



Criminal Court of the City of New York Annual Report 2005

Hon. Juanita Bing Newton
Administrative Judge

William H. Etheridge III
Chief Clerk



CRIMINAL COURT OF THE CITY OF NEW YORK
2005 ANNUAL REPORT
Published April 2006

This Report was published by the Office of the Administrative Judge of New York City Criminal Court.

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Calendar Year 2005 - Executive Summary

This report profiles the work and accomplishments of the Criminal Court of the City of New York over the past year. 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 - 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 back at Court news over the past year and some exciting new projects coming in 2006. This report explains how each part of the 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 of cases over the past year.

The previous year brought some significant changes to the structure of the criminal justice system in New York City. As part of a pilot project, starting in November, 2004, the Bronx Criminal Division assumed administrative responsibility over many aspects of Criminal Court operations in the Bronx. For the most part we do not address statistical information relating to Bronx Criminal Court operations. There are exceptions, however. We do report on summons, some 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. (For further explanation of Bronx Criminal Court operations, please turn to page 25).

Here are some 2005 Criminal Court milestones :

- 250,522 online/DAT cases arraigned;
- 648,638* summons filings;
- 251,684 arrest/DAT dispositions;
- 500,769 cases calendared in all purpose parts;
- 106,306 cases calendared in felony waiver parts;
- 26,195 dispositions in Criminal Court felony waiver parts compared to 19,987 dispositions combined in the corresponding four Supreme Courts, Criminal Term;
- 900 pre-trial hearings commenced;
- 2,162 trial verdicts (combined online/DAT and summons);
- \$32,194,622* in revenue;
- over \$4,500,000* in grant awards (2000-2005);
- \$117,234,596* operating budget; and
- 24.17 hour average arrest-to-arraignment time.

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, such as Operation Spotlight.

NYC Criminal Court 2005 By the Numbers

Budget:	\$117,234,596 *	Jurors serving:	5,375
Total revenue:	\$32,194,622*	Trials (summons cases):	1,578*
Fine revenue:	\$14,704,933*	Non-judicial personnel:	1,317
Bail revenue:	\$9,776,347*	Hearings commenced:	900
Summons revenue:	\$8,415,157*	Trial verdicts (arrest cases):	584
Summons filings:	648,638*	Court officers:	531
Arraignments (Arrests/DATs):	250,522	Judges authorized by statute:	107
Misdemeanor filings:	206,173	Judges actually sitting:	58
Felony filings:	43,456	Courthouses:	9*

* Includes Bronx information



Introduction – Administrative Judge Juanita Bing Newton

Greetings from the New York City Criminal Court. Three years into my tenure as Administrative Judge, Criminal Court's judges and staff remain as hardworking and innovative as ever. They have to be in order to keep up with the ever-increasing caseload with the dwindling amount of resources available to them. It is only fitting, then, that in this year's Annual Report, we feature photographs of judges and staff from all over the city. We have almost 1,400 judges and non-judicial personnel working in eight facilities throughout the city. Some, like our judges, are visible and known to the public, but there are hundreds of people that work behind the scenes to make this vast court system work and one of the best in the state - and, for that matter, the country. This report profiles the incredible work that all 1,400 have done to bring justice to the citizens of this city.



course, our wonderful judges and staff have risen to the occasion. Last year Criminal Court dispensed justice on over 800,000 cases - an incredible achievement!

2005 was the first full year for our citywide Plea By Mail initiative for certain summons cases and the amount of people choosing to quickly and efficiently dispose of their cases (and without ever stepping into a courthouse) rose to al-

most 10,000. We have increased the efficacy of, and our commitment to, our Manhattan Domestic Violence Court complex by assigning a full time resource coordinator to help our DV judges expand their sentencing options and monitor defendants. We have expanded our court attorney pool to bring us closer to our goals of a 1:1 ratio between judges and court attorneys. Midtown Community Court started its pilot projects to retain prostitution cases for trial and expand its jurisdiction over certain trademark counterfeiting and unlicensed vendor cases.

With "quality of life" summons and online misdemeanor filings continuing to rise to record heights and the number of judges actually sitting in Criminal Court continuing to drop to record lows, we have been asked to do more with less. And, of

When you read about all that our staff does, you cannot help but be impressed with the incredible work that goes on in the Criminal Court!

Criminal Court Caseload – A 10 Year Overview

From the recent peak online/DAT arrest filing years of the late nineties and 2000, the last five years have seen a relatively stable amount of arraignments in the Criminal Court. Total filings in 2005 were 18% lower than the total in 2000, but only 7% lower than those ten years earlier in 1995.

The big picture, however, shows law enforcement's continued focus on "quality of life" crimes. In 1995, 27% of all online/DAT arraignments were felonies, in 2005 that percentage has dropped to 6%. Add to that mixture the huge increase in summons filings that Criminal Court has seen in the past 10 years and you can truly get a picture of the police focus on these types of of-

fenses. From 1995 to 2005, the Court has seen a 115% rise in the number of summons filings.

The combined total of online/DAT docketed misdemeanor and summons filings in 2005 was 814,361 cases compared to 489,885 in 1995. Felony filings in this 10 year period have decreased from 72,847 cases in 1995 to 43,456 in 2005. It is important to note that Criminal Court has retained trial jurisdiction over an ever increasing amount of cases, having serious implications to its ability to quickly, efficiently process cases and, more importantly, offer individualized justice to every litigant.



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 30, 2005 are listed on page 8.

