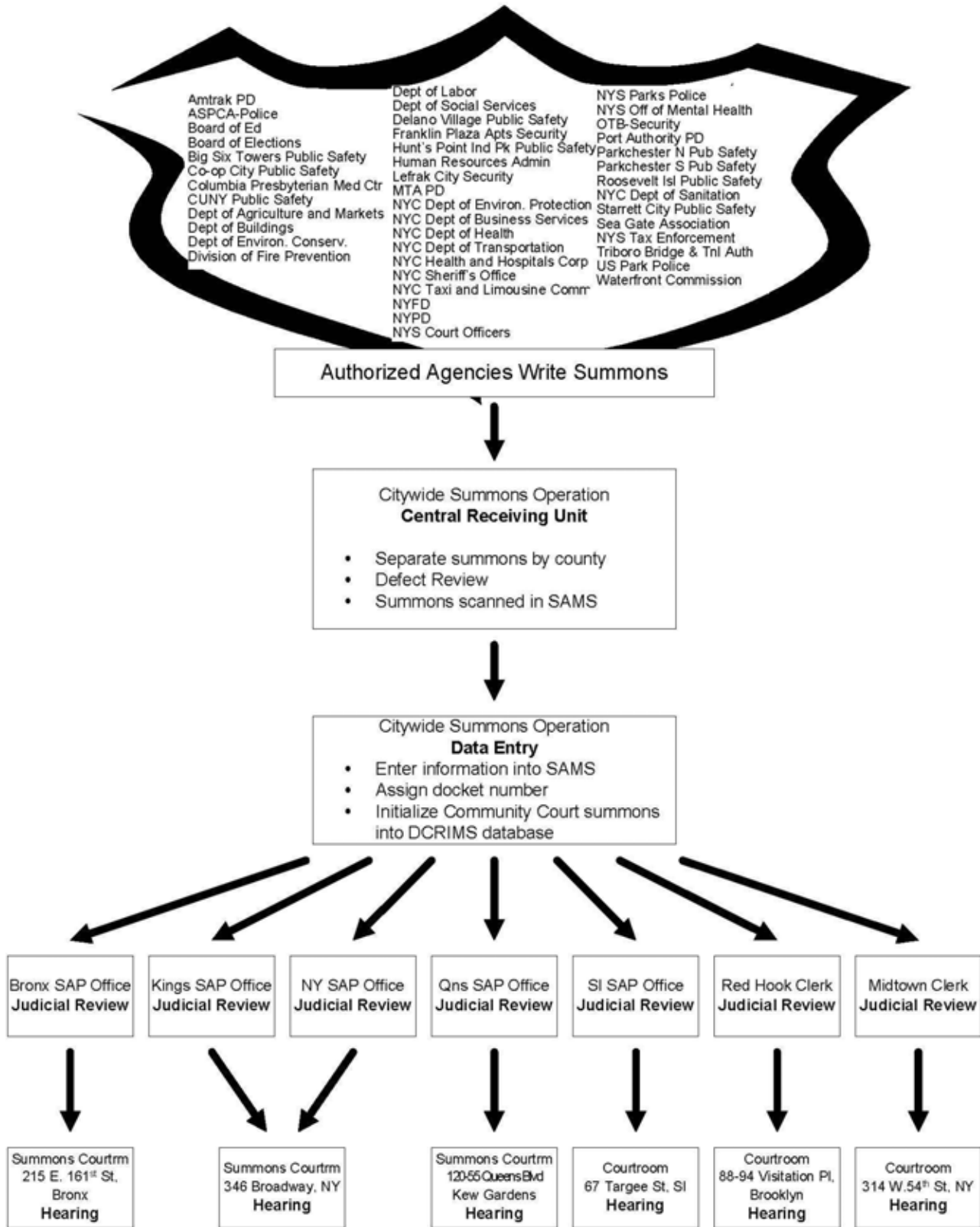
	Summons Revenue* - 2008					
	Citywide	Bronx	Kings**	New York**	Queens	Richmond
Fine City	\$5,384,286	\$694,425	\$618,167	\$2,540,337	\$1,376,467	\$154,890
Fine State	\$1,644,855	\$424,660	\$226,487	\$653,133	\$284,595	\$55,980
Surcharge CVAF	\$245,335	\$30,155	\$29,470	\$93,945	\$81,355	\$10,410
Surcharge Misd	\$4,780	\$280	\$915	\$2,420	\$750	\$415
Surcharge Violation	\$903,928	\$111,395	\$109,400	\$348,820	\$299,375	\$34,938
Surcharge VTL	\$45,307	\$3,765	\$2,105	\$8,420	\$22,797	\$8,220
Total	\$8,228,491	\$1,264,680	\$986,544	\$3,647,075	\$2,065,339	\$264,853

* Includes Bronx information

** Money received from summonses issued in Brooklyn that are disposed and paid at 346 Broadway are included in the New York county figures. Over \$500,000 in fines and surcharges from Brooklyn summonses are included in the New York total.



Summonses – From Ticket to Hearing

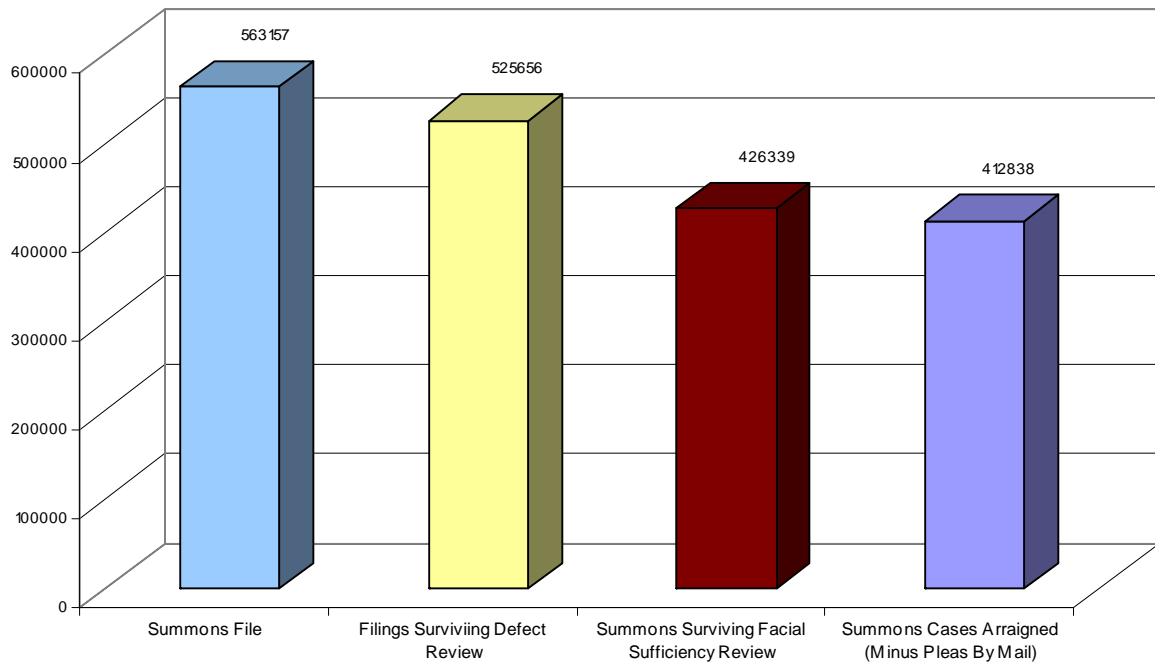




Summonses – Filings, Docketing and Arraignments

Summary of Summons Filings* - 2008								
	Citywide	Bronx	Kings	Midtown	New York	Queens	Red Hook	Richmond
Filings	563,157	120,331	161,271	120,131	133,409	101,266	10,830	15,919
Defects (-)	(37,501)	(10,315)	(13,253)	4,469	(4,354)	(4,348)	0	(762)
Docketed Filings	525,656	110,016	148,018	15,662	129,055	96,918	10,830	15,157
Dism Insuff (-)	(99,317)	(18,848)	(39,930)	0	(25,682)	(14,857)	0	0
Plea By Mail (-)	(13,501)	(920)	(3,409)	0	(4,745)	(4,416)	0	11
Arraigned	412,838	90,248	104,679	15,662	98,628	77,645	10,830	15,146

Summons Surviving Defect and Facial Sufficiency Review (Citywide) - 2008



Summons Filings (Surviving Defect Review and Docketed)*								
	Citywide	Bronx	Kings	Midtown	New York	Queens	Red Hook	Richmond
2008	563,157	120,331	161,271	20,131	133,409	101,266	10,830	15,919
2007	601,457	123,034	165,339	18,734	156,882	112,163	10,057	15,248
2006	602,944	128,551	158,444	15,884	157,356	113,018	11,924	17,767
2005	608,188	137,624	160,267	13,170	158,310	108,191	13,467	17,159
2004	548,134	127,151	126,011	16,455	143,468	106,076	10,811	18,162
2003	578,095	154,396	132,924	15,982	133,168	106,084	16,038	19,503
2002	505,331	123,323	134,171	12,926	115,164	92,881	10,376	16,490
2001	534,586	139,113	138,624	11,796	116,274	96,803	12,045	19,931
2000	581,841	138,487	157,790	14,044	130,364	109,153	6,559	25,444
1999	467,591	96,721	121,180	—	136,280	93,006	—	20,404
1998	488,651	100,919	136,175	—	136,146	89,911	—	25,500

Note: Defective Summonses for Midtown and Red Hook are included in the New York and Brooklyn defects. Dism. Insuff represents the number of summonses dismissed as part of the pre-arraignment review (SAP-D calendar). Midtown, Red Hook and Richmond review summonses for legal sufficiency at the scheduled arraignment session.

* Includes Bronx information



Summonses – Trials

	Summons Trials*					
	Citywide	Bronx	Kings	New York	Queens	Richmond
2008	904	547	173	137	46	1
2007	1,572	891	254	111	315	1
2006	1,613	373	286	126	824	4
2005	1,578	544	364	118	535	17
2004	471	155	126	85	92	13
2003	686	151	58	90	374	13
2002	714	461	9	39	183	22
2001	564	295	17	38	190	24
2000	639	199	9	167	159	105

* Includes Bronx information



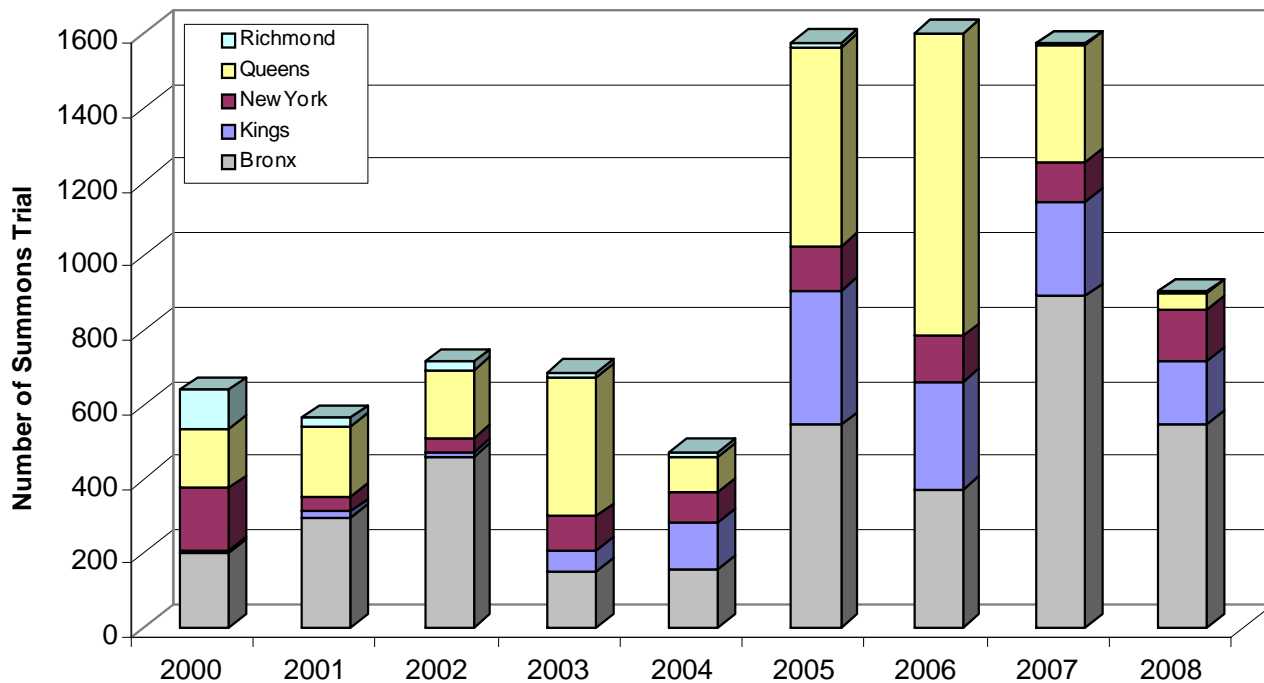
Honorable Barry Kamins



Honorable Tanya Kennedy



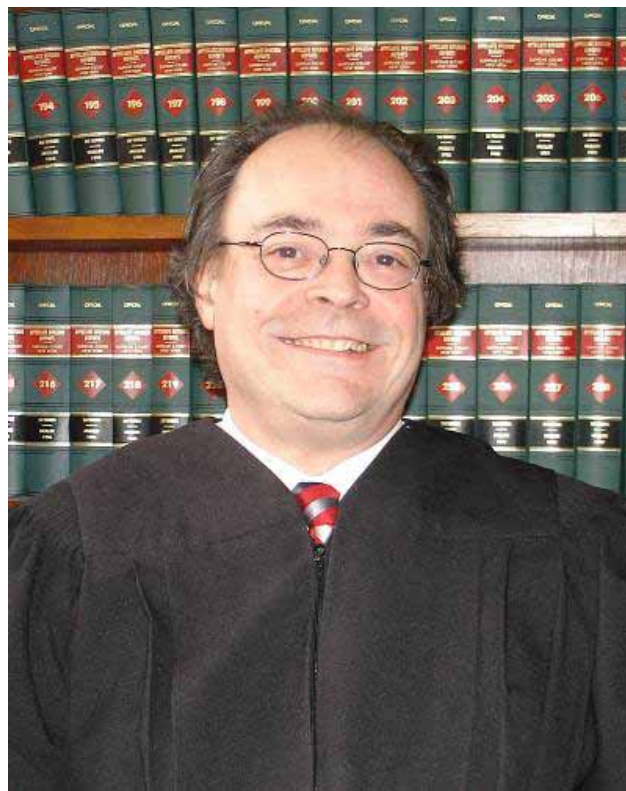
Summons Trials



* Includes Bronx information



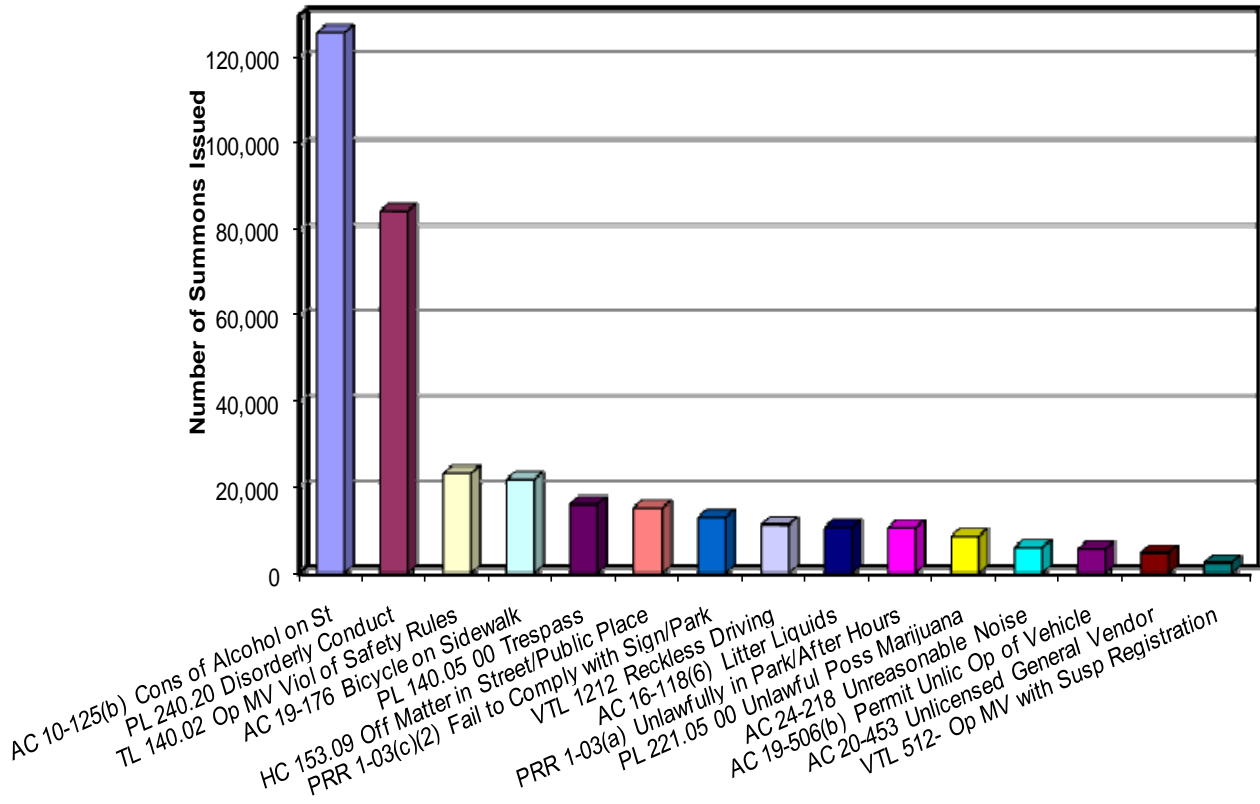
Honorable Elisa Koenderman



Honorable Gene Lopez



Most Frequently Charged Summons Offenses* 2008



Honorable Charles Lopresto



Honorable Robert Mandelbaum

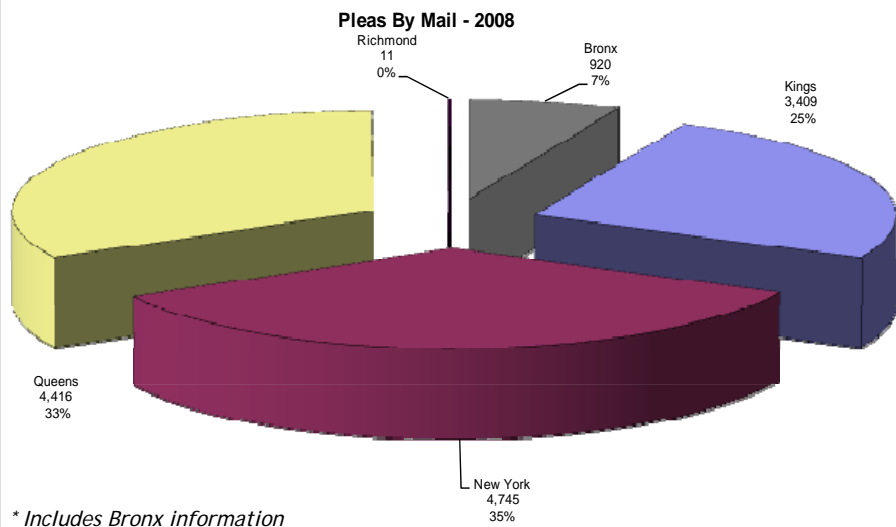


Plea By Mail

2005 was the first full calendar year that individuals receiving a Criminal Court summons citing a violation of Section 10-125 (2)(b) of the N.Y.C. Administrative Code- "Consumption of Alcohol on Streets Prohibited" (also known as "Consumption of Alcohol in Public") were eligible to plead guilty and pay a \$25 fine by mail. 2005 also marked the first year that this program, originally piloted in Queens county, was expanded to the entire city.

In 2008, 13,501 people chose to plead guilty by mail and send a check or money order to the court. These individuals did not appear in court. This program is another example of the new initiatives that Criminal Court has instituted to more efficiently manage limited staffing resources.

	Pleas By Mail*					
	City	Bronx	Kings	New York	Queens	SI
2008	13,501	920	3,409	4,745	4,416	11
2007	11,221	887	2,272	3,306	4,743	13
2006	8,554	659	1,803	2,497	3,575	20
2005	9,724	895	1,840	3,055	3,907	27
2004	5,128	319	409	496	3,898	6



Honorable Ira Margulis



Honorable Kevin McGrath



COURT OPERATIONS – PRE-TRIAL ALL-PURPOSE PARTS

The All-Purpose or "AP" parts are the motion parts of the Criminal Court. Extensive plea negotiations take place in these courtrooms prior to the case being in a trial-ready posture. In addition, depending upon caseloads, the judges in the AP parts may conduct pre-trial hearings, felony hearings and bench trials.

Misdemeanors are typically sent to the AP part from arraignments so that the case may be made ready for trial. If, at arraignment, the defendant was arraigned on a misdemeanor complaint and the case was not converted to an information, the AP part is where the prosecutor will file the necessary affidavits and depositions to make the allegations non-hearsay.

AP parts throughout the city dispose of tens of thousands of cases each year as a result of negotiations between defense counsel and prosecutor. In the four counties, there were 128,264 cases disposed of in AP parts, accounting for 45% of all dispositions throughout the year.

AP parts decide most of the motions submitted on misdemeanor cases. The majority of motions to dismiss for such grounds as facial insufficiency, denial of speedy trial rights, in the furtherance of justice or any other jurisdictional or legal impediment are typically raised in the AP part. Omnibus motions, which include discovery requests, bills of particulars, motions to suppress evidence and requests for pre-trial hearings are usually filed and decided in the AP part. Increasingly, district attorneys' offices are agreeing to open file discovery in the AP part, which involves the prosecutor turning over to defense counsel most of the police reports and information in the district attorney's files without the defense attorneys filing omnibus motions, speeding the way to real trial readiness.

However, the AP part truly lives up to its name. These parts also hear bail applications; act as the return parts for defendants brought back on bench warrants; hear violation of probation matters; and, to a limited degree, conduct pre-trial hearings and bench trials. Over the years, some of the AP parts have become specialized. Included in this section

are problem-solving courts designed to focus on various societal problems, including Domestic Violence Courts and Drug Courts. Also included in this section is an accounting of the various Compliance parts throughout the city. These parts follow the progress of sentenced defendants on domestic violence cases or their compliance with court-ordered conditions of discharge, probation or release, taking some of the burden off the busy AP parts.

Note: While these specialized parts are AP parts, for the purposes of this report they are reported separately. Statistics on AP parts include only "non-specialized courtrooms." Information on the "specialized" courtrooms appears in separate sections.



Honorable William McGuire



2008	Citywide	Kings	New York	Queens	Richmond
Number of AP Parts	25.9	10.50	7.00	6.8	1.6
Average # AP Parts Open Daily	22.6	8.6	6.6	6.1	1.3

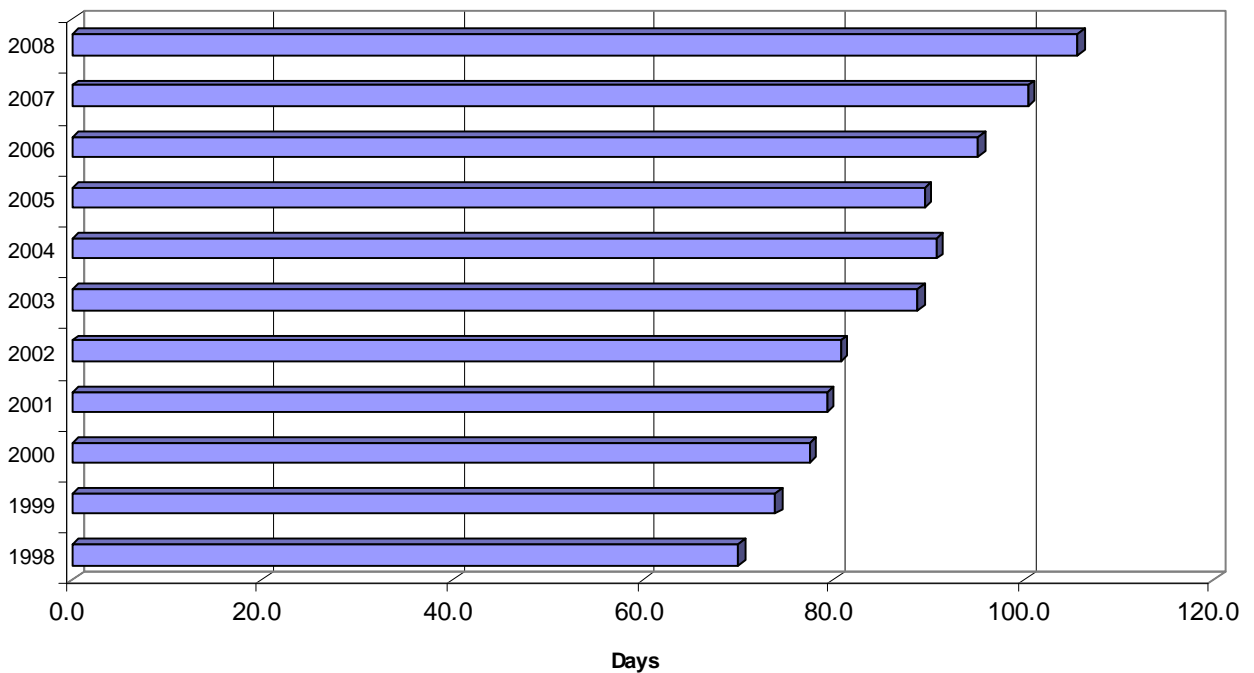
Mean Number of Appearances of Dockets Surviving Arraignments and Disposed in AP Parts Citywide

2008	4.5	4.6	4.1	4.9	4.6
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Mean Disposition Age of Dockets Surviving Arraignments and Disposed in AP Parts (Days)

	Citywide	Kings	New York	Queens	Richmond
2008	105.7	97.0	118.1	99.2	103.7
2007	100.5	90.7	109.7	98.2	103.6
2006	95.3	82.3	108.7	93.1	88.3
2005	89.6	73.5	104.0	86.5	88.0
2004	90.9	74.8	104.9	87.6	84.6
2003	88.9	69.1	105.3	83.7	88.9
2002	80.8	66.4	92.1	79.4	83.9
2001	79.4	67.6	88.1	82.5	82.5
2000	77.4	68.3	86.6	74.3	84.7
1999	74.0	64.6	88.0	63.2	72.2
1998	70.0	61.9	82.8	63.2	65.1

Mean Disposition Age of Dockets Surviving Arraignments and Disposed in AP Parts





COURT OPERATIONS – PRE-TRIAL ALL-PURPOSE PARTS

Number of Calendared Cases in AP Parts

	Citywide	Kings	New York	Queens	Richmond
2008	582,110	229,079	149,346	160,793	42,892
2007	536,472	212,943	141,377	143,828	38,324
2006	519,258	199,014	142,900	140,704	36,640
2005	500,705	175,467	151,792	140,548	32,898
2004	487,132	161,863	155,117	139,946	30,206
2003	501,038	163,743	163,209	143,074	31,012
2002	506,027	172,468	156,363	144,423	32,773
2001	540,984	208,200	150,605	145,934	36,245
2000	586,958	229,488	169,300	147,534	40,636
1999	621,566	231,295	196,289	154,060	39,922
1998	671,296	252,856	214,710	161,388	42,342

Mean Number of Cases Calendared Per Day in AP Parts

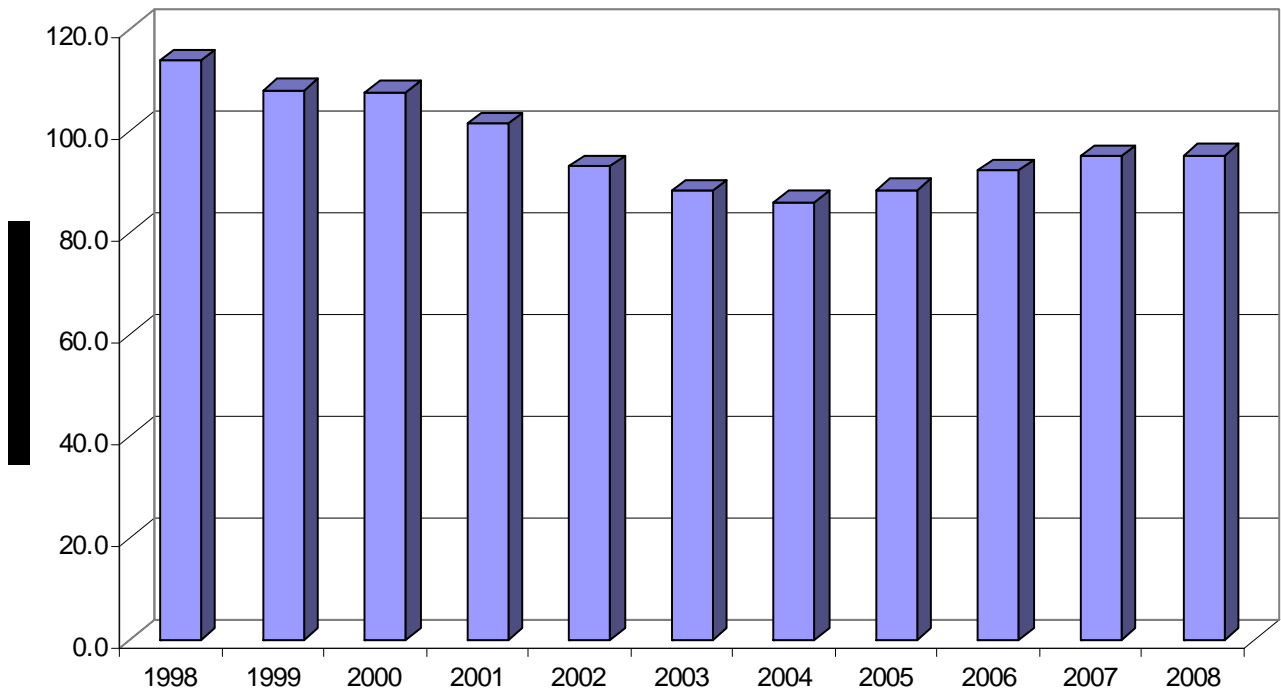
2008	95.2	98.1	83.9	96.9	126.3
2007	94.9	98.6	86.9	93.7	114.5
2006	92.1	93.3	87.2	91.5	112.1
2005	88.4	82.7	90.1	91.4	103.5
2004	86.0	76.6	94.3	88.1	94.6
2003	88.2	75.4	95.8	95.2	101.7
2002	92.9	86.8	94.9	96.5	104.1
2001	101.3	103.3	93.4	104.1	117.5
2000	107.6	112.8	98.1	107.8	124.8
1999	108.0	106.4	104.3	111.2	128.0
1998	113.7	112.5	116.2	107.3	139.4

Total Dispositions in AP Parts

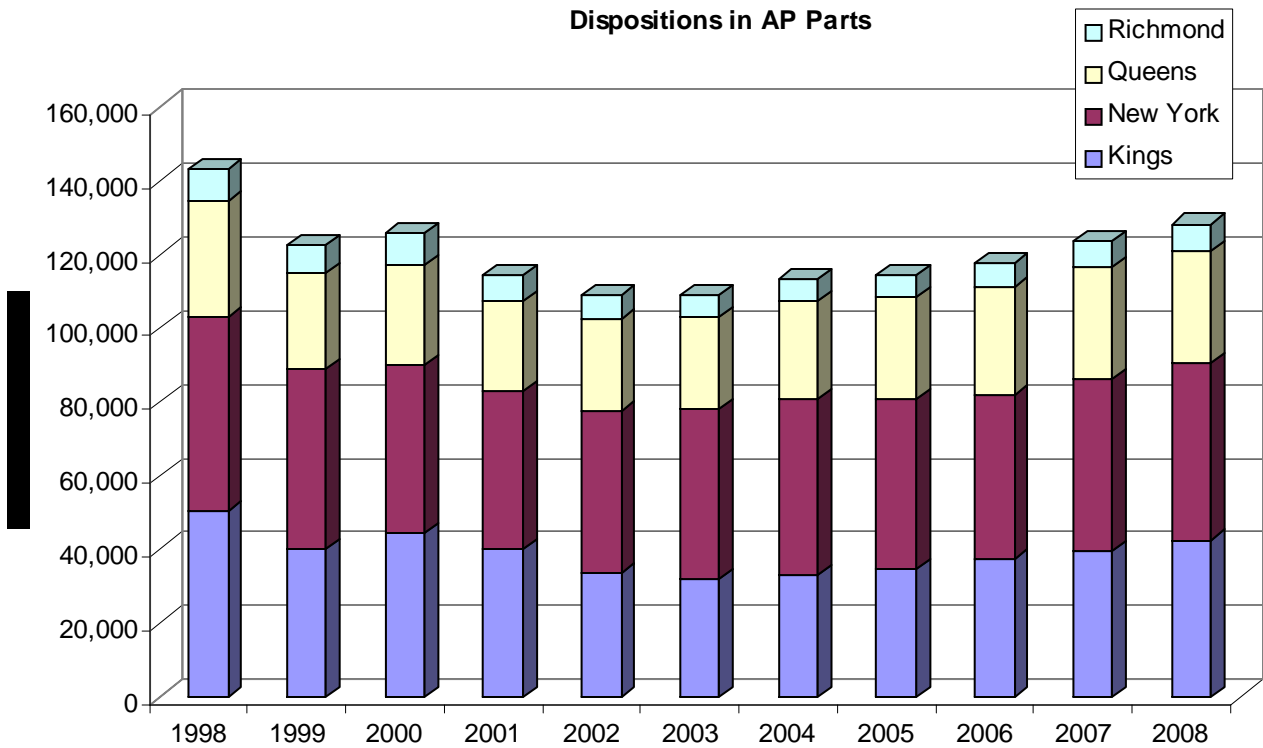
2008	128,264	42,584	47,764	30,700	7,216
2007	123,701	39,533	46,844	30,130	7,194
2006	117,679	37,506	44,551	28,906	6,716
2005	114,389	34,914	46,016	27,567	5,892
2004	113,496	32,973	47,611	26,998	5,914
2003	108,965	31,783	46,318	24,785	6,079
2002	109,016	33,747	43,643	25,214	6,412
2001	114,424	39,910	43,256	24,062	7,196
2000	124,663	43,453	45,577	27,386	8,247
1999	122,811	39,973	48,760	26,484	7,594
1998	143,096	50,268	52,675	31,682	8,471



Mean Number of Cases Calendared Per Day in AP Parts - Citywide



Dispositions in AP Parts





Felony Waiver Parts

Criminal Court has preliminary jurisdiction over felony cases filed in New York City. Criminal Court retains jurisdiction of the felony cases until a grand jury hears the case and indicts the defendant. Defendants charged with felonies are arraigned in the Criminal Court arraignment parts and cases are then usually sent to a felony waiver part to await grand jury action. Once the prosecutor notifies the court that indictment has been voted, the case is transferred to Supreme Court.