The Court is headed by a citywide Administrative Judge who is responsible for the overall operation of the Court. Administrative Judge Juanita Bing Newton is assisted in 2005 in this task by three supervising judges, one for Manhattan - Hon. Martin P. Murphy, one for Queens - Hon. Deborah Stevens Modica and a third who supervises our 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 the day-to-day operations in each county - Serena Springle (New York), John Hayes (Kings), Brian Wynne (Queens) and Andrew Hassell (Richmond). The city-wide summons operation is supervised by Senior Court Clerk Robert Cassidy and Donald Vasti and Sandra Martin Smith oversee the operations of 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 include Beverly Russell (Counsel); Michael Yavinsky (Chief Court Attorney); Justin Barry (Drug Courts); and Lisa Lindsay (DV Courts).

CRIMINAL COURT CITY OF NEW YORK MANAGEMENT ORGANIZATION

2005

SUPERVISING JUDGES



William Miller



Deborah Modica



Martin Murphy



Juanita Bing Newton
Administrative Judge

CHIEF COURT ATTORNEY



Michael Yavinsky
Chief Court Attorney



William Etheridge
Chief Clerk



Vincent Modica
1st Dep. Chief Clerk

ADMINISTRATIVE JUDGE'S OFFICE



Beverly Russell
Counsel



Justin Barry
Drug Court Coordinator



Lisa Lindsay
DV Coordinator

BOROUGH CHIEF CLERKS



John Hayes



Sandra Martin Smith
Red Hook CJC



Andrew Hassell



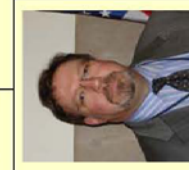
Brian Wynne



Serena Springle



Donald Vasti
Midtown CC



Robert Cassidy
Summons

CITYWIDE SUPERVISORS



Ada Molina
Personnel Director



Patrick Iannotto
Director of Supply



Maj. Walter Glowacz
Court Officers



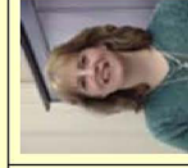
Jacqueline Dupree
Data Entry Supervisor



Fernando Smith
Supervising Court Interpreter



Marilyn Vializ
Supervising Court Reporter



Alice Hegarty
Technology





2005 New York City Criminal Court

Hon. Juanita Bing Newton

Administrative Judge

NEW YORK

Hon. Martin Murphy
Supervising Judge

Criminal Court Judges

Hon. A. Kirke Bartley
Hon. Ellen Coin
Hon. Gerald Harris
Hon. Melissa Jackson
Hon. Alexander Jeong
Hon. Patricia Nunez
Hon. Donna Recant
Hon. Neil Ross
Hon. Larry Stephen
Hon. Richard Weinberg

Civil Court Judges

Hon. Abraham Clott
Hon. Anthony Ferrara
Hon. Kathryn Freed
Hon. Deborah Kaplan
Hon. Evelyn Laporte
Hon. Karen Lupuloff
Hon. Shawndya Simpson

Acting Supreme Court Justice

Hon. Laura Ward

Midtown Community Court

Hon. Eileen Koretz

KINGS-RICHMOND

Hon. William Miller
Supervising Judge

Criminal Court Judges

Hon. Richard Allman
Hon. Miriam Best
Hon. James Burke
Hon. Miriam Cyrulnik
Hon. James Gibbons
Hon. William McGuire
Hon. Suzanne Mondo
Hon. Matthew Sciarino
Hon. Toko Serita
Hon. Ruth E. Smith
Hon. Alvin Yearwood

Civil Court Judges

Hon. Ferne Goldstein
Hon. Desmond Green
Hon. Geraldine Pickett
Hon. Margarita Lopez Torres
Hon. Betty Williams
Hon. John Wilson
Hon. Alex Zigman

Acting Supreme Court Justices

Hon. William Garnett
Hon. Joseph Gubbay
Hon. Alan Meyer

Red Hook CJC

Hon. Alex Calabrese

QUEENS

Hon. Deborah Stevens Modica
Supervising Judge

Criminal Court Judges

Hon. Fernando Camacho
Hon. Lenora Gerald
Hon. William Harrington
Hon. Gene Lopez
Hon. Suzanne Melendez
Hon. Mary O'Donoghue
Hon. Robert Raciti
Hon. Joseph Zayas

Civil Court Judges

Hon. Stephen Knopf
Hon. Steven Paynter

Acting Supreme Court Justice

Hon. Dorothy Chin Brandt
Hon. Pauline Mullings

William H. Etheridge III, Chief Clerk
Vincent Modica, First Deputy Chief Clerk

Serena Springle,
New York Borough Chief Clerk
Joseph Vitolo,
New York Deputy Borough Chief Clerk

John Hayes,
Kings Borough Chief Clerk
Timothy McGrath,
Kings Deputy Borough Chief Clerk
Andrew Hassell,
Richmond Borough Chief Clerk

Brian Wynne,
Queens Borough Chief Clerk
Carey Wone,
Queens Deputy Borough Chief Clerk