Felony waiver parts are staffed by Criminal Court judges designated as Acting Supreme Court justices. District Attorneys' Offices will often negotiate plea bargains in these parts by offering the defendant the opportunity to plead guilty to a reduced charge or receive a reduced sentence. Defendants agreeing to plead guilty to a felony in these parts must waive their right to be prosecuted by indictment and agree to prosecution by a Superior Court Information or "SCI," an accusation drafted by the district attorney rather than the

grand jury. Almost 23,000 dispositions were taken in felony waiver parts in the four counties in 2008.

Felony waiver parts also hear motions, bail applications and extradition matters among other things. They are among some of the most productive courtrooms in the city. Almost 112,000 appearances on cases were calendared in Criminal Court's felony waiver parts throughout the city of which almost 23,000 were disposed. These felony dispositions assisted the four corresponding Supreme Courts allowing them to handle a reduced post-indictment caseload.

While every county disposes of a large amount of drug cases in their felony waiver parts, the practice differs with other cases.



Honorable Suzanne Melendez

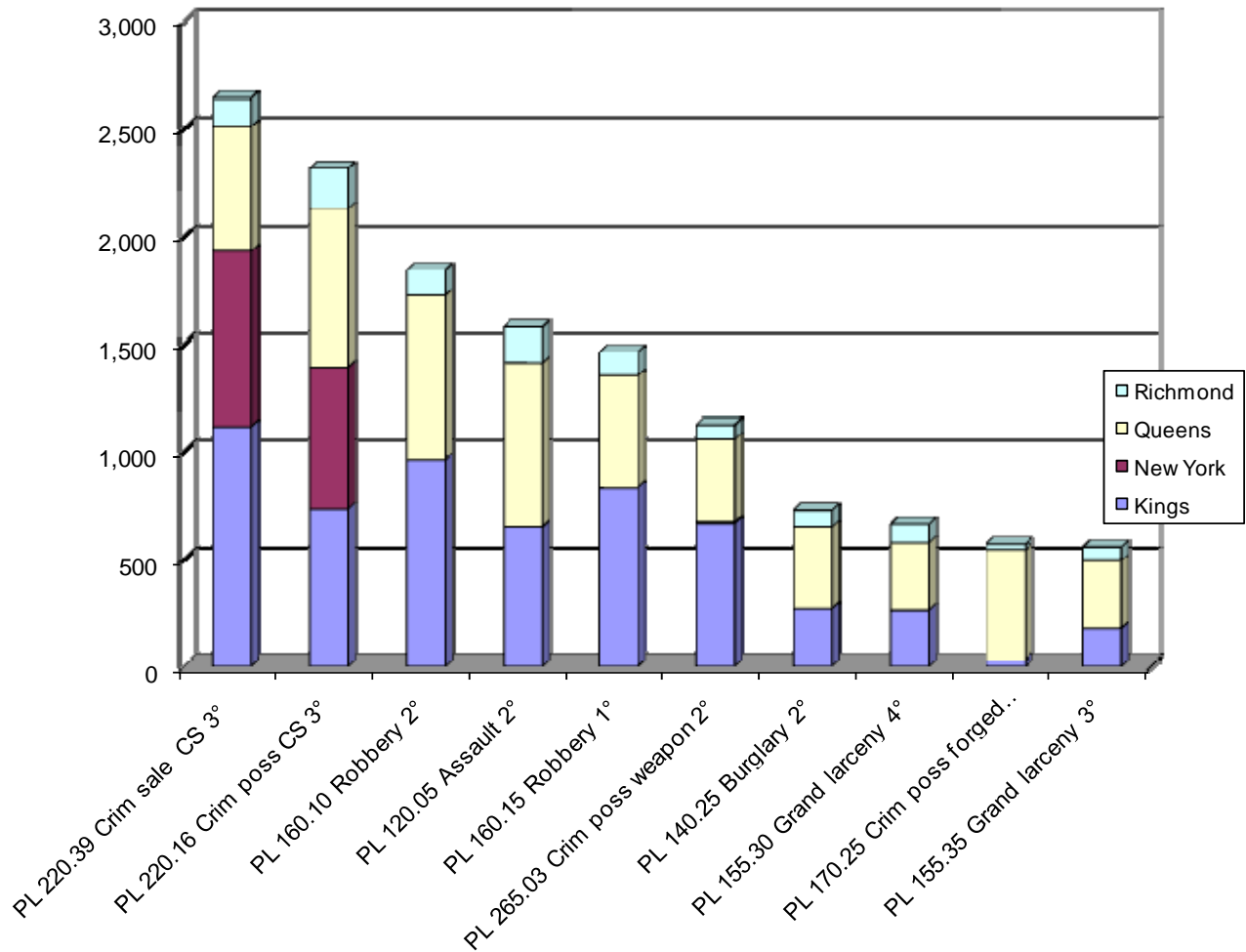


Honorable Rita Mella



	Number of Felony Waiver Parts				
	Citywide	Kings	New York	Queens	Richmond
2008	5.7	2.0	1.0	2.2	.5

Top 10 Arraignment Charges of Dockets Disposed in Felony Waiver Parts 2008



Top Ten Arraignment Charges of Dockets Disposed in Felony Waiver Parts 2008

Number of dispositions for each charge	Citywide	Kings	New York	Queens	Richmond
1 PL 220.39 Crim sale CS 3°	2,639	1,114	811	580	134
2 PL 220.16 Crim poss CS 3°	2,312	733	654	738	187
3 PL 160.10 Robbery 2°	1,844	959	0	760	125
4 PL 120.05 Assault 2°	1,577	644	1	763	169
5 PL 160.15 Robbery 1°	1,461	827	0	520	114
6 PL 265.03 Crim poss weapon 2°	1,122	660	8	385	69
7 PL 140.25 Burglary 2°	727	264	0	380	83
8 PL 155.30 Grand larceny 4°	657	256	2	317	82
9 PL 170.25 Crim poss forged instr 2°	568	29	0	514	25
10 PL 155.35 Grand larceny 3°	554	176	1	312	65

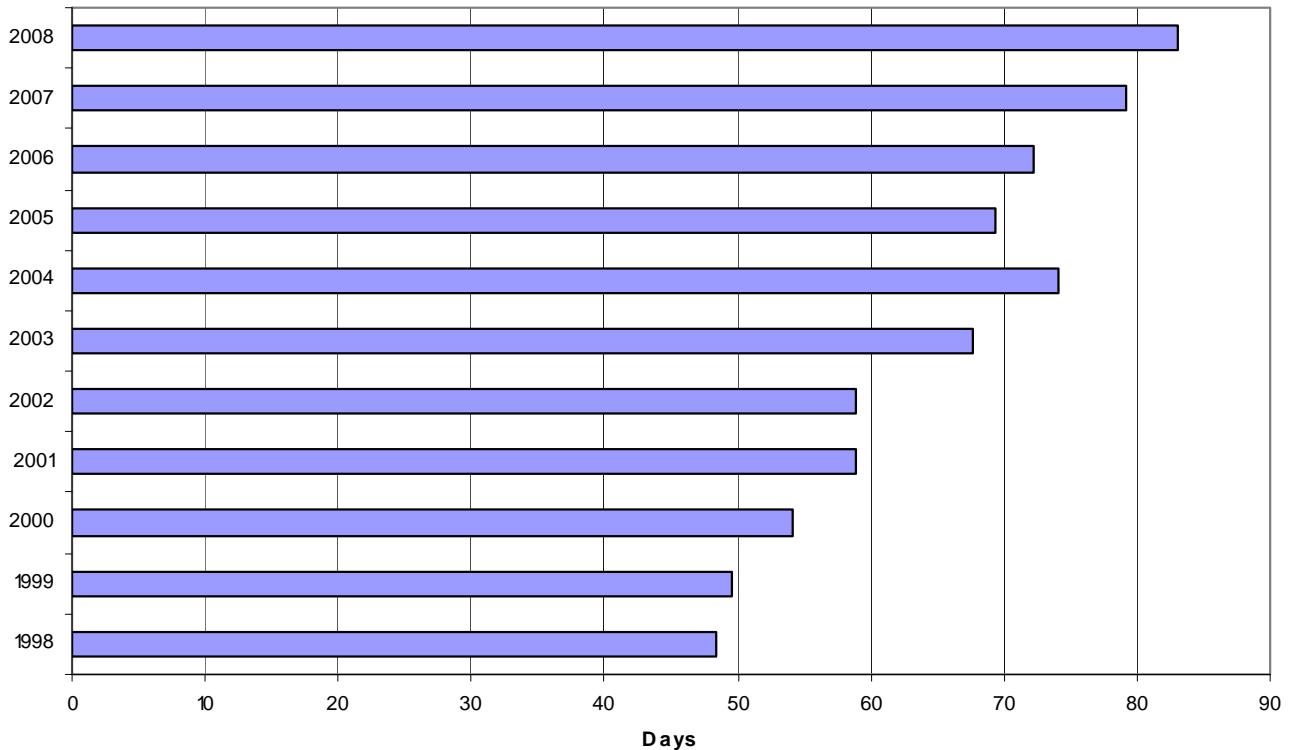


Felony Waiver Parts

Mean Disposition Age of Dockets Surviving Arraignments and Disposed in Felony Waiver Parts (in days)

	Citywide	Kings	New York	Queens	Richmond
2008	83.0	48.0	50.7	126.8	83.5
2007	79.2	45.2	51.3	115.1	78.6
2006	72.2	42.1	53.4	110.9	71.0
2005	69.4	43.2	49.4	103.0	72.1
2004	74.1	58.9	52.5	100.6	69.8
2003	67.6	39.9	54.6	95.8	70.2
2002	58.8	29.3	48.6	91.2	69.6
2001	58.9	30.1	47.3	92.5	74.2
2000	54.2	26.0	38.0	85.4	73.1
1999	49.5	29.3	35.1	77.7	61.7
1998	48.3	32.1	36.8	74.5	56.8

Mean Age of Dockets Surviving Arraignments and Disposed in Felony Waiver Parts





Honorable Felicia Mennin



Honorable Alan Meyer



Honorable Shari Michels



Honorable Suzanne Mondo

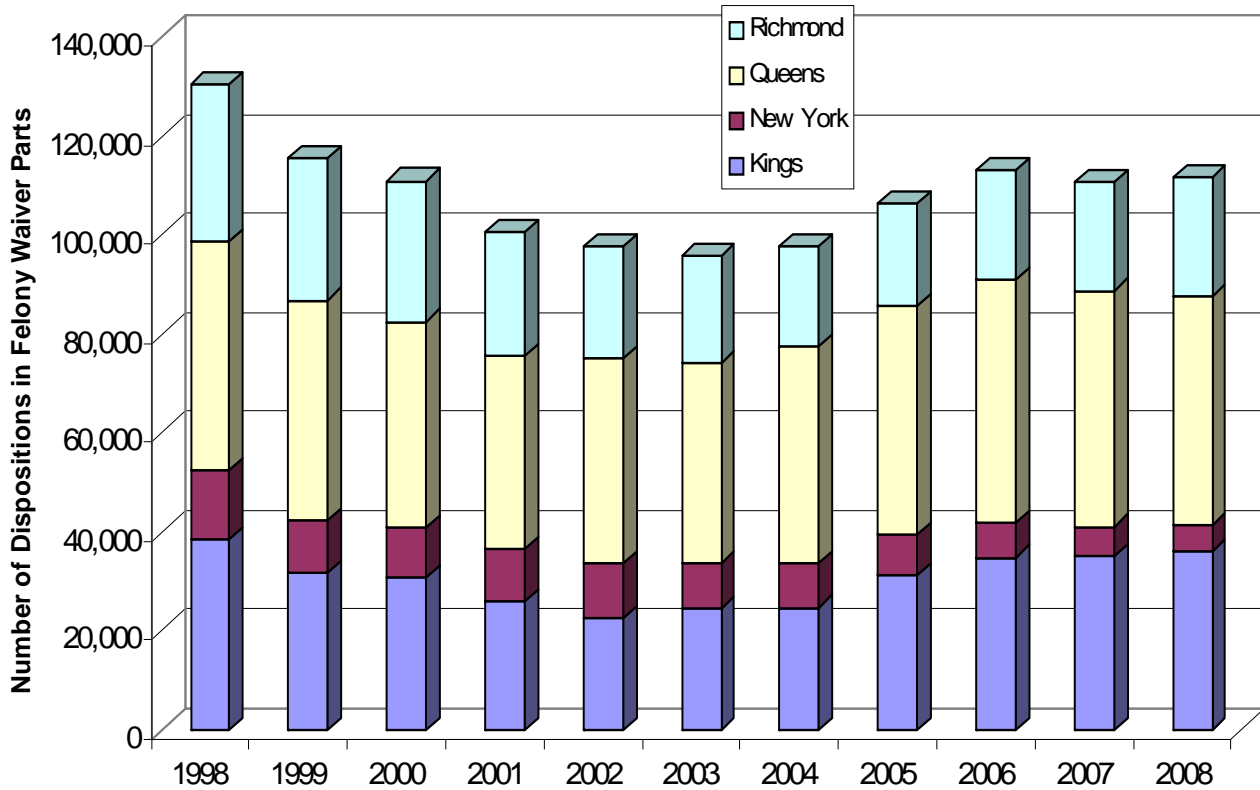


Felony Waiver Parts

Number of Calendared Cases Heard in Felony Waiver Parts

	Citywide	Kings	New York	Queens	Richmond
2008	111,818	36,141	5,151	46,403	24,123
2007	110,901	34,852	6,255	47,663	22,131
2006	113,317	34,778	7,176	48,914	22,449
2005	106,306	31,058	8,501	46,118	20,629
2004	97,556	24,690	9,055	43,747	20,064
2003	95,734	24,594	9,047	40,574	21,519
2002	97,875	22,613	10,924	41,691	22,647
2001	100,610	25,835	10,538	39,173	25,064
2000	110,958	30,592	10,440	41,490	28,436
1999	115,682	31,529	10,854	44,469	28,830
1998	130,499	38,225	14,119	46,213	31,942

Number of Calendared Cases Heard in Felony Waiver Parts





Total Dispositions in Felony Waiver Parts

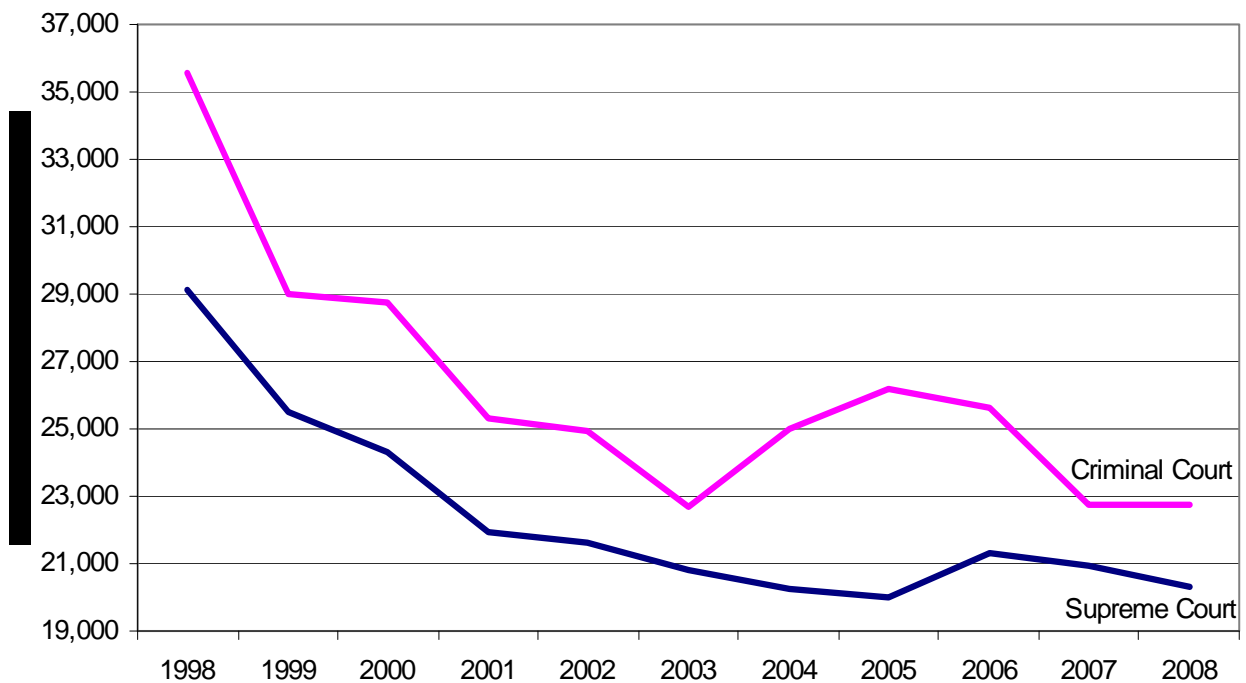
		Citywide	Kings	New York	Queens	Richmond
2008	Total Dispositions	22,739	8,478	2,375	8,482	3,404
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	51.3				
2007	Total Dispositions	22,772	7,423	2,792	9,260	3,297
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	50.2	—	—	—	—
2006	Total Dispositions	25,613	9,748	3,207	9,239	3,419
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	56.3	—	—	—	—
2005	Total Dispositions	26,195	9,524	3,939	9,500	3,232
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	60.3	—	—	—	—
2004	Total Dispositions	25,008	8,784	3,995	8,840	3,389
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	61.1	—	—	—	—
2003	Total Dispositions	22,708	7,042	3,818	8,326	3,522
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	55.1	—	—	—	—
2002	Total Dispositions	24,929	8,638	4,425	8,024	3,842
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	57.7	—	—	—	—
2001	Total Dispositions	25,315	9,302	4,213	7,446	4,354
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	58.0	—	—	—	—
2000	Total Dispositions	28,763	10,249	4,730	8,664	5,120
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	57.6	—	—	—	—
1999	Total Dispositions	28,992	10,464	5,500	8,299	4,729
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	53.4	—	—	—	—
1998	Total Dispositions	35,548	13,185	7,246	9,648	5,469
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	57.4	—	—	—	—



Felony Waiver Parts

	Supreme Court Dispositions			
	Citywide	Kings/Richmond	New York	Queens
2008	20,321	8,265	7,682	4,374
2007	20,916	8,017	8,212	4,687
2006	21,334	8,321	8,183	4,830
2005	19,987	6,370	8,534	5,083
2004	20,245	6,614	8,596	5,035
2003	20,804	6,521	9,590	4,693
2002	21,607	6,483	10,242	4,882
2001	21,919	6,945	10,039	4,935
2000	24,311	7,249	11,647	5,415
1999	25,521	7,544	12,929	5,048
1998	29,110	9,276	13,394	6,440

Supreme Court Dispositions Compared to Criminal Court Felony Waiver Part Dispositions





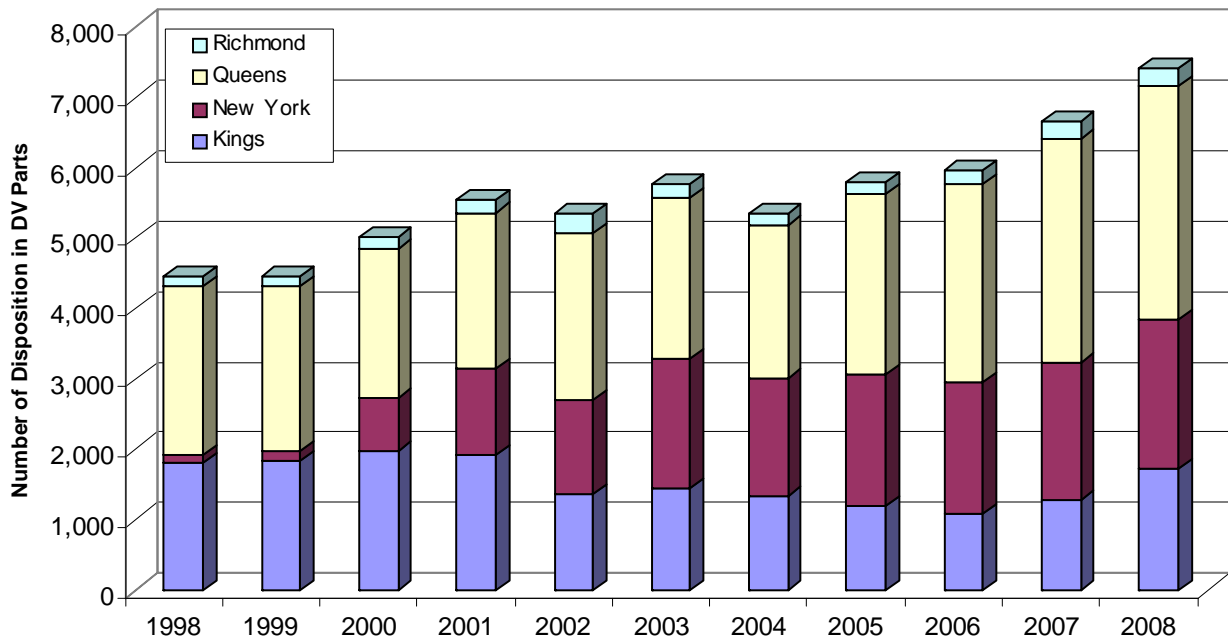
Domestic Violence Courts

Criminal Court currently operates Domestic Violence or DV courts within every county. Brooklyn, Manhattan and Queens operate DV Complexes, which include an All-Purpose part, Trial part and Compliance parts dedicated to adjudicating these types of crimes. In Richmond all DV cases are heard in the regular AP Part. All told, Criminal

Court has six courtrooms dedicated to handling these types of offenses.

Domestic Violence courts are forums that focus on crimes related to domestic violence and abuse and improving the administration of justice surrounding these types of crimes.

DV Part Dispositions



* In Kings, New York and Queens county, the Domestic Violence Compliance (DVC) Parts are not open 5 times/week and are listed as fractions depending on the number of days they are open. In Brooklyn DVC is open 2 days/week, Manhattan DVC is open 1 day/week and in Queens, DVC (which is com-

	Number of Domestic Violence Court Parts in Criminal Court *				
	Citywide	Kings	New York	Queens	Richmond
2008	6.0	2.4	2.2	1.2	.2
Total Number of Plea Dispositions in DV Parts					
2008	7,411	1,741	2,111	3,297	262
2007	6,629	1,290	1,917	3,186	236
2006	5,965	1,100	1,857	2,815	193
2005	5,793	1,197	1,874	2,568	154
2004	5,357	1,328	1,689	2,176	164
2003	5,775	1,446	1,840	2,288	201
2002	5,352	1,379	1,322	2,372	279
2001	5,537	1,925	1,225	2,214	173
2000	5,029	1,990	744	2,121	174
1999	4,458	1,847	139	2,323	149
1998	4,451	1,813	112	2,404	122



Drug Treatment Court Initiative

Criminal Court's six drug courts – Manhattan Treatment Court, Manhattan Misdemeanor Treatment Court, Screening & Treatment Enhancement Part, Misdemeanor Treatment Court, Queens Misdemeanor Treatment Court and Staten Island Treatment Court – handle cases involving drug-abusing offenders. Each seeks to change drug-abusing behavior through comprehensive supervision, drug testing, treatment services and immediate sanctions and incentives.

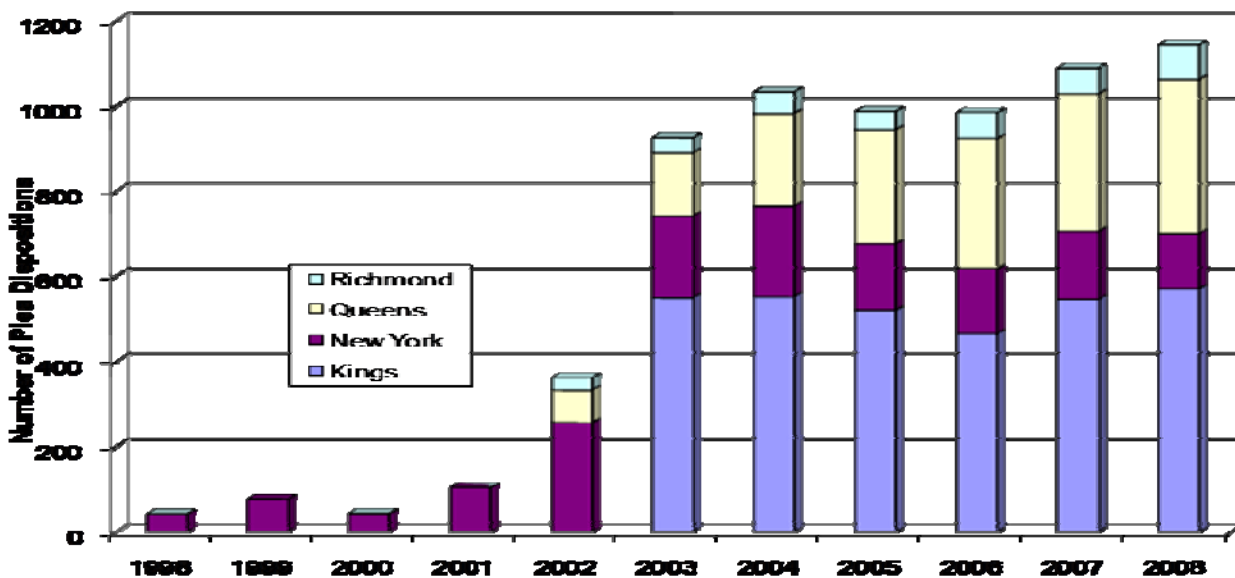
Drug court staff interview eligible non-violent defendants to determine whether they abuse drugs and are able to enter into a substance abuse treatment program. If the defendant is interested in participating, he or she pleads guilty and agrees to enter treatment for anywhere from 8 months to 2 years (depending on the court, the severity of the crime and length of the defendant's criminal record). With the help of the drug court staff, the judge supervises the defendant's progress in treatment with frequent drug tests, visits to court and intense case management. The court will impose interim sanctions (including jail) if the defendant tests positive for drugs or fails to go to treatment and will offer interim incentives (such as increasing amounts of freedom) if the defendant does consistently well. If the

defendant completes treatment, the court will either dismiss the charges or impose a non-jail sentence. If the defendant ultimately fails to follow through on his/her court mandate, the court will impose a jail sentence.

Criminal Court has also instituted Comprehensive Screening, a system of ensuring that all defendants eligible to participate in a drug court are given that opportunity within a day or two of their arrest.

	Number of Drug Court Parts in Criminal Court				
	Citywide	Kings	New York	Queens	Richmond
2008	4.7	2	2	.5	.2
	Number of Plea Dispositions taken in Drug Courts				
	Citywide	Kings	New York	Queens	Richmond
2008	1,143	570	130	362	81
2007	1,055	546	159	323	61
2006	949	465	153	305	62
2005	972	520	156	268	43
2004	994	552	213	217	50
2003	889	550	191	148	36
2002	362	0	256	77	29
2001	104	0	104	0	0
2000	43	0	43	0	0
1999	77	0	77	0	0
1998	42	0	42	0	0

Number of Plea Dispositions in Drug Courts





Compliance Parts

Every county except Richmond has a Domestic Violence Compliance part. In these parts, cases in which a Domestic Violence Court judge orders defendants to attend batterer intervention, substance abuse, mental health or parenting skills programs are monitored by a Judicial Hearing Officer to ensure that the defendants comply with the judges' directives. Defendants who do not comply are re-

ferred back to the original judge for appropriate action.

In addition to DVC, Queens and New York have compliance calendars that monitor defendants' performance of conditions of sentence and/or release. Cases are referred from all Queens and New York courtrooms other than the domestic violence part.

Number of Cases Calendared in DV Compliance Parts

	Citywide	Kings	New York	Queens
2007†	5,034	1,255	1,409	2,370
2006	4,854	986	1,492	2,376
2005	5,763	1,516	1,444	2,803
2004	6,658	2,218	1,094	3,346
2003	5,409	2,359	1,514	1,536
2002	9,777	3,843	1,733	4,201
2001	12,714	6,199	1,824	4,691
2000	13,258	5,668	2,821	4,769

Court Dispute Referral Centers

Criminal Court has Court Dispute Referral Centers (CDRCs) in each borough. CDRC staff assist people who wish to make a complaint against another person. CDRC staff evaluate the complaint and provide the complainant with options and information for resolving the dispute.

Disputes brought to CDRC may be between neighbors, acquaintances, family members, landlords and tenants, or consumer and merchant. The disputes may involve harassment, assault, vio-

lence, property damage, trespass or larceny. Many of these cases, after review by the CDRC staff, proceed to outside mediation where they are resolved. Mediation is a voluntary process in which disputing parties meet with a neutral third party, the mediator, who helps them come to a resolution of their problem. Some disputes are referred to other courts or social service agencies. Domestic violence and abuse cases are referred to the District Attorney's office.

CDRC Referrals*

	Citywide	Bronx	Kings	New York	Queens
2008	14,250	3,974	4,056	3,160	3,060
2007	15,134	4,647	4,979	3,078	2,430
2006	16,145	5,038	5,222	3,267	2,618
2005	16,778	4,979	5,411	3,451	2,937
2004	18,891	5,330	6,511	3,975	3,075
2003	18,984	5,887	6,063	3,277	3,757
2002	19,358	6,391	5,748	2,681	4,538
2001	21,869	6,377	7,093	3,097	5,302
2000	23,816	7,178	7,710	3,523	5,405
1999	24,812	7,472	7,852	3,781	5,707
1998	23,890	7,565	6,921	3,947	5,457

* Includes Bronx information

† 2008 statistics unavailable



COURT OPERATIONS – TRIAL PARTS

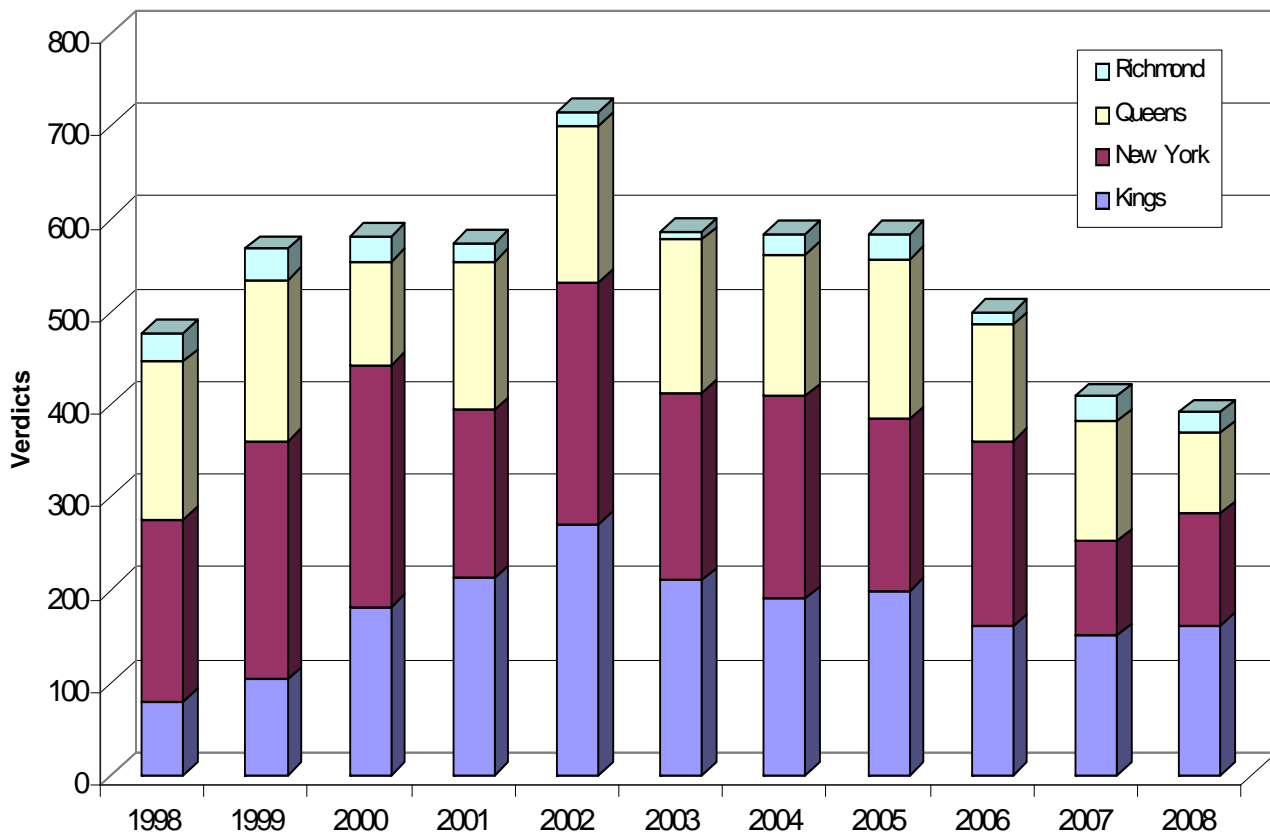
Trial Parts in the Criminal Court handle most of the trials – both bench and jury. (Some trials are conducted in the Court’s AP parts). In New York State only those individuals charged with a serious crime, defined as one where the defendant faces more than six (6) months in jail, are entitled to a jury trial. Those defendants facing six (6) months incarceration or less are entitled to a bench trial before a judge.

Trial Parts also handle many of the pre-trial hearings that must be conducted before the trial begins. These include suppression, *Sandoval*,

Molineux and other evidentiary hearings. Data on the number of trials that go to verdict are presented below and on the facing page. Although the data is not presented here, a significant number of non-trial dispositions (e.g., guilty pleas, ACDs and dismissals) take place in Trial Parts, when the parties are compelled to make a final evaluation of the strength and weaknesses of their case.

Criminal Court also conducts a limited amount of hearings upon felony complaints.