Courthouse Locations

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

Bronx Arraignments and Summons
215 E.161st Street, Bronx, NY 10451

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

Midtown Community Court
314 W.54th Street, New York, NY 10019

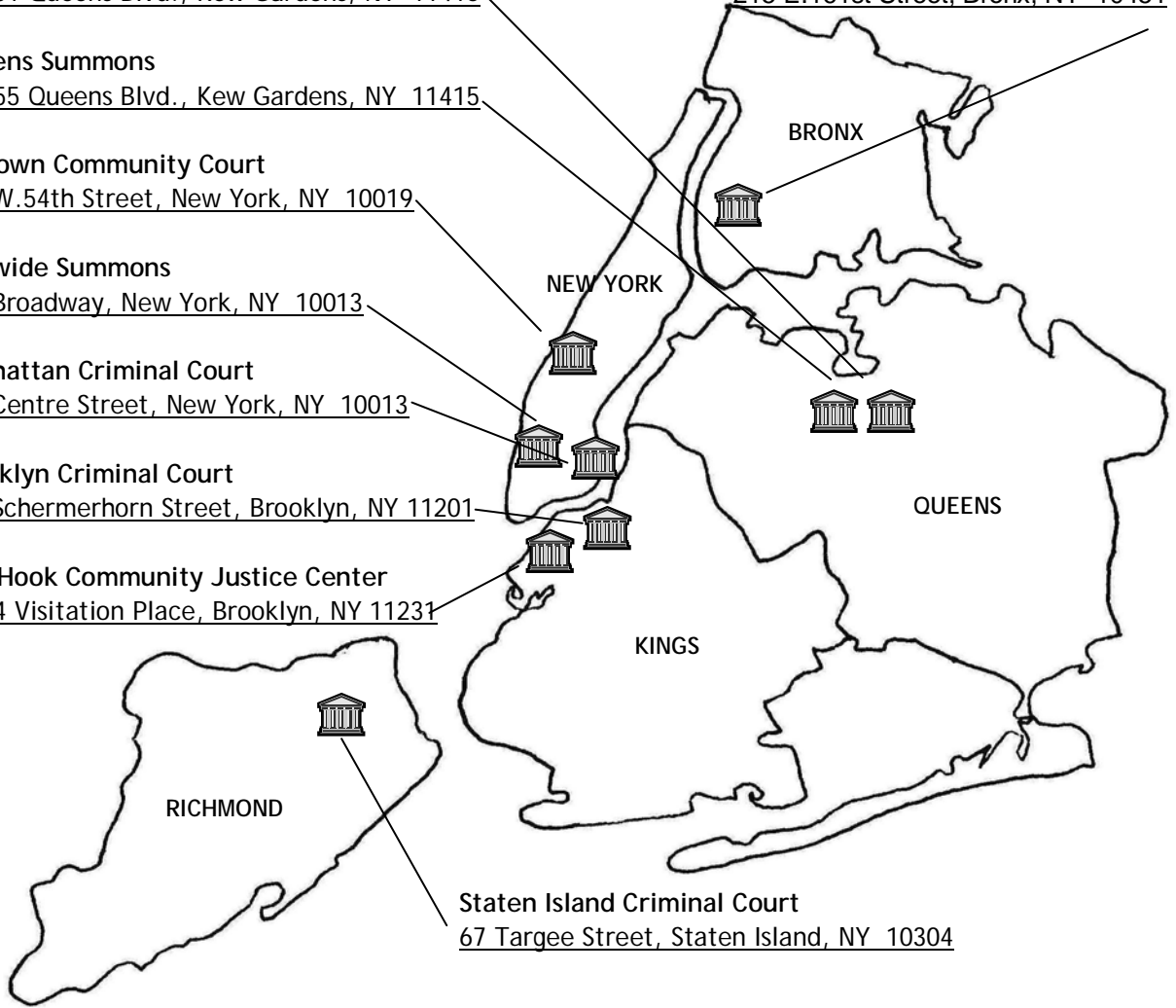
Citywide Summons
346 Broadway, New York, NY 10013

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

Staten Island Criminal Court
67 Targee Street, Staten Island, NY 10304



NEW YORK CITY



Kings/NY Summons



Queens



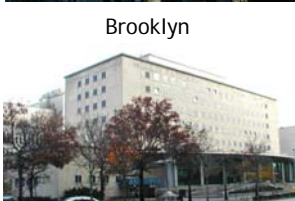
Manhattan



Red Hook



Bronx Arraignments/Summons



Queens



Queens Summons



Staten Island



Midtown



New Initiatives and Improved Service in 2005

Over the past year, Criminal Court continued to bring “Quality Service” and a more consumer-oriented approach to the court system, piloting several exciting projects that make interactions with the Criminal Court more convenient for the consumer and more efficient for its employees.

Plea By Mail - Citywide Expansion

This was the first full year for our Plea By Mail initiative for individuals receiving a Criminal Court summons for the NYC Administrative Code violation of “Consumption of Alcohol on Streets Prohibited” (also known as “Open Container Violation” or “Consumption of Alcohol in Public”) and the year the program was expanded throughout the city. Almost 10,000 people chose to quickly and efficiently dispose of their cases (and without ever stepping into a courthouse) by pleading guilty and paying a \$25 fine by mail.

Comprehensive Screening

Comprehensive Screening of all defendants arrested in Brooklyn for eligibility in court-monitored treatment began in January 2003. In 2005, Criminal Court lent its expertise to help initiate this program in the Bronx and Queens county will begin its screening program in 2006.

Manhattan Domestic Violence Court - Resource Coordinator

The Manhattan Domestic Violence Court Complex expanded its sentencing options and defendant monitoring capabilities for its two judges and one judicial hearing officer with the hiring of a resource coordinator. The resource coordinator is responsible for carrying out the alternative-to-incarceration directives of each of the domestic violence courts and ongoing monitoring of defendants participating in these programs.

Employee of the Year Awards

The Court recognized its first eight Employees of the Year in 2005 in an effort to acknowledge some of the Court’s hardworking and, many times, unsung heroes.