Total Trial Verdicts





COURT OPERATIONS – TRIAL PARTS

		Trial Verdicts														
		Citywide			Kings			New York			Queens			Richmond		
		Conv	Acq	Tot	Conv	Acq	Tot	Conv	Acq	Tot	Conv	Acq	Tot	Conv	Acq	Tot
2008	Jury	71	56	127	22	21	43	32	22	54	16	13	29	1	0	1
	Bench	149	115	264	61	57	118	48	19	67	26	32	58	14	7	21
	Total	220	171	391	83	78	161	80	41	121	42	45	87	15	7	22
2007	Jury	89	91	180	22	33	55	39	30	69	25	24	49	3	4	7
	Bench	130	99	229	53	42	95	21	12	33	39	41	80	17	4	21
	Total	219	190	409	75	75	150	60	42	102	64	65	129	20	8	28
2006	Jury	124	80	204	25	21	46	74	28	102	22	27	49	3	4	7
	Bench	159	136	295	63	51	114	52	47	99	39	37	76	5	1	6
	Total	283	216	499	88	72	160	126	75	201	61	64	125	8	5	13
2005	Jury	127	101	228	33	32	65	57	30	87	27	31	58	10	8	18
	Bench	205	151	356	87	47	134	59	39	98	55	60	115	4	5	9
	Total	332	252	584	120	79	199	116	69	185	82	91	173	14	13	27
2004	Jury	140	107	247	28	28	56	77	42	119	30	33	63	5	4	9
	Bench	186	151	337	83	51	134	52	48	100	47	43	90	4	9	13
	Total	326	258	584	111	79	190	129	90	219	77	76	153	9	13	22
2003	Jury	115	123	238	33	36	69	63	60	123	17	26	43	2	1	3
	Bench	210	138	348	94	47	141	53	26	79	63	60	123	0	5	5
	Total	325	261	586	127	83	210	116	86	202	80	86	166	2	6	8
2002	Jury	145	104	249	37	29	66	81	48	129	24	27	51	3	0	3
	Bench	274	191	465	132	72	204	81	51	132	55	63	118	6	5	11
	Total	419	295	714	169	101	270	162	99	261	79	90	169	9	5	14
2001	Jury	114	82	196	45	19	64	45	33	78	23	24	47	1	6	7
	Bench	215	163	378	103	45	148	64	40	104	44	70	114	4	8	12
	Total	329	245	574	148	64	212	109	73	182	67	94	161	5	14	19
2000	Jury	107	92	199	37	20	57	60	53	113	7	12	19	3	7	10
	Bench	228	155	383	71	53	124	101	47	148	43	50	93	13	5	18
	Total	335	247	582	108	73	181	161	100	261	50	62	112	16	12	28
1999	Jury	121	103	224	30	20	50	74	66	140	12	13	25	5	4	9
	Bench	206	138	344	36	17	53	80	38	118	73	76	149	17	7	24
	Total	327	241	568	66	37	103	154	104	258	85	89	174	22	11	33
1998	Jury	91	78	169	14	13	27	55	44	99	16	15	31	6	6	12
	Bench	171	136	307	36	17	53	58	37	95	67	73	140	10	9	19
	Total	262	214	476	50	30	80	113	81	194	83	88	171	16	15	31



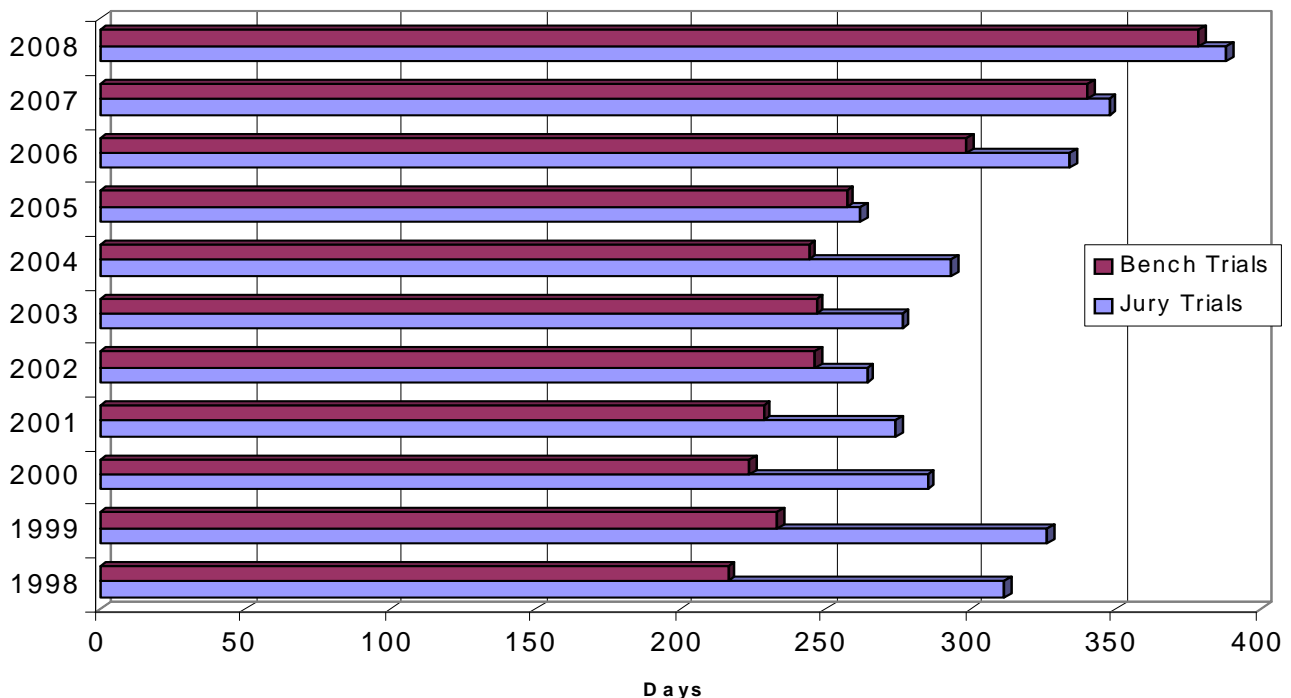
Bench Trial Verdicts Mean Age at Disposition (days)

	Citywide	Kings	New York	Queens	Richmond
2008	378.8	445.6	229.9	449.0	257.5
2007	340.6	370.8	222.8	348.4	335.2
2006	298.7	314.8	251.2	337.2	240.5
2005	257.3	265.3	218.0	274.6	337.1
2004	244.2	214.6	206.9	341.8	305.8
2003	246.9	229.6	245.4	265.2	311.2
2002	246.7	208.0	269.4	288.8	256.5
2001	228.5	184.0	235.4	265.2	378.9
2000	223.9	170.5	254.4	223.3	346.4
1999	233.3	191.7	307.4	186.7	248.3
1998	216.2	157.2	303.1	190.3	170.8

Jury Trial Verdicts Mean Age at Disposition (days)

2008	388.3	419.1	336.9	414.8	1111.0
2007	347.8	322.7	328.7	381.9	488.3
2006	334.2	356.2	308.9	364.8	351.3
2005	262.1	242.7	287.5	259.7	221.0
2004	293.6	217.4	296.3	362.4	265.0
2003	276.7	235.0	300.5	268.0	401.3
2002	264.5	211.1	285.8	277.4	343.3
2001	274.4	202.8	312.4	305.3	302.7
2000	285.2	167.8	336.5	326.3	284.3
1999	326.7	149.0	408.0	237.6	312.7
1998	311.6	176.9	373.0	268.2	220.0

Trial Verdicts Mean Age at Disposition





Pre-Trial Hearings

Trial Parts conduct the majority of the pre-trial hearings done in the Criminal Court. The statistics below, divided into felony and other hearings, show the number of pretrial hearings. Felony hearings upon a felony complaint, determining whether a defendant should be held in custody while awaiting action by a grand jury, are typically done in a

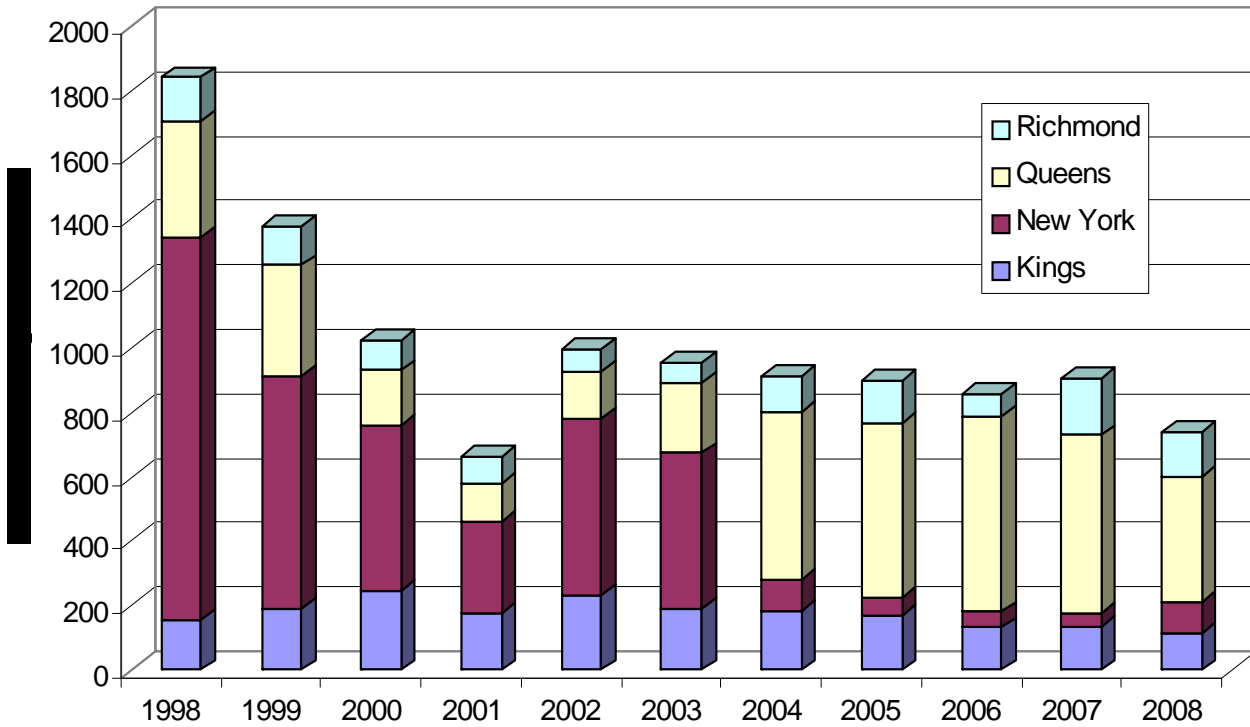
felony waiver part - although they may take place in any court part.

The "other hearing" category is comprised of pre-trial suppression hearings, *Sandoval*, *Molineux* and other evidentiary hearings.

		Pre Trial Hearings Commenced				
		Citywide	Kings	New York	Queens	Richmond
2008	Total Hearings	741	117	96	387	141
	Felony Hearings	30	12	15	1	2
	Other Hearings	711	105	81	386	139
2007	Total Hearings	904	138	40	551	175
	Felony Hearings	17	0	10	3	4
	Other Hearings	887	138	30	548	171
2006	Total Hearings	857	132	48	610	67
	Felony Hearings	16	2	6	0	8
	Other Hearings	841	130	42	610	59
2005	Total Hearings	900	169	54	544	133
	Felony Hearings	28	1	18	0	9
	Other Hearings	872	168	36	544	124
2004	Total Hearings	912	181	100	521	110
	Felony Hearings	26	0	15	0	11
	Other Hearings	886	181	85	521	99
2003	Total Hearings	952	190	484	221	57
	Felony Hearings	54	6	36	0	12
	Other Hearings	898	184	448	221	45
2002	Total Hearings	999	232	547	147	73
	Felony Hearings	49	1	32	0	16
	Other Hearings	950	231	515	147	57
2001	Total Hearings	664	179	283	116	86
	Felony Hearings	38	0	27	2	9
	Other Hearings	626	179	256	114	77
2000	Total Hearings	1,027	248	514	168	97
	Felony Hearings	33	3	13	0	17
	Other Hearings	994	245	501	168	80
1999	Total Hearings	1,378	189	727	341	121
	Felony Hearings	49	2	21	9	17
	Other Hearings	1,329	187	706	332	104
1998	Total Hearings	1,841	155	1,191	361	134
	Felony Hearings	61	7	37	0	17
	Other Hearings	1,780	148	1,154	361	117



Pre-Trial Hearings Commenced



Honorable Patricia Nunez



Honorable Mary O'Donoghue



COURT OPERATIONS – COMMUNITY COURTS

Red Hook Community Justice Center

Red Hook Community Justice Center (RHCJC) integrates the functions of a court with the types of treatment and preventive services typically found in a community center. Staff working for the Center for Court Innovation have offices at the Red Hook site and provide seamless services to the Court and the public.

RHCJC seeks to address the needs of the community as a whole, and is structured to address them by incorporating a multi-jurisdictional court and housing programs to improve the quality of life for the Red Hook community. The Justice Center provides on-site social services addressing drug abuse, poverty, family violence, unemployment and education. It also houses community mediation and

job training programs. All of these services are available to defendants and victims as well as to members of the Red Hook community.

RHCJC also offers innovative programs designed to address the needs of a particularly vulnerable population, young adults. The Youth Court tries to mediate problems between kids before they flare into something that must involve the criminal justice system.

RHCJC incorporates state-of-the-art technology making information readily available to judges and court personnel. This access enables informed decisions to be made more expeditiously and provides the court with the ability to track sentences and compliance with program mandates.

	Red Hook Community Justice Center								
	2008	2007	2006	2005	2004	2003	2002	2001	2000
Arraignments	3,222	3,833	4,072	3,670	3,168	3,803	4,052	4,199	2,995
Dispositions at Arraignment	1,526	1,956	2,253	2,048	1,912	2,136	2,631	2,581	1,643
Dockets Surviving Arraignment	1,696	1,877	1,819	1,622	1,256	1,667	1,421	1,618	1,352
% Total Surviving Arraignment	52.6	49.0	44.7	44.2	39.6	43.8	35.1	38.5	45.1
Mean Age at Disposition (days)*	111.5	95.6	88.0	90.1	98.9	85.2	101.8	83.1	59.5
Summons Trials Commenced	1	47	25	54	19	1	3	3	0
Online/DAT Trials Commenced	32	39	11	0	1	1	2	3	0

* Dockets surviving arraignments

Top 10 Arraignment Charges - Red Hook			2008	2003
Comparison by most frequently arraigned				
PL	220.03	Crim poss CS 7°	1	1
PL	120.00	Assault 3°	2	3
PL	221.10	Crim poss marihuana 5°	3	2
PL	155.25	Petit Larceny	4	8
AC	10-125	Pub. consumption alcohol	5	—
VTL	511.1A	Agg unlicensed op MV 3°	6	—
VTL	511.1	Agg unlicensed op MV 3°	7	4
PL	140.10	Criminal trespass 3°	8	6
PL	165.15	Theft of services	9	5
PL	240.30	Agg harassment 2°	10	9
PL	230.03	Patron Prostitute 4°	—	7
PL	120.14	Menacing 2°	—	10



Midtown Community Court

Launched in 1993, the Midtown Community Court targets quality-of-life offenses, such as prostitution, illegal vending, graffiti, shoplifting, farebeating and vandalism. Typically in these cases, judges are often forced to choose between a few days of jail time and nothing at all - sentences that fail to impress on either the victim, the community or defendants that these offenses are taken seriously. In contrast, the Midtown Community Court sentences low-level offenders to pay back the neighborhood through community service while at the same time offering them help with problems

that often underlie criminal behavior. Residents, businesses and social service agencies collaborate with the Court by supervising community service projects and by providing on-site social services, including drug treatment, health care and job training.

	Midtown										
	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998
Arraignments	8,455	8,621	8,884	9,067	10,593	11,023	11,230	10,742	10,080	10,340	14,584
Dispositions at Arraign't	6,084	6,360	6,771	6,243	7,076	7,209	7,539	8,177	7,849	8,369	12,092
Dkts Surviving Arraign't	2,371	2,261	2,113	2,824	3,517	3,814	3,691	2,565	2,231	1,971	2,492
% Surviving Arraignment	28.0	26.2	23.8	31.1	33.2	34.6	32.9	23.9	22.1	19.1	17.1
Mean Age at Dispo (days)*	111.8	133.8	101.5	75.5	91.9	72.6	66.7	57.9	65.2	57.6	61.6

* Dockets surviving arraignments

Midtown - Number of Defendants Referred to Services

	2008	2007	2006	2005	2004
Arrest Dockets	5,519	4,195	4,461	4,478	4,576
Summons Dockets	5,340	5,371	4,581	3,567	7,323
Total	10,858	9,566	9,042	8,045	11,899

Top 10 Arraignment Charges - Midtown

Comparison by most frequently arraigned		2008	2003	1998
PL 155.25	Petit larceny	1	1	2
PL 165.15	Theft of services	2	2	1
AC 20-453	Unlicensed vendor	3	3	3
CO 1050.7	Disorderly Conduct	4	—	—
PL 230.00	Prostitution	5	5	8
PL 221.10	Crim poss marihuana 5°	6	4	7
AC 10-125	Pub. consumption alcohol	7	6	6
PI 140.10	Crim trespass 3°	8	9	—
PL 240.37	Loitering/prostitution	9	8	4
PL 240.20	Disorderly conduct	10	-	-
PL 220.03	Crim poss CS 7°	—	10	5
VTL 511.1	Agg unlicensed op MV 3'	—	7	9
PL 120.00	Assault 3°	—	-	10



Honorable Geraldine Pickett



COURT OPERATIONS - CENTRAL ADMINISTRATION

Central Administration at 100 Centre Street coordinated and oversaw the operation of Criminal Court throughout the city. Central Administration was divided into three main offices - the Administrative Judge, Chief Clerk and Chief Court Attorney.

Office of the Administrative Judge

In 2008, Administrative Judge Juanita Bing Newton was the chief judicial officer of the Court. The administrative judge was responsible for the overall direction and policies of the Court. Judge Newton was also responsible for judicial assignments and met with the individual county Supervising Judges on a regular basis to map out new programs and initiatives to ensure that the Court ran properly.

Included in the Administrative Judge's staff were her counsel, Justin Barry, who assisted her in the day-to-day management of the Court, the Citywide Drug Court Coordinator and the Citywide Domestic Violence Court Coordinator, respectively Justin Barry and Lisa Lindsay, who assisted the Administrative and Supervising Judges in the planning, implementation, budgeting and day-to-day operations of these specialized courts.

Office of the Chief Clerk

Chief Clerk William Etheridge supervises all non-judicial staff throughout the court. Assisted by First Deputy Chief Clerk Vincent Modica and Personnel Director Ada Molina, the Office of the Chief Clerk's responsibilities include:

- Liaison to the Administrative Judge, Supervising Judges, Borough Chief Clerks and Chief Court Attorney;
- Liaison to the Office of Court Administration;
- Budget Preparation and Control;
- Personnel Assignments;
- Operational Directives;
- Citywide Facilities Management;
- Coordination of Training;
- Citywide Summons Oversight; and
- Grievance Oversight.

The Chief Clerk's Office also includes other city-wide supervisors who coordinate assignments for their respective staff throughout the city. These

supervisors include those for court reporters, court interpreters, technology, compliance, summons, data entry and records and supply.

Chief Court Attorney

Chief Court Attorney Michael Yavinsky* was responsible for the assignment and supervision of court attorneys working for the Criminal Court citywide. This office also kept judicial and non-judicial staff abreast of new developments and changes in the criminal law. The Chief Court Attorney also assisted the Administrative Judge with training initiatives for both judges and non-judicial employees. Lastly, this office was the primary liaison with the Office of Court Administration Counsel's Office in monitoring any lawsuits involving Criminal Court.

* Mayor Michael Bloomberg appointed Michael Yavinsky to the bench as an Interim Civil Court Judge in January 2009. He is currently assigned to Manhattan Criminal Court.



Honorable Robert Raciti



Honorable Neil Ross



Honorable Matthew Sciarrino



Honorable Toko Serita



Honorable ShawnDya Simpson



COURT OPERATIONS - CENTRAL ADMINISTRATION

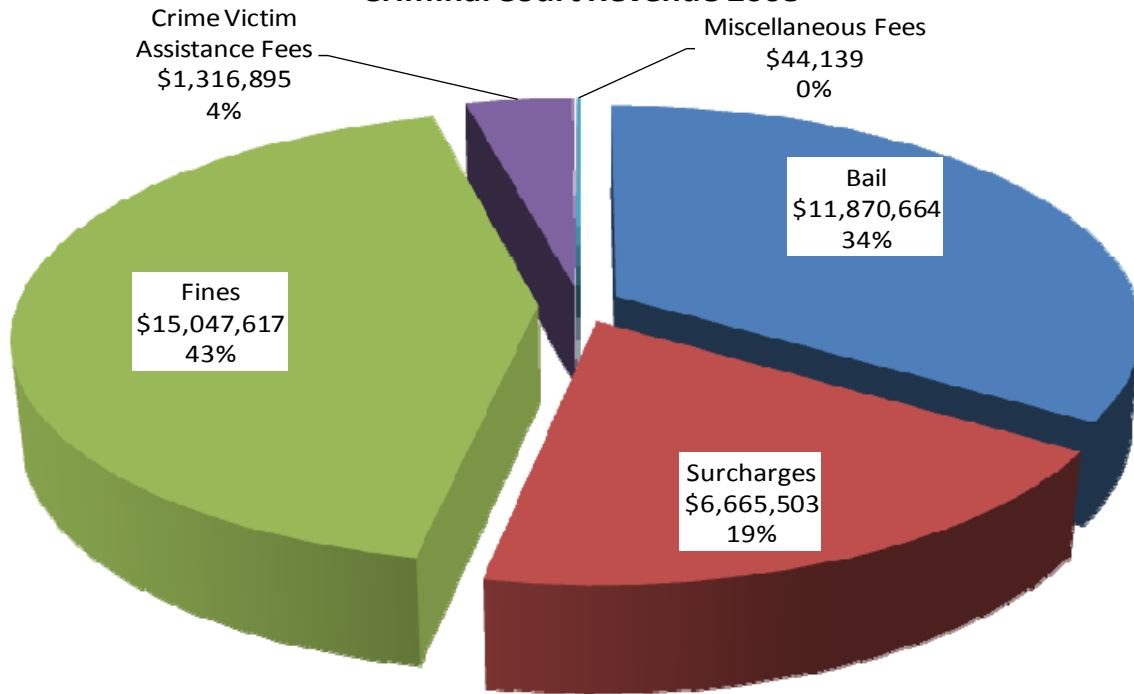
	Criminal Court Revenue* 2008					
	Citywide	Bronx	Kings**	New York**	Queens	Richmond
Bail	\$11,870,664	\$2,602,468	\$3,245,414	\$1,777,487	\$2,990,308	\$1,254,987
DNA Fee	\$55,265	\$900	\$10,450	\$21,185	\$18,525	\$4,205
DNA Fee Supreme	\$16,655	\$16,655	\$0	\$0	\$0	\$0
DWI SUPP Surcharge	\$245,035	\$9,055	\$62,235	\$52,295	\$105,760	\$15,690
DWI Surcharge Supreme	\$26,990	\$26,990	\$0	\$0	\$0	\$0
Fine City Arrest	\$2,044,995	\$495,023	\$180,787	\$344,280	\$879,145	\$145,760
Fine City Summons	\$5,384,286	\$694,425	\$618,167	\$2,540,337	\$1,376,467	\$154,890
Fine DWI	\$3,506,033	\$596,485	\$768,803	\$700,370	\$1,210,125	\$230,250
Felony City Arrest	\$26,300	\$26,300	\$0	\$0	\$0	\$0
Felony DWI	\$6,215	\$6,215	\$0	\$0	\$0	\$0
Felony State Arrest	\$2,905	\$2,905	\$0	\$0	\$0	\$0
Fine State Arrest	\$2,432,028	\$428,282	\$546,831	\$540,419	\$754,595	\$161,901
Fine State Summons	\$1,644,855	\$424,660	\$226,487	\$653,133	\$284,595	\$55,980
Misc Court Costs	\$0	\$0	\$0	\$0	\$0	\$0
Misc Court Costs Supreme	\$100	\$100	\$0	\$0	\$0	\$0
Misc Interest	\$635	\$0	\$635	\$0	\$0	\$0
Misc Other	\$592	\$0	\$0	\$0	\$592	\$0
Misc Overage	\$1,500	\$586	\$370	\$90	\$454	\$0
Misc Overage Supreme	\$451	\$451	\$0	\$0	\$0	\$0
Misc Returned Check	\$1,280	\$20	\$80	\$700	\$480	\$0
Misc Returned Check Supreme	\$0	\$0	\$0	\$0	\$0	\$0
Misc Shortage	\$0	\$0	\$0	\$0	\$0	\$0
SORA	\$2,800	\$0	\$100	\$1,200	\$250	\$1,250
SORA Supreme	\$4,800	\$4,800	\$0	\$0	\$0	\$0
Subpoena Fee	\$135	\$15	\$0	\$120	\$0	\$0
Subpoena Fees Supreme	\$416	\$416	\$0	\$0	\$0	\$0
SUPP SORA	\$20,840	\$0	\$4,000	\$8,640	\$4,200	\$4,000
SUPP SORA Supreme	\$10,590	\$10,590	\$0	\$0	\$0	\$0
Summons CVAF	\$245,335	\$30,155	\$29,470	\$93,945	\$81,355	\$10,410
Arrest CVAF	\$1,065,105	\$234,872	\$221,122	\$242,104	\$301,925	\$65,082
Felony CVAF	\$6,455	\$6,455	\$0	\$0	\$0	\$0
Felony Surcharge	\$78,630	\$78,630	\$0	\$0	\$0	\$0
Misdemeanor Surcharge Summons	\$4,780	\$280	\$915	\$2,420	\$750	\$415
Misdemeanor Surcharge Arrest	\$946,800	\$224,775	\$153,700	\$196,598	\$281,532	\$90,195
Violation Surcharge Summons	\$903,928	\$111,395	\$109,400	\$348,820	\$299,375	\$34,938
Violation Surcharge Arrest	\$2,804,882	\$654,278	\$581,640	\$661,789	\$765,210	\$141,965
VTL Surcharge Summons	\$45,307	\$3,765	\$2,105	\$8,420	\$22,797	\$8,220
VTL Surcharge Arrest	\$1,536,596	\$242,238	\$363,605	\$328,565	\$499,010	\$103,178
VTL Surcharge Supreme	635	635				
Transcript	\$408,940	\$94,670	\$56,710	\$111,140	\$104,070	\$42,350
Transcript Supreme	\$65,410	\$65,410	\$0	\$0	\$0	\$0
Total	\$35,419,168	\$7,094,899	\$7,183,026	\$8,634,057	\$9,981,520	\$2,525,666

* Includes Bronx information

** See note on bottom of page 37 concerning allocation of Kings and Manhattan summons fines and surcharges.



Criminal Court Revenue 2008

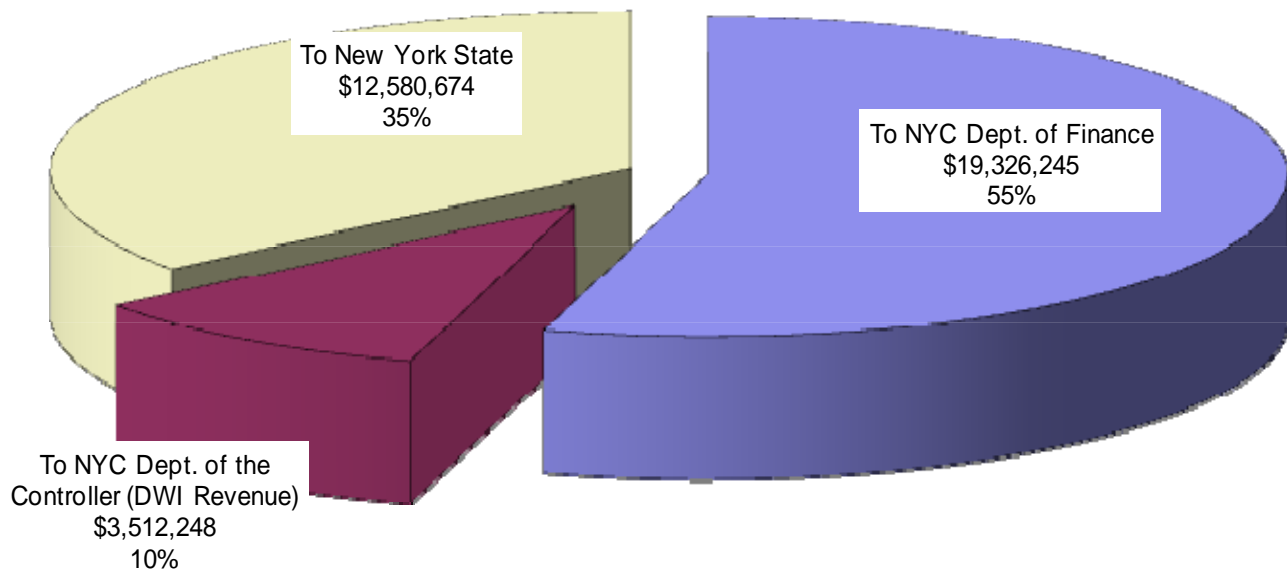


Criminal Court Disbursements 2008*

Disbursement to NYC Department of Finance	\$19,326,245
Disbursement to NYC Department of the Controller (DWI revenue disbursed to Controller)	\$3,512,248
Total disbursements to city (subtotal)	\$22,838,493
Total disbursement to state	<u>\$12,580,674</u>
Total disbursements	\$35,419,167

* Includes Bronx information

Criminal Court Disbursements 2008





New Laws and Legislation

There were quite a few pieces of legislation passed in 2008 that impacted New York City Criminal Court. When major changes to the law are enacted, all relevant judicial and non-judicial staff are notified of the changes by the Office of the Chief Court Attorney. These notifications provided information on statutes, legislative history, case law analysis and other information to foster implementation. The following pages show the most significant notifications made in 2008.

Legislative Changes of 2008

A. Changes Affecting the Penal Law

1. L 2008, ch 639 - Amending Penal Law §275.32; Adding Penal Law §§ 275.33 and 275.34 [Creating the "Piracy Protection Act"]

This law creates the Piracy Protection Act in an effort to combat multimedia piracy through increased penalties. Accordingly, PL § 275.32 is amended to provide that this statute applies to the unlawful recording of live theater performances as well as motion pictures. This offense, which is designated a violation, is now titled Unlawful Operation of a Recording Device in a Motion Picture or Live Theater in the Third Degree. A person is guilty of this offense when, without authority or written permission from the operator of a motion picture theater or live theater, he operates a recording device in that theater.

Furthermore, this law creates the offenses of Unlawful Operation of a Recording Device in a Motion Picture or Live Theater in the Second and First Degrees [PL §§ 275.33 and 275.34], a class A misdemeanor and a class E felony, respectively. A person is guilty of Unlawful Operation of a Recording Device in a Motion Picture or Live Theater in the Second Degree when he commits this offense in the third degree and: (1) does so for financial profit or commercial purposes; or (2) records material for 15 minutes or more, or records all or a substantial portion of the performance; or (3) has previously been convicted of sections 275.32 or 275.34 within the previous five years.



Honorable Ruth Smith

A person is guilty of Unlawful Operation of a Recording Device in a Motion Picture or Live Theater in the First Degree when he commits this offense in the second degree and has been previously convicted of that offense within the previous ten years.

According to the Sponsor's Memo in support of this law, "[p]iracy has been devastating to the economy of this [s]tate," as it has "cost workers in the business and related service industries billions of dollars annually in lost earnings as well as job opportunities." As the sponsor noted, piracy has become more widespread through the efforts of organized crime enterprises, which "threaten the peace, security and general welfare of the people of the state." Arguing that "it is the camcorder operator who feeds the rest of the network," the sponsor asserted that this legislation is necessary to "cut the operation's legs before it starts."

Effective Date: December 6, 2008



New Laws and Legislation



Honorable Larry Stephen

2. L 2008, ch 601 - Adding Penal Law § 145.13 [Defining “Property of Another” as it Relates to Criminal Mischief]

This law adds PL § 145.13, which sets forth that “property of another,” as it relates to the Criminal Mischief offenses, includes property jointly or co-owned by another person. Section 145.13 also provides that it is not a defense that a person believes he had a reasonable ground or right to damage property because he owns the property with another person, unless such other person consented to the damage.

According to the Sponsor’s Memo in support of this law, the absence of this definition has “enabled one joint-owner spouse to intimidate and terrorize the other joint owner-spouse by damaging or destroying property owned by the two parties without fear of criminal consequences.” Moreover, the sponsor noted that “courts . . . have struggled with the interpretation of the existing criminal mischief statute as it applies to these situations.” The ad-

dition of this definition eliminates confusion and the need for judicial interpretation as well as protects victims of domestic violence.

Effective Date: November 1, 2008

3. L 2008, ch 590 - Adding Penal Law § 156.29; Amending Penal Law §§ 156.26, 156.30, and 156.50 [Relating to the Unauthorized Use of Computerized Medical Data]

This law creates the crime of Unlawful Duplication of Computer Related Material in the Second Degree [PL § 156.29] and designates it a class B misdemeanor. A person is guilty of this offense when, having no right to do so, he copies, reproduces, or duplicates computer material that contains medical history or treatment records of an identified person or readily identifiable person with the intent to commit or further commit a crime under the Penal Law. In light of this amendment, PL § 156.30, which is a class E felony, is amended to be renamed Unlawful Duplication of Computer Related Material in the First Degree and a technical amendment is made to PL § 156.50.

In addition, this law amends PL § 156.26 to expand the crime of Computer Tampering in the Second Degree, a class D felony. Specifically, a person is now guilty of this offense when he commits Computer Tampering in the Fourth Degree and intentionally alters in any manner or destroys computer material that contains medical history or treatment records of an identified person or readily identifiable person, consciously disregarding that a substantial and unjustifiable risk of serious physical injury may occur, and, as a result, such other person suffers serious physical injury.

According to the Sponsor’s Memo in support of this law, the purpose of this legislation is to facilitate the more effective prosecution of those individuals who access and copy computerized medical data without authorization. As the sponsor noted, “[i]n an age when people’s most personal records can [be] reduced in very short order to computer data which can be easily duplicated, circulated and then used for numerous purposes with severe consequences, the law must be brought up-to-date to better protect people.”



Effective Date: November 1, 2008

4. L 2008, ch 566 - Amending Penal Law § 240.21; Amending Civil Rights Law § 79-m [Disruption or Disturbance of a Religious Service, Funeral, Burial or Memorial Service]

This law amends PL § 240.21 to prohibit a person from disrupting or disturbing a funeral, burial or memorial service while within 100 feet of the service, when such person has the intent to cause annoyance or alarm or recklessly creates a risk thereof. Prior to this law, PL § 240.41 only provided that it was unlawful to engage in such conduct in connection with a religious service. [This offense is a class A misdemeanor.] In connection with this amendment, Civil Rights Law § 79-m is also amended to authorize the attorney general or the district attorney to bring an action seeking to enjoin a violation of PL § 240.21.