Red Hook *Pro Se* Attorney

In order to assist litigants appearing without benefit of an attorney on civil matters heard at the Red Hook Community Justice Center, Criminal Court has started working with the Unified Court System’s Office of the Deputy Chief Administrative Judge for Justice Initiatives to staff the courthouse with an attorney to assist self-represented litigants. The planning started in 2005 and the project is expected to become operational in 2006.

Expanded Court Attorney Pool

2005 brought about an unprecedented expansion in the Court’s pool of court attorneys. Attorneys in the Law Department pool had previously handled assignments from two or, even, three judges simultaneously. With this new expansion, Criminal Court has gotten closer to its goal of having one court attorney for every judge presiding in the Criminal Court.

Midtown Caseload and Trial Expansion

With the concentration of counterfeit goods and illegal sidewalk sales arrests in Midtown Manhattan, Midtown Community Court has started arraigning all defendants throughout Manhattan charged with unlicensed general vendor violations and will start arraigning all trademark counterfeiting arrests in 2006. Midtown also started retaining prostitution cases for all purposes including trial. These two initiatives seek to handle these offenses in the location with the highest concentration of these arrests and bring a level of consistency to their prosecution and disposition.

Court Paper Scanning Project

In 2005 Criminal Court started the planning process to use technology to reduce the huge amount of expense and labor necessary to archive and retrieve finished court files. Within the next year, Court staff plan to make digital copies of finished court files allowing the Court to retain a digital file and destroy the actual copy of the court papers. This new project will save the court the countless hours and hundreds of thousands of dollars that it currently spends archiving these papers.



New Laws and Legislation

There were quite a few pieces of legislation passed in 2005 that impacted New York City Criminal Court. When these laws are enacted, all relevant judicial and non-judicial staff are notified of the changes by the Office of the Chief Court Attorney. The following pages show the most significant notifications made in 2005.

A. Changes Affecting the Penal Law

1. L 2005, ch 765 - Known as "The Crimes Against Police Act." Amending Penal Law §§ 70.00, 70.02, 120.13, 10.00, and 60.06; Adding Penal Law §§ 120.18, 125.11, 125.21, 125.22, and 125.26; Amending Criminal Procedure Law § 700.05

This legislation enacts the following new offenses for those who threaten, injure or kill police officers. [Please note - While these offenses are labeled as particular violent felonies (e.g. A felony, B felony), this legislation creates separate sentencing ranges that are unique to each offense.]

- a. PL § 120.18 (Menacing of a Police Officer or Peace Officer) - Class D violent felony offense punishable by a determinate sentence of two years and not exceeding eight years.
- b. PL § 125.11 (Aggravated Criminally Negligent Homicide) - Class C violent felony punishable by a determinate sentence of at least three and one-half years and not exceeding 20 years.
- c. PL § 125.21 (Aggravated Manslaughter in the Second Degree) - Class C violent felony punishable by a determinate sentence of at least at least seven years and not exceeding 20 years.
- d. PL § 125.22 (Aggravated Manslaughter in the First Degree) - Class B violent felony punishable by a determinate sentence of at least 10 years and not exceeding 30 years.
- e. PL § 125.26 (Aggravated Murder) - Class A-I felony punishable by a sentence of life imprisonment without parole.

This law also amends PL § 70.02 to impose a separate sentencing range of at least 10 years and not exceeding 30 years for Aggravated Assault Upon a Police Officer or a Peace Officer (PL § 120.11), a



Court Attorney Karen Gopee
Queens Law Department

class B violent felony. Further, PL § 70.02 is amended to impose a separate sentencing range of at least three and one-half years and not exceeding 20 years for Attempted Aggravated Assault upon a Police Officer or Peace Officer (PL § 110/120.11), a class C felony. Also, this legislation amends PL § 70.00(3) to increase the minimum sentence range for a violation of certain subdivisions of PL § 110/125.27 [Attempted Murder in the First Degree] and to establish the minimum sentence range for a violation of PL § 110/125.26 [Attempted Aggravated Murder].

According to the Sponsor's Memo in support of this law, "this [law will] ensure that the most dangerous type of criminals - those who are so bold as to attack, injure or kill a police officer or peace officer - are punished commensurate with their crimes."

Effective Date: December 21, 2005



New Laws and Legislation

2. L 2005, ch 764 - Amending Penal Law §§ 70.02, 265.02, 265.03, 265.04, 265.11, 265.12, and 265.13 [Relating to the possession and sale of firearms]

This law amends PL § 70.02 to add PL § 265.11, Criminal Sale of a Firearm in the Third Degree as a class D violent felony and to establish a particular sentence provision for this offense. Further, this legislation reduces the number of firearms required to be possessed to constitute violations of certain subdivisions of PL §§ 265.02, 265.12, and 265.13, as well as adding new subdivisions prohibiting firearms possession under PL §§ 265.03 and 265.04 and firearms sale under PL §§ 265.12 and 265.13. [Gender neutral references were also inserted into the language of various sections of Article 265 of the Penal Law, and the term “dangerous” was removed from the title of PL § 265.04.]

According to the Sponsor of this legislation, prior to this law, certain individuals selling illegal weapons would intentionally restrict the number of firearms sold in a single transaction in order to avoid stricter penalties. This legislation is intended to eliminate this loophole.

Effective Date: December 21, 2005

3. L 2005, ch 644 - Amending the 2004 Drug Reform Act to Expand the Opportunity for Certain Penal Law Article 220 Offenders to Earn Merit Time

This law amends the 2004 Drug Reform Act to expand the opportunity for inmates convicted of Article 220 offenses, other than A-I offenses, to earn merit time, as provided for under Correction Law § 803. Pursuant to this amendment, inmates can earn merit time not only through a work release program but also through successful employment, for a minimum of three months, in any other continuous temporary release program. According to the Sponsor’s Memo in support of this law, the amendment adds Corcraft to the list of available programs.

Effective Date: August 30, 2005 [While effective immediately upon its passage, this law is deemed to have been in full force and effect on or after

December 27, 2004.]

4. L 2005, ch 643 - Extending the Opportunity for Resentencing to Certain Class A-II Controlled Substance Offenders

This law grants certain class A-II controlled substance offenders the opportunity to petition the sentencing court for resentencing under the 2004 Drug Reform Act. In order to be eligible for resentencing, the offender must, at the time of the petition, be more than 12 months from being eligible for the temporary release program established under Correction Law § 851(2) and be eligible under Correction Law § 803(1)(d) to earn merit time credit against his sentence.

Effective Date: October 29, 2005

5. L 2005, ch 544 - Amending Penal Law § 65.10 [Conditions of Probation and of Conditional Discharge], Executive Law § 259-c [State Board of Parole; Functions, Powers and Duties], Correction Law § 272 [Local Conditional Release Commission; Function, Powers and Duties]

This law amends Penal Law § 65.10(4-a), Executive Law § 259-c(14), and Correction Law § 272(9) to require, as a condition of parole or conditional release, that a person designated as a Level III sex offender be prohibited from knowingly entering upon any school grounds or other facility used primarily for the care of persons under the age of 18 when one or more persons under that age is present.

According to the Sponsor in support of this law, “[t]here is a need to prohibit those sex offenders who are determined to pose the most risk to children from entering upon school grounds or other areas where children are cared for.”

Effective Date: September 1, 2005

6. L 2005, ch 499 - Amending Penal Law § 60.27 [Restitution and Reparation]

This law amends Penal Law § 60.27(5)(a) to add a specific provision regarding restitution and reparation where a school district official is convicted of violating Penal Law Article 155 and where the victim of the crime is the officer’s school district. Pursuant to this law, the maximum amounts of res-



titution or reparation allowable for felonies and other offenses, as provided for in PL § 60.27(5)(a), do not apply under these circumstances. Instead, the court may require an amount of restitution up to the full amount of the fruits of the offense or reparation up to the full amount of the actual out-of-pocket loss suffered by the victim, provided that in such a case the provisions of paragraph (b) of PL § 60.27(5) do not apply.

Effective Date: August 16, 2005

7. L 2005, ch 450 - Creating Penal Law § 230.33 [Compelling Prostitution]

This law creates the crime of Compelling Prostitution (PL § 230.33) and designates it a class B felony. Under PL § 230.33, “[a] person is guilty of compelling prostitution when, being twenty-one years of age or older, he or she knowingly advances prostitution by compelling a person less than sixteen years old, by force or intimidation, to engage in prostitution.”

This law also amends PL § 230.35 [now entitled “Promoting or Compelling Prostitution; Accomplice”] to account for the creation of the new crime. Penal Law § 230.35 now provides that, “[i]n a prosecution for promoting prostitution or compelling prostitution, a person under the age of seventeen from whose prostitution activity another person allegedly advanced or attempted to advance or profited or attempted to profit shall not be deemed to be an accomplice.”

According to the Sponsor’s Memo in support of this law, this new crime was created to combat the increasing problem of child prostitution.

Effective Date: November 1, 2005

8. L 2005, ch 394 - Amending Various Laws Related to the Regulation of Methamphetamine Production

This legislation enacts a number of changes in order to regulate methamphetamine production, the most relevant of which include:

- a. Creating PL § 155.30(11), which classifies theft of anhydrous ammonia, an ingredient in methamphetamines, as Grand Larceny in the Fourth Degree.
- b. Creating PL § 165.45(7), which punishes possession of stolen anhydrous ammonia.

c. Amending a number of sections under Article 220 of the Penal Law to create new crimes involving methamphetamines.

d. Amending PL § 70.25(2)(g) to allow for the imposition of concurrent sentences for conviction of certain new crimes.

e. Adding newly created methamphetamine laboratory crimes to CPL § 700.05 (the eavesdropping statute).

According to the Sponsor’s Memo in support of this law, [i]n the past 5 years, police agencies have seen evidence of a dramatic rise in the number of clandestine laboratories operating in New York State. These illegal methamphetamines are often produced using controlled substance precursors which are not currently illegal to possess This proposal will specifically target clandestine laboratories which produce illegal drugs . . . [and will make] possession of the ingredients used to illegally manufacture controlled substances with the intent to manufacture such substances a crime.

Effective Date: October 1, 2005

9. L 2005, ch 331 - Amending Penal Law § 400.00(4) [Licenses to Carry, Possess, Repair and Dispose of Firearms]

This legislation amends Penal Law § 400.00(4) to allow corporate officers of firearm dealerships, who have already been issued a “dealer in firearms license” and who are seeking to open a second or subsequent firearm dealership, to rely upon the first set of fingerprints taken of them in connection with the application for their initial dealer in firearms license. However, where any of the corporate officers have changed since the prior application, the new corporate officer(s) must submit their fingerprints in the same manner they would if initially applying for the license.