According to a Sponsor’s Memo in support of this law, this law is a “balanced response to a notorious series of intemperate protests that have recently taken place at military funerals across the country.” Noting that these protests are disrespectful and cause emotional distress to those grieving the loss of a loved one, the sponsor asserted that “[t]his legislation seeks to protect a family’s privacy and allows them to respectfully honor the memory of these fallen heroes . . . who have paid the ultimate price in service of America.”

Effective Date: September 25, 2008

5. L 2008, ch 510 - Amending Penal Law § 240.30 [Relating to Aggravated Harassment in the Second Degree]

This law amends PL § 240.30(5) to expand the definition of “form of written communication” to include, but not be limited to, a recording as defined in PL § 275.00. In addition, PL § 240.30(1) is amended to clarify that “transmitting or delivering” a written communication in a manner likely to cause annoyance or alarm, with the intent to harass, annoy, threaten or alarm another person, constitutes Aggravated Harassment in the Second Degree.



Honorable Richard Weinberg

According to the Sponsor’s Memo in support of this law, “[a]s technology has advanced, so have the forms through which threatening, alarming material can [be] physically transmitted or delivered.” Specifically, the sponsor cited incidents of “dissemination of threatening, hate-laden material in the form of compact discs” in the city of Yonkers and noted that these occurrences highlight “the need to keep New York’s aggravated harassment statute in pace with technology.”

Effective Date: December 3, 2008

6.L 2008, ch 472 - Amending Various Sections of Law Including Penal Law § 460.10 and Criminal Procedure Law § 700.05; Adding Penal Law Article 187 [Creating the Crimes of Residential Mortgage Fraud in the First Through Fifth Degrees]

In response to the mortgage foreclosure crisis in the state, this law, among other things, adds Article 187 to the Penal Law creating the crimes of Residential Mortgage Fraud in the First through Fifth Degrees [PL § 187.05 et seq.]. Under this



New Laws and Legislation



Honorable Marc Whiten

Article, Residential Mortgage Fraud is deemed to have been committed when: any person . . . knowingly and with intent to defraud, presents, causes to be presented, or prepares with knowledge or belief that it will be used in soliciting an applicant for a residential mortgage loan, or in applying for, the underwriting of, or closing of a residential mortgage loan, or in documents filed with a county clerk of any county in the state arising out of and related to the closing of a residential mortgage loan, any written statement which he or she knows to: (a) contain materially false information concerning any fact material thereto; or (b) conceal, for the purpose of misleading, information concerning any fact material thereto. PL § 187.00(4).

The degrees of Residential Mortgage Fraud are as follows: (1) PL § 187.05: A person is guilty of Residential Mortgage Fraud in the Fifth Degree when he or she commits Residential Mortgage Fraud. [class A misdemeanor] (2)PL § 187.10: A

person is guilty of Residential Mortgage Fraud in the Fourth Degree when he or she commits Residential Mortgage Fraud and thereby receives funds totaling more than one thousand dollars. [a class E felony] (3)PL § 187.15: A person is guilty of Residential Mortgage Fraud in the Third Degree when he or she commits Residential Mortgage Fraud and thereby receives funds totaling more than three thousand dollars. [a class D felony] (4)PL § 187.20: A person is guilty of Residential Mortgage Fraud in the Second Degree when he or she commits Residential Mortgage Fraud and thereby receives funds totaling more than fifty thousand dollars. [a class C felony] (5)PL § 187.25: A person is guilty of Residential Mortgage Fraud in the First Degree when he or she commits Residential Mortgage Fraud and thereby receives funds totaling more than one million dollars. [a class B felony]

In addition, this law amends CPL § 700.05(8)(b) to add Residential Mortgage Fraud in the First through Fourth Degrees to the list of designated offenses for which an eavesdropping or video surveillance warrant may be issued. Further, PL § 460.10(1)(a) is amended to expand the definition of "criminal act" as it relates to the offense of enterprise corruption to include the crimes of Residential Mortgage Fraud in the First through Fourth Degrees.

According to the Sponsor's Memo in support of this law, residential mortgage fraud cases had to be brought under theories such as scheme to defraud and larceny prior to this law because the Penal Law did not expressly prohibit residential mortgage fraud. "This [law] therefore seeks to simplify such prosecutions by explicitly defining and criminalizing the act of residential mortgage fraud."

Effective Date: November 1, 2008

7. L 2008, ch 463 - Adding Penal Law § 200.55; Adding General Business Law § 486 [Creating the Crime of Impairing the Integrity of a Government Licensing Examination]

This law creates the crime of Impairing the Integrity of a Government Licensing Examination [PL § 200.55] and designates it a class D felony. A person is guilty of this offense when, with the intent

to obtain a benefit for himself or another person, he wrongfully alters an applicant's grade on a government licensing examination, causes an inaccurate grade to be entered into a government licensing registry, or provides another person with answers to a licensing examination or a copy of a current test used to determine competence in a licensed vocation.

Additionally, this law adds General Business Law § 486, which sets forth circumstances under which a crane inspector's license must be revoked and establishes that such crane inspector shall be subject to a civil penalty.

According to the Sponsor's Memo in support of this law, "[t]his legislation will serve as a deterrent against government officials filing false statements and ensure that they receive adequate sentences for their criminal activity which leads to death or injuries in our communities." As the sponsor stated, "[c]rane inspectors hold the lives of bystanders and workers in their hands, and they must be persons of the highest integrity."

In an Approval Memo, Governor David Paterson stated that he "wholeheartedly support[s] these measures," but asserted that there are two technical flaws that must be corrected. Specifically, he stated that the provision regarding license revocation is meaningless because crane inspectors are not licensed and the provision making it illegal to provide another person with a copy of a current test should be limited to wrongfully doing so.

Effective Date: November 1, 2008

8. L 2008, ch 434 - Amending Penal Law § 190.26 [Expanding Criminal Impersonation in the First Degree]

This law amends PL § 190.26(1) to expand the scope of Criminal Impersonation in the First Degree to include impersonation of a federal law enforcement officer in addition to impersonation of a police officer. This offense is a class B felony.

In support of this law, its sponsor stated that the purpose of this law is to prevent individuals who pretend to be law enforcement officers, and in



Honorable Betty Williams

doing so commit felonies, from escaping the serious consequences of their actions merely because they impersonated a federal officer and not a police officer as that term is defined in the Criminal Procedure Law. According to the sponsor, there have been instances where prosecutors have declined to charge a person with this offense because the person pretended to be a federal officer and not a police officer. The sponsor contended that "[t]he prosecution of offenders must not depend upon the technical definition of 'police officer.'"

Effective Date: November 1, 2008

9. L 2008, ch 431 - Adding Penal Law § 263.30 [Creating the Crime of Facilitating a Sexual Performance by a Child With a Controlled Substance or Alcohol]

This law creates the crime of Facilitating a Sexual Performance by a Child With a Controlled Substance or Alcohol [PL § 263.30] and designates it a class B felony. A person is guilty of this offense when he administers a controlled substance (which



New Laws and Legislation



Honorable Jacqueline Williams

he knowingly and unlawfully possesses) or alcohol to a person under 17 years old without that person's consent, intends to commit against that person conduct deemed a felony pursuant to PL §§ 263.05, 263.10 or 263.15, and does commit or attempt to commit such conduct.

According to the Sponsor's Memo in support of this law, "[t]he victimization of children who are completely unaware and unable to realize that they are the object of . . . sexual conduct . . . is a most heinous crime." Noting that children are "the most valuable and vulnerable among us," the sponsor asserted that this law "seeks to punish those who utilize controlled substances or alcohol in facilitating sexual performances by a child."

In an Approval Memo, Governor David Paterson stated that although this law provides some protection to sexually exploited children, it will only have limited reach. He "urge[d] the Legislature to amend this statute to remove the requirements that the intoxicant be administered without the

minor's consent and that the controlled substance administered be unlawfully possessed." He further asserted that an offender convicted of this offense should be required to register as a sex offender. According to the Governor, "[t]hese revisions will ensure that adults who ply children with intoxicating substances in order to lower the child's resistance to engaging in sexual behavior are appropriately punished."

Effective Date: November 1, 2008

10. L 2008, ch 426 - Amending Penal Law §§ 135.60 and 135.65 [Expanding Coercion in the Second Degree]

This law amends PL § 135.60 to expand the definition of Coercion in the Second Degree by explicitly prohibiting certain gang-related activity. Specifically, the definition is broadened to include the act of compelling or inducing a person to join a group, organization or criminal enterprise which that person has a right not to join by threatening him that any of the listed harmful results will occur if he does not comply. This law also makes technical amendments to Coercion in the First Degree [PL § 135.65].

According to the Sponsor's Memo in support of this law, "[g]angs recruiting young people often engage in a sophisticated and frightening reign of terror." Specifically, the sponsor noted that once a young person joins a gang, he is pressured to engage in dangerous and illegal activities and to follow a "code of silence" by which he is to not cooperate with police or investigating school officials. This law "will help to protect young people from gang recruitment and these 'code of silence' activities."

Effective Date: November 1, 2008

11. L 2008, ch 405 - Adding Penal Law § 120.70; Amending Correction Law § 168-a [Creating the Crime of Luring a Child]

This law adds section 120.70 to the Penal Law to create the crime of Luring a Child. A person is guilty of this offense when he lures a child into a motor vehicle, aircraft, watercraft, isolated area, building or part thereof, for the purpose of com-

mitting against such child any of several enumerated offenses. Under this provision, a child is defined as a person under 17 years old. This offense is designated a class E felony, unless, however, the underlying offense the actor intended to commit is a class A or class B felony. Under such circumstances, the offense is then deemed respectively a class C or class D felony.

In addition, this law amends Correction Law § 168-a to add Luring a Child to the list of offenses requiring registration as a sex offender.

According to the Sponsor's Memo in support of this law, prior to this law "no criminal statute expressly proscribe[d] the act of luring a child, under the age of seventeen, to commit a crime against such child. This [law] unequivocally sanctions the act of luring for the purpose of committing one or more of the designated criminal offenses against a child victim."

Effective Date: October 4, 2008

12. L 2008, ch 400 - Amending Penal Law § 240.50 [Relating to Falsely Reporting Child Abuse or Maltreatment]

This law amends PL § 240.50(4) to expand the circumstances under which a person can be found guilty of Falsely Reporting an Incident in the Third Degree, a class A misdemeanor. Specifically, a person is now guilty of this offense when he reports an alleged occurrence or condition of child abuse or maltreatment which he knows did not occur or exist to any person required to report such incidents pursuant to Social Services Law § 413(1), knowing such person is required to do so, and with the intent that the occurrence be reported to the statewide central register.

Effective Date: February 1, 2009

13. L 2008, ch 312 - Amending Penal Law § 460.10 [Expanding the Definition of Criminal Acts Relating to Enterprise Corruption]

This law amends PL § 460.10(1)(a) to expand the definition of "criminal act" as it relates to the offense of enterprise corruption to include the crimes of Disseminating Indecent Material to Mi-



Honorable John Wilson

nors in the First Degree and Promoting a Sexual Performance by a Child [PL §§ 235.22 and 263.15, respectively].

According to the Sponsor's Memo in support of this law, child pornographers are posing a growing threat to children, and organized crime, in particular, "is responsible for a significant amount of the commercial child pornography trade." This law "will allow New York law enforcement to appropriately target and prosecute this dangerous criminal element."

Effective Date: October 19, 2008

14. L 2008, ch 304 - Amending Penal Law § 190.25 [Prohibiting Criminal Impersonation by Electronic Means]

This law amends PL § 190.25 to add a subdivision (4) which provides that a person is guilty of the crime of Criminal Impersonation in the Second Degree when he impersonates another person by communicating through an internet website or by electronic means with the intent to obtain a bene-



New Laws and Legislation



Honorable Alvin Yearwood

fit or injure or defraud another person, or, by such communication, pretends to be a public servant in order to induce another person to submit to such authority or act in reliance on such pretense. Violation of this provision is a class A misdemeanor.

According to the Sponsor's Memo in support of this law, "[i]mpersonating another person by means of online communications is currently much too simple." In particular, the sponsor noted that it is easy to upload another person's photograph and pretend to be that person on the popular websites Myspace, Friendster, and Facebook. As a result, "[i]t is necessary that misrepresenting oneself through the use of the Internet become a crime in order to deter the plethora of abuses presently occurring."

Effective Date: November 1, 2008

15. L 2008, ch 291 - Amending Penal Law § 190.65 [Increased Penalty for Scheme to Defraud Vulnerable Elderly Persons]

This law amends PL § 190.65(1) to add a subdivision (c) which effectively raises the act of engaging in a scheme to defraud more than one vulnerable elderly person from a class A misdemeanor to a class E felony. In addition, subdivision (2) of this section is amended to provide that, in any prosecution of the above offense, it is necessary that the identity of at least one such vulnerable elderly person be proven.

According to the Sponsor's Memo in support of this law, "members of our society who are considered 'vulnerable elderly persons' are particularly susceptible to those who prey on the weak and helpless." This law was enacted "[i]n order to deter such heinous conduct and provide a stronger tool for district attorneys to prosecute such predators."

Effective Date: September 19, 2008

16. L 2008, ch 279 - Amending Various Provisions of Law [Relating to Protection from Identity Theft]

This law amends various provisions of law in an effort to strengthen New York's identity theft laws. The most relevant amendments are as follows: 1) PL § 190.85: The Penal Law is amended to add this section which sets forth the crime of Unlawful Possession of a Skimmer Device in the Second Degree, a class A misdemeanor. A person is guilty of this offense when he possesses a skimmer device with the intent that it be used in furtherance of committing the crime of identity theft or unlawful possession of personal identification information. 2) PL § 190.86: The Penal Law is amended to add this section which sets forth the crime of Unlawful Possession of a Skimmer Device in the First Degree, a class E felony. A person is guilty of this offense when he commits the crime of Unlawful Possession of a Skimmer Device in the Second Degree and has been convicted of one of several enumerated offenses within the previous five years. 3) PL § 190.79(4): This provision is amended to include PL §§ 190.85 and 190.86 in the list of predicate offenses that may elevate the commission of Identity Theft in the Third Degree to Identity Theft in the Second Degree. 4) PL § 190.80(4): This provision is amended to include PL



§§ 190.85 and 190.86 in the list of predicate offenses that may elevate the commission of Identity Theft in the Second Degree to Identity Theft in the First Degree. 5) PL § 190.83(2): This provision is amended to include PL §§ 190.85 and 190.86 in the list of predicate offenses that may elevate the commission of Unlawful Possession of Personal Identification Information in the Second Degree to Unlawful Possession of Personal Identification Information in the First Degree. 6) PL § 190.77(1): In light of the creation of PL § 190.85, a technical amendment is made to this provision which sets forth the definition of “personal identifying information.” 7) PL § 60.27(1): This provision, which concerns restitution and reparation, is amended to set forth that “adverse action” shall mean “actual loss incurred by the victim, including an amount equal to the value of the time reasonably spent by the victim attempting to remediate the harm incurred by the victim from the offense.” 8) CPL § 190.30(8): This new subdivision pertains to the admissibility of business records in grand jury proceedings. 9) CPL § 210.30(3): This provision, which concerns motions to inspect grand jury minutes, is amended to state that, for purposes of this section, the minutes shall include any materials submitted to the grand jury pursuant to CPL § 190.30 (8).

According to the Sponsor’s Memo in support of this law, breaches of data security have become highly common. As the sponsor noted, “[t]he heightened level of vulnerability and exposure . . . necessitates a greater level of risk sensitivity.” This law will assist victims of identity theft with their “particular needs” and with “navigat[ing] various public and private systems.”

Effective Date: August 6, 2008 [for the amendment to CPL § 190.30] November 1, 2008 [for the amendments to PL §§ 190.77, 190.79, 190.80, 190.83, 190.85, and 190.86] January 3, 2009 [for the amendments to PL § 60.27 and CPL § 210.30]

17. L 2008, ch 257 - Amending Penal Law §§ 10.00, 120.55, 265.00, 265.01, 265.10 and 265.15 [Prohibiting the Possession of Plastic Knuckles]



Honorable Stephanie Zaro

This law amends various sections of the Penal Law to prohibit the possession of plastic knuckles by including them in the same category as brass According to the Sponsor’s Memo in support of this knuckles. The provisions of the Penal Law that have been amended are as follows: (1) PL § 10.00 (12) [definition of “deadly weapon”]; (2) PL § 120.55 [Stalking in the Second Degree]; (3) PL § 265.00 [definition of “metal knuckle knife”]; (4) PL § 265.01 [Criminal Possession of a Weapon in the Fourth Degree]; and (5) PL § 265.10 [Manufacture, transport, disposition, and defacement of weapons and dangerous instruments and appliances].

According to the Sponsor’s Memo in support of this law, “plastic knuckles have just as much impact as the brass knuckle and are just as deadly; however, they are virtually undetected.” “[I]n a post 9-11 world we must do all we can to ensure that no weapon, metal or plastic[, is] able to get on our school grounds and in our airports or in our governmental buildings.”