Under the former law, applicants who had previously opened stores in New York were required to travel to New York to be fingerprinted each time they sought to open another store within the state, notwithstanding the fact that their fingerprints were already on file with the New York State Department of Criminal Justice Services. According to the Sponsor’s Memo in support of this



New Laws and Legislation

law, the purpose of the amendment is to avoid the expense and inconvenience associated with returning to New York for fingerprinting and thus, eliminate the disincentive to creating jobs in New York.

Effective Date: July 26, 2005

10. L 2005, ch 294 - Amending Penal Law § 240.06 [Riot in the First Degree]

This legislation amends Penal Law § 240.06 to allow for prosecution of anyone who incites a riot while in a correctional facility regardless of whether the riot caused public alarm in the community outside of the facility. The new provision only requires a showing that the riotous conduct caused alarm within the facility.

Pursuant to the Sponsor's Memo regarding this law, the need for this law "became apparent in 1998 at Mohawk Correctional Facility when inmates who participated in a riot could not be charged with a felony for the act of rioting." Thus, this law was created to serve as a "deterrent to those who would otherwise participate in a prison riot."

Effective Date: November 1, 2005

11. L 2005, ch 57 - Creating Penal Law § 165.16 [Unauthorized Sale of Certain Transportation Services]

This law adds Penal Law § 165.16, a class B misdemeanor. Under PL § 165.16, it is unlawful for a person who, with intent to avoid payment by another person to the Metropolitan Transportation Authority, New York City Transit or a subsidiary or affiliate of either, sells or exchanges for value access to transportation services provided by any of these entities, without authorization, through the use of an unlimited farecard or a doctored farecard. [It is a defense to prosecution under this section that the defendant sold an undoctored farecard and relinquished all rights and privileges to the card upon the sale, or that he sold access to transportation services through the use of an undoctored farecard at the request of the purchaser at a time when a farecard was not otherwise immediately available to the purchaser, provided that the defendant lawfully acquired the farecard and did not, by means of an unlawful act, contrib-

ute to the circumstances that brought about the request.]

Importantly, PL § 165.16 only applies to sales that occur in a transportation facility operated by one of the abovementioned transportation providers when public notice of the prohibitions of this section and the corresponding exemptions appears on the face of the farecard or is conspicuously posted in the transportation facility.

Effective Date: July 11, 2005

12. L 2005, ch 39 - Known as "Vasean's Law." Amending Penal Law §§ 120.03, 120.04, 125.12, and 125.13

This law amends the sections of the Penal Law pertaining to the crimes of Vehicular Assault in the First and Second Degrees (PL §§ 120.04, 120.03, respectively) and Vehicular Manslaughter in the First and Second Degrees (PL §§ 125.13, 125.12, respectively) to remove criminal negligence as a required element of these crimes. Further, this law establishes a rebuttable presumption that, where a driver causes serious physical injury or death, such injury or death was caused by the driver's intoxication or impairment from use of a drug.

According to the Sponsor of this law, the abovementioned amendments are necessary because the previous "criminal law provisions are an inadequate deterrent to drunk drivers, [thereby creating] an enhanced risk of serious injury to, or the death of, innocent victims."

Effective Date: June 8, 2005 [The original effective date of this law (November 1, 2005) was superseded by passage of L 2005, ch 92, which designated that the law be in effect immediately.]

B. Changes Affecting the Vehicle and Traffic Law

1. L 2005, ch 624 - Amending Vehicle and Traffic Law § 375(1)(b) [Equipment]

This law amends subdivision (1)(b) of VTL § 375 to replace the prohibition against putting posters, stickers, handbills or any other form of advertisement on a "windshield or windshield wipers" with a general prohibition against attaching any of



these materials to a motor vehicle.

According to the Sponsor's Memo in support of this law, this amendment will eliminate the unintended loophole created by the former law which allowed individuals to affix handbills to parts of motor vehicles other than the windshield or windshield wipers. As a result, this law "will enhance the City's littering enforcement efforts and its continuing commitment to increase street cleanliness levels."

Effective Date: November 28, 2005

2. L 2005, ch 608 - Amending Vehicle and Traffic Law § 375(37) [Equipment]

This law amends VTL § 375 (37) to require that "motor vehicles engaged in retail sales of frozen desserts directly to consumers . . . include . . . front crossing arms to be activated only when such vehicle is stopped and its occupants are engaged in such retail sales." [Failure to comply with this requirement appears to constitute a traffic infraction.]

Pursuant to the Sponsor's Memo in support of this legislation, young children have been killed in recent years when attempting to cross the street after buying food from frozen dessert trucks. Accordingly, this law will "ensure that minors [will] not be able to venture into the roadway unless they [are] a safe distance in front of the frozen dessert truck, thereby enabling oncoming motorists to see the child with enough time to react and increasing the chances that future disasters of this nature will be averted."

Effective Date: February 26, 2006

3. L 2005, ch 601 - Amending Vehicle and Traffic Law § 2403 [Operation of ATVs; Where Permitted]

This law amends VTL § 2403 to add a new subdivision, designated 3-a, which prohibits the operation of an all terrain vehicle (ATV) "upon the real property of a farm operation . . . without the consent of the owner or lessee thereof, where such owner or lessee has erected or maintained any sign, structure, display, or device prohibiting the trespass thereon, and which shall include a sign stating: "No Trespassing." The law further provides that violation of this subdivision constitutes a traffic infraction, and that a person who commits one

or more similar infraction within an 18 month period shall receive an increased punishment.

According to the Sponsor's Memo in support of this law, the improper use of ATVs on farmlands can lead to economic damages for farm operators due to soil erosion and crop damage. The inappropriate use of ATVs also poses physical dangers to ATV operators as well as increases farm operators' exposure to liability for injuries sustained by ATV operators. In addition, the Sponsor supported the increase in penalties for violation of section 2403 because, under the former law, defendants rarely received the maximum fine and often were released with only a warning not to commit the violation again.

[Agriculture and Markets Law § 301 also was amended (L 2005, ch 573 - effective August 23, 2005) to expand the definition of a "farm operation" to include timber processing.]

Effective Date: November 1, 2005

4. L 2005, ch 554 - Amending Vehicle and Traffic Law §§ 2404(1)(e) and 2404(3) [Operating Rules-All Terrain Vehicles]

This law amends VTL §§ 2404(1)(e) and 2404(3) to add an "inflatable device" to the list of devices that, while occupied by a passenger, are prohibited from being towed by an ATV, unless attached by a rigid support, connection or towbar. Section 2404 (1)(e) prohibits a person from operating an ATV in this manner, and section 2404(3) prohibits a person from riding an inflatable device in this way.

According to the Sponsor's Memo on this law, using an ATV to pull a person on an inflatable device poses as much of a danger as using an ATV to pull a person on a sleigh, sled, toboggan, or trailer. In support, the Sponsor noted that children have died as a result of this activity.

Effective Date: August 23, 2005

5. L 2005, ch 395 - Amending Vehicle and Traffic Law § 381 [Motorcycle Equipment]

This law amends Vehicle and Traffic Law § 381 to raise the height to which motorcyclists are permitted to position their handle bars or grips. Under the former law, the legal height limit was 15 inches higher than the operator's seat. This new legislation raises that limit to the height of the



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operator's shoulders.

Noting that the prior law was unpopular among motorcyclists and was not properly enforced, the Sponsor of this law stated that this law "is more applicable in modern motorcycles and enforcement of the law," and does not create any safety hazards.

Effective Date: November 1, 2005

6. L 2005, ch 223 - Known as the "Work Zone Safety Act of 2005." Amending Vehicle and Traffic Law § 510(2)(b); Adding Vehicle and Traffic Law §§ 1809-d and 224-a

This law amends VTL § 510(2)(b) to add subparagraph (xiii) establishing that an individual's license be suspended for 60 days when he is convicted of two or more speeding violations in a posted highway construction or highway maintenance work area. Further, this legislation adds VTL § 1809-d, which provides for a mandatory surcharge of \$50 for violation of maximum speed limits in highway construction or maintenance work areas, in addition to any other sentence, fine or penalty.

According to the Sponsor's Memo in support of this law, most accidents in highway work zones are due to speeding and driver inattentiveness. Thus, this law "seeks to make highway safety a priority by educating the public . . . [and] . . . increasing penalties for speed related violations within these work zones."

Effective Date: November 1, 2005

7. L 2005, ch 109 - Amending Vehicle and Traffic Law § 402(1) [Distinctive Number; Form of Number Plates, Trailers]

This law amends Vehicle and Traffic Law § 402(1) to prohibit a person from knowingly covering or coating a license number plate with any artificial or synthetic material or substance that conceals or obscures the plate or distorts a recorded or photographic image of the plate. [Violation of this section constitutes a traffic infraction. VTL § 402(7).]

According to the Sponsor's Memo in support of this law, sprays to blind observation equipment are increasingly popular and easily accessible. In New York City specifically, "about 31% of the vehicles

running red lights cannot be identified due to their license plates being obscured." By banning the use of these materials, this legislation will help to increase public safety against reckless drivers as well as possible terrorist threats.

Effective Date: October 19, 2005

8. L 2005, ch 49 - Amending Vehicle and Traffic Law § 600 [Leaving Scene of an Accident Without Reporting]

This law amends VTL § 600 to increase the penalties for leaving the scene of an accident without reporting. A first violation of this statute resulting in personal injury is now designated a class A misdemeanor and any such subsequent violation is deemed a class E felony. Further, a violation resulting in serious physical injury is a class E felony, and a violation resulting in death is a class D felony.

In support, the Sponsor of this law noted that violation of this statute "is a grave crime" because "[d]uring the time . . . an accident goes unreported, injured people at the accident could become more seriously injured or die."

Effective Date: June 17, 2005 [The original effective date of this law, November 1, 2005, was superseded by passage of L 2005, ch 108, which designated that the law be in effect immediately.

9.(a) L 2005, ch 18 - Amending Vehicle and Traffic Law § 1229-c [Operation of Vehicles with Safety Seats and Safety Belts]

This legislation amends VTL § 1229-c to clarify that child restraint systems, also known as child booster seats, should be used only with combination lap and shoulder harness belts and not with only a lap safety belt. However, the law also provides that, where a vehicle is not equipped with these combination belts or where all combination belts are being used to properly restrain other passengers under the age of 16, child booster seats may be restrained by a lap safety belt.

According to the Sponsor's Memo in support of this law, lap-only belts should not be with booster seats because they place a child at risk of serious abdominal, spinal and other injuries.



Effective Date: April 19, 2005

(b) L 2005, ch 598 - Amending Vehicle and Traffic Law § 1229-c(5) [Operation of Vehicles with Safety Seats and Safety Belts]

This law amends VTL § 1229-c(5) by creating a second affirmative defense to a charge of operating a motor vehicle without “an appropriate child restraint system.” In addition to the affirmative defense that the child is over four feet nine inches in height, it is also an affirmative defense that the child weighs more than 100 pounds, provided that, to succeed on either defense, the child was restrained by a safety belt.

According to the Sponsor’s Memo for this law, most child safety booster seats are designed for children weighing up to 80 pounds, while some can accommodate children weighing up to 100 pounds. Thus, the Sponsor contended that “it is important that in the event the child has grown larger than the weight limit for which these safety devices are intended to accommodate, the option be available for the parent to utilize the vehicle’s safety belt for the child.”

Effective Date: August 30, 2005

C. Changes Affecting Registered Sex Offenders

1. L 2005, ch 684 - Amending Correction Law §§ 168-d, 168-k, 168-n to Authorize Hearings in Absentia for Sex Offenders

This law amends Correction Law §§ 168-d, 168-k and 168-n to permit determination hearings in absentia for sex offenders. Under this law, the court is authorized to determine, in the sex offender’s absence, the offender’s level of notification and whether he shall be designated a sexual predator, a sexually violent offender or a predicate sex offender. The determination hearing, however, may only be held without the offender when he has been notified, at least 45 days in advance, of the time and place of the hearing and that the hearing will be conducted in his absence if he fails to appear without sufficient excuse.

While many courts already recognize that an offender who voluntarily fails to appear has waived his right to take part in the hearing, this law clarifies this holding. According to the Sponsor’s Memo in support of this law, “[w]ithout a hearing no in-

formation about the offender may be disseminated to the community.” Thus, through this law, the Legislature seeks to prevent sex offenders from hindering the aims of the Sex Offender Registration Act by failing to appear for determination hearings.

Effective Date: October 4, 2005, except that these amendments do not apply to initial level setting determinations for offenders who are members of the plaintiff class in Doe v Pataki, 96 CIV 1657 (SDNY), or whose cases are governed by that case.

2. L 2005, ch 680 - Amending Correction Law § 168-I [Board of Examiners of Sex Offenders]

This law amends paragraphs (b) and (c) of Correction Law § 168-I(6) to require law enforcement agencies to maintain a list of vulnerable organizational entities within their jurisdictions that should be notified when a Level II or Level III sex offender poses a risk of public safety. The list of such entities shall include but not be limited to: superintendents of schools or chief school administrators, superintendents of parks, public and private libraries, public and private school bus transportation companies, day care centers, nursery schools, preschools, neighborhood watch groups, community centers, civic associations, nursing homes, victim’s advocacy groups and places of worship.

According to the Sponsor of this law, by listing these vulnerable entities in a statute, law enforcement will no longer be required to determine which organizations are vulnerable and therefore, will be free from “possible liability by the community which was not notified and/or the sex offender who believes some over broad notification was not justified.”

Effective Date: November 1, 2005

3. L 2005, ch 613 - Amending Legislation from 2000 Requiring Notification When Certain Defendants Petition to Change Their Names

Chapter 549 of the Laws of 2000 amended the Civil Rights Law, the Criminal Procedure Law, and the Executive Law to require that victims (if they so desire) as well as prosecutors, DCJS, and sentencing courts be notified when a person convicted of an enumerated felony petitions for a name change. As drafted, however, the law did not ap-



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ply to offenders convicted prior to the law's effective date to be subject to the notification requirements when applying for a name change.

This new law adjusts the 2000 amendments to close the loophole by applying the notification requirements to offenders who were convicted before its effective date. [These requirements are to be applied to those who have petitions actively pending. It does not, however, apply to defendants whose petitions were granted before the effective date.]

Effective Date: August 30, 2005

4. L 2005, ch 604 - Relettering Correction Law § 168-v as § 168-w; Adding a new Correction Law § 168-v; Amending Correction Law § 168-t

This law amends the Correction Law to reletter the former section 168-v as section 168-w and adds a new section 168-v. Under the new section, any person required to register under the Sex Offender Registration Act is prohibited from operating, being employed upon, or dispensing goods for sale at retail from a motor vehicle engaged in the retail sale of frozen desserts. In addition, this law amends Correction Law § 168-t to provide that any person in violation of section 168-v shall be guilty of a class A misdemeanor for the first offense and a class D felony for the second or subsequent offense.

According to the Sponsor's Memo in support of this law, this amendment is necessary to protect children because the sale of ice cream from ice cream trucks is the type of job "which bring[s] people into close contact with children on a regular basis without the supervision of their parents."

Effective Date: August 30, 2005

5. L 2005, ch 577 - Extending the Expiration Date of Article 65 of the Criminal Procedure Law [Use of Closed-Circuit Television for Certain Child Witnesses]

This law extends the expiration date of Article 65 of the CPL, which relates to the use of closed-circuit television and other protective measures for certain child witnesses in cases involving sex crimes, from September 1, 2005 to September 1,

2007.

In support of this extension, the Sponsor for this law noted that "Article 65 constitutes a recognition that young children may suffer mental or emotional harm if they are required to provide the court with incriminating testimony in the presence of the defendant."

Effective Date: August 23, 2005

6. L 2005, ch 410 - Amending the Correction Law to Add § 72-c

This law amends the Correction Law to require that the Department of Correctional Services notify local social services districts when the Department has reason to believe that an inmate who has been designated either a Level II or Level III sex offender under the Sex Offender Registration Act will likely seek local social services for homeless persons. Such notification shall be given, when practicable, 30 days or more prior to the inmate's release, but, in any event, must be provided before the inmate arrives in the jurisdiction of such local social services district. While this law becomes effective on October 1, 2005, the Department has been permitted to collect information and provide notice to local social services districts since passage of this law.

According to the Sponsor's Memo