Effective Date: November 1, 2008



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Honorable Joseph Zayas

18. L 2008, ch 226 - Amending Penal Law §§ 190.77 and 190.83; Adding Penal Law § 190.80-a [Increased Penalties for Offenses Involving Identity Theft of Members of the Armed Forces]

This law adds PL § 190.80-a establishing the crime of Aggravated Identity Theft and designates it a class D felony. A person is guilty of this offense when he knowingly, and with the intent to defraud, assumes the identity of another person, knowing that such person is a member of the armed forces deployed outside of the continental United States, and thereby (1) obtains goods, money, property or services or uses credit in that person's name in an aggregate amount exceeding \$500, or (2) causes financial loss to that person in an aggregate amount exceeding \$500.

In addition, this law amends PL § 190.83, Unlawful Possession of Personal Identification Information in the First Degree, to add a subdivision (3). This subdivision provides that a person is guilty of this offense when, with the intent to commit Identity

Theft in the Second Degree, he supervises more than two accomplices and knows that the person whose personal identification information he possesses is a member of the armed forces deployed outside of the continental United States.

In connection with these amendments, PL § 190.77 is amended to add the definition of "member of the armed forces."

According to the Sponsor's Memo in support of this law, members of the armed forces are easy targets for identity thieves because they are often deployed overseas for long periods of time. As the sponsor noted, "[i]t is truly dreadful to think that a member of the military can spend months or even years fighting for our nation abroad and return home to find that he or she has been the victim of identity theft." As such, this law ensures that individuals who commit identity theft crimes against members of the military receive a "stiff, yet just, penalty."

Effective Date: November 4, 2008

19. L 2008, ch 141 - Amending and Adding Various Provisions of Law [Requiring Post-Release Supervision to be Explicitly Stated]

This law amends various provisions of law in response to the Court of Appeals' decisions in *Matter of Garner v DOCS*, 10 NY3d 358 (2008), and *People v Sparber*, 10 NY3d 457 (2008), which held that only the sentencing judge has the authority to impose the post-release supervision component of a defendant's determinate sentence and that the period of post-release supervision must be stated by the judge at the time of sentencing. Prior to these decisions, the law did not expressly provide that judges had to inform defendants that they could be subject to a period of post-release supervision, and, as a result, sometimes judges did not do so. In these situations, the Department of Correctional Services [DOCS] would simply adjust the sentence to include post-release supervision.

Most importantly, this law amends PL § 70.45(1) to require that when a court imposes a determinate sentence, it shall explicitly state not only the term of imprisonment but also an additional period of



post-release supervision. Furthermore, this legislation makes several amendments in an effort to correct unlawful sentences imposed between September 1, 1998 and June 30, 2008, as well as to ensure that future defendants are sufficiently informed about their sentences. See CPL § 380.70; PL § 70.85; Correction Law §§ 601-a and 601-d; and County Law § 722.

According to the Sponsor’s Memo in support of this legislation, DOCS and the Division of Parole have undertaken major initiatives to bring cases that may require re-sentencing to the attention of sentencing courts. Notwithstanding, the sponsor asserted, “it would be hard to reach resolutions of all the relevant cases through such initiatives alone.” Therefore, this law provides a framework for DOCS and the Division of Parole “to obtain definitive judicial guidance as to which defendants are to remain subject to [post-release supervision] and which are not.”

In an Approval Memo, Governor Paterson asserted that “[e]very case in which re-sentencing adds [post-release supervision] will not only effectuate legislative intent . . . but will benefit offenders and the public alike.”

Effective Date: June 30, 2008

20. L 2008, ch 74 - Amending Penal Law § 240.31 [Relating to the Placement of a Noose on Real Property]

This law amends PL § 240.31 to add a subdivision (5) which provides that a person is guilty of Aggravated Harassment in the First Degree when he etches, paints, draws upon or otherwise places or displays a noose on any building or other real property without express permission of the owner or operator of such real property.

According to the Sponsor’s Memo in support of this law, the noose is “[o]ne of the most powerful and chilling symbols of racism and violence directed towards African-Americans . . . and is used to threaten, intimidate and terrorize its recipients.” This law “makes it clear that employing the hateful symbol of the noose will . . . not be tolerated in this state by making such an act a class E fel-



Honorable Alex Zigman

ony.”

In an Approval Memo, Governor David Paterson applauded this law but asserted that its protections should go further. Specifically, he stated that the motive element of this offense should be eliminated, and instead, the conduct should be unlawful regardless of the defendant’s motivation. Further, he asserted that the law should not allow persons to escape punishment because a property owner consented to the presence of the noose.

Effective Date: November 1, 2008

21. L 2008, ch 70 - Amending Penal Law §§ 260.05 and 260.06 [Increasing the Threshold Age of a Child Under Non-Support of a Child in the First and Second Degrees]

This law amends PL § 260.05 to add a subdivision (2) providing that a person is guilty of Non-Support of a Child in the Second Degree [a class A misdemeanor] when, being obligated by court order to make child support payments for a child under 18



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years old, he knowingly fails to provide such support when he either is able to do so or purposely becomes unable to do so. In addition, PL § 260.06 (1) is amended to add a paragraph (b) providing that a person is guilty of Non-Support of a Child in the First Degree [a class E felony] when he commits the abovementioned offense and has a prior conviction in the preceding five years of Non-Support of a Child in the First or Second Degree.

According to the Sponsor's Memo in support of this law, although the law obligates a parent or guardian to support his child until the child is 21 years old, the district attorney could only prosecute for non-support of a child under 16 years old prior to this law. The sponsor asserted, "[a]t a time when children are entering college, child support orders must continue to be enforced until a child is at least eighteen."

Effective Date: November 1, 2008

22. L 2008, ch 69 - Amending Penal Law § 145.00 [Criminal Mischief in the Fourth Degree]

This law amends PL § 145.00 [Criminal Mischief in the Fourth Degree] to add a subdivision (4) prohibiting a person from intentionally disabling or removing telephonic, TTY or similar communication sending equipment while another person is using the equipment to seek assistance from emergency services personnel or from another person/entity in order to protect himself or someone else from imminent physical injury. Notably, an ownership interest in the equipment is not a defense to this crime.

According to the Sponsor's Memo in support of this law, "[d]espite the dramatic reductions in crime [in New York], abusive and threatening acts that occur in the home . . . remain a serious and alarming problem." Specifically, the sponsor noted that a telephone is pulled from the wall while a victim attempts to call for help in 12,000 to 15,000 domestic violence incidents each year. Accordingly, the purpose of this law is to help "combat domestic violence and protect the lives and safety of crime victims. . . ."

In an Approval Memo, Governor David A Paterson called this law a "laudable step" but urged the legislature to enact a law that would make it a crime to prevent or disrupt an emergency telephone call by any means, not only by disabling or removing the telephone equipment.

Effective Date: July 6, 2008

23. L 2008, ch 68 - Amending Penal Law § 120.05 [Relating to Assaults on Persons Age 65 or Older]

This law amends PL § 120.05 to add a new subdivision (12), which provides that assaulting a person age 65 or older, where the actor is more than ten years younger than such person, constitutes Assault in the Second Degree. Pursuant to this amendment, the penalty for such an assault has increased from a class A misdemeanor to a class D felony.

According to the Sponsor's Memo in support of this law, "seniors are generally more vulnerable to injury and less able to protect themselves than younger persons." Therefore, they "are at greater risk of predatory attack. To deter these heinous crimes and better protect senior citizens, this [law] elevates these acts to a felony and increases the available term of imprisonment seven-fold."

Effective Date: June 29, 2008

24. L 2008, ch 56 - Amending Various Provisions of Law [Increasing Mandatory Surcharges and Crime Victim Assistance Fees]

This law amends the current surcharge structure for courts that exercise criminal jurisdiction. For the specific changes in mandatory surcharges and crime victim assistance fees, see the new surcharge charts distributed by the Chief Court Attorney's Office. [Note: Because the sections of this legislation have varying effective dates, there are three new surcharge charts. The offense date determines which chart is applicable.]

In addition to increasing the mandatory surcharges and crime victim assistance fees, there are two additional issues to consider: 1. Youthful Offenders: The DNA Databank Fee, the Sex Offender Fee



and the Supplemental Sex Offender Victim Fee should not be applied to youthful offenders. [The way that the legislation was written, this is regardless of the date of the offense.] Youthful Offenders should, however, continue to have the mandatory surcharge and crime victim assistance fee imposed. 2. Additional VTL Fee: There is a new surcharge to be applied to VTL cases pursuant to the newly created VTL 1809-e. It adds a second additional surcharge of \$170 to all section 1192 convictions (including 1192(1)), and it is in addition to the original "additional surcharge" of \$25. It also adds a \$20 surcharge to offenses that previously had no surcharge (although there are a number of exceptions to imposing this surcharge).

[For additional information on this law, see the May 12, 2008 memorandum of Michael Colodner, entitled Court Fees Under the New Budget.]

Effective Date: April 23, 2008 [for the removal of the requirement that youthful offenders pay the DNA Databank Fee, the Sex Offender Fee and the Supplemental Sex Offender Victim Fee]; July 1, 2008 [for the changes in the mandatory surcharges and crime victim assistance fees; applicable only to offenses committed on or after this date]; August 1, 2008 [for the changes to the additional VTL fee; applicable only to offenses committed on or after this date]

25. L 2008, ch 45 - Amending Penal Law § 120.05 [Relating to Assaults on City Marshals, Traffic Enforcement Officers and Traffic Enforcement Agents]

This law amends subdivisions three and eleven of PL § 120.05 [Assault in the Second Degree, a class D felony] to add city marshals, traffic enforcement officers and traffic enforcement agents to the class of service professionals enumerated therein.

Subdivision three proscribes causing physical injury to any of these individuals during their performance of a lawful duty by releasing or failing to control an animal under circumstances evincing the actor's intent to obstruct the performance of that duty. Subdivision eleven provides that it is unlawful for a person, with the intent to cause physical injury to any of these individuals, to cause such

injury during the individual's performance of an assigned duty.

According to the Sponsor's Memo in support of this law, many of these individuals are frequently "the victims of physical violence for simply doing their job." Specifically, the sponsor noted that they "are spat upon, harassed, punched, beaten and shot at." This law now affords them the same protection given to other service professionals.

Effective Date: July 22, 2008

B. Miscellaneous Changes

1. L 2008, ch 587 - Amending Criminal Procedure Law § 720.15 [Relating to the Sealing of the Accusatory Instrument for a Youthful Offender]

This law amends CPL § 720.15 to authorize a criminal court to automatically seal an accusatory instrument filed against an eligible youthful offender. Prior to this amendment, the law provided that the court must, with the defendant's consent, order that such an accusatory instrument be sealed.

According to the Sponsor's Memo in support of this law, "[t]he phrase 'with the defendant's consent' has been interpreted as requiring a formal application for such relief." Noting that the purpose of CPL § 720.15 is to "protect an apparently eligible youth from being stigmatized by unproven allegations of criminal conduct," the sponsor asserted that requiring a formal application runs counter to that purpose. Accordingly, this law will help to effectuate the purpose of section 720.15.

Effective Date: January 1, 2009

2. L 2008, ch 586 - Amending Agriculture and Markets Law §§ 353-d and 373 [Relating to the Confinement of Companion Animals in Vehicles in Extreme Temperatures]

This law adds Agriculture and Markets Law § 353-d to create the offense of Confinement of Companion Animals in Vehicles; Extreme Temperatures. A person is guilty of this offense when he knowingly confines a companion animal in a motor vehicle in extreme heat or cold without proper ventilation or



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other protection from such temperatures and where confinement places the animal in imminent danger of death or serious physical injury as a result of such extreme heat or cold. This offense is designated a violation punishable by a fine of not less than \$50 nor more than \$100 for a first offense and a fine of not less than \$100 nor more than \$250 for a second or subsequent offense.

This new section further provides that, when the operator of a vehicle cannot be promptly located, a police officer or peace officer may take necessary steps to remove an animal from the vehicle. Such officer will not be held criminally or civilly responsible for actions taken reasonably and in good faith.

This law also amends Agriculture and Markets Law § 373(6), which governs seizure of animals under certain conditions, to refer to this new offense.

According to the Sponsor's Memo in support of this law, many pets are left in motor vehicles without ventilation and often the temperature within the vehicle can rise to extreme levels, resulting in health problems for the animal or death. This law allows for actions to be taken without liability for damages so that the number of animal injuries or fatalities caused by extreme temperatures can be significantly reduced.

Effective Date: January 23, 2009

3. L 2008, ch 528 - Amending Public Health Law §§ 1102 and 1103 [Increased Penalties for Violations of Potable Water Regulations]

This law amends Public Health Law [PHL] § 1103 to provide that the willful violation of any rule or regulation related to the contamination of public water supplies is a misdemeanor punishable by a fine of no more than \$1,000, by imprisonment of no more than one year, or by both such fine and imprisonment. Furthermore, section 1103 now provides that restitution and reparation may be ordered in accordance with the Criminal Procedure Law. In addition, section 1103 sets forth that violation of any such rule or regulation, regardless of

the actor's intent, is punishable by a civil penalty. [This law also makes a technical amendment to PHL § 1102.]

According to the Sponsor's Memo in support of this law, the \$200 penalty level that governed before enactment of this legislation was established in 1885. As the sponsor noted, "these penalty levels are severely outdated and no longer serve as an effective deterrent." Increasing the penalties will "help ensure compliance with the laws" and therefore, "better protect the public water supplies of the state."

Effective Date: November 3, 2008

4. L 2008, ch 467 - Amending Criminal Procedure Law § 30.10(2)(a) [Relating to the Timeliness of Penal Law § 130.50 Prosecutions]

This law makes a technical amendment to CPL § 30.10(2)(a) to eliminate an unintentional loophole created by L 2006, ch 3. That law removed the statute of limitations on certain sex crimes committed on or after June 23, 2006 or that could still be prosecuted on that date, one being PL § 130.50. However, by way of that amendment, PL § 130.50 was only referred to in CPL § 30.10(2)(a) as Criminal Sexual Act in the First Degree, and not also its former title, Sodomy in the First Degree. As a result, prosecutors have been unable to prosecute First Degree Sodomy offenses that occurred before the title was changed in 2003. This law removes any reference to the title of PL § 130.50 in CPL § 30.10(2)(a) in order to allow for prosecution of these pre-2003 cases.

According to the Sponsor's Memo in support of this law, "clos[ing] up the loophole . . . will give prosecutors the ability to try sodomy cases that are still prosecutable, fulfilling the original intention of Chapter 3 [of 2006]."

Effective Date: August 5, 2008

5. L 2008, ch 326 - Amending Various Sections of the Family Court Act; Amending Criminal Procedure Law §§ 530.11 and 530.12; Amending Judiciary Law § 212 [Expanding Access to Family Orders of Protection]



This law amends various provisions of law to significantly expand access to family orders of protection. The major thrust of the legislation is the new and expanded definition of "same family or household" set forth in CPL § 530.11 and Family Court Act § 812 to now include those involved in an "intimate relationship regardless of whether such persons have lived together at any time." Factors the court may consider in determining whether a relationship falls under this definition are also enumerated in these statutes. In addition, this law clarifies that persons formerly married to one another "regardless of whether they still reside in the same household" are included within the definition of "same family or household."

In connection with these changes, CPL § 530.12(13) is also amended to read "[n]otwithstanding the foregoing provisions, an order of protection or temporary order when applicable, may be entered against a former spouse and persons who have a child in common, regardless of whether such persons have been married or have lived together at any time, or against a member of the same family or household as defined in subdivision one of section 530.11 of [the CPL]."

In support of this law, its sponsor cited a report showing that "a large proportion of domestic violence victims are not protected by New York's overly narrow definition of who is a victim of domestic violence." According to the sponsor, a significant number of domestic violence incidents "involve non-family relationships, most often dating couples." Thus, "[s]uch a change in law is long overdue."

Effective Date: July 21, 2008 [This law applies to orders of protection pending or entered on or after this date.]

6. L 2008, ch 308 - Amending Agriculture and Markets Law § 351 [Relating to the Prohibition on Animal Fighting]

This law amends Agriculture and Markets Law § 351 by adding a new subdivision five, which prohibits a person from being knowingly present as a spectator at an animal fight. For a first offense, the defendant is guilty of a violation punishable by a

fine of no more than \$500. If the defendant has a prior conviction under this subdivision or subdivision four of this section within the previous five years, he is guilty of a misdemeanor punishable by a fine of no more than \$1000, up to one year imprisonment, or by both such fine and imprisonment.

According to the Sponsor's Memo in support of this law, "[a]nimal fighting is a barbaric and disgusting practice" that "is still a problem in our country." Nevertheless, a person would not be subject to any penalties for simply attending an animal fight prior to the passage of this legislation. This law seeks to end attendance at these fights.

Effective Date: July 21, 2008

7. L 2008, ch 235 - Amending Banking Law § 373 [Relating to the Penalties for Unlicensed Check Cashing]

This law amends Banking Law § 373 to specifically designate the offense of unlicensed check cashing under Banking Law § 367 as a class A misdemeanor. Prior to this law, this offense was an unclassified misdemeanor punishable by imprisonment up to one year, by a fine of not more than \$500, or by both such fine and imprisonment.

According to the Sponsor's Memo in support of this law, unlicensed and unregulated check cashing is an ongoing problem which "violates public policy and the best interests of the people of the State." Moreover, this activity "harms the ability of legitimate licensed check cashers to remain viable." This law is an effort "to have sufficient penalty levels to help deter these types of violations."

Effective Date: October 5, 2008



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Criminal Court of the City of New York

111 Centre Street
Room 1151
New York, NY 10013

Phone: 646-386-4700
Fax: 646-386-4394
E-mail: jbarry@courts.state.ny.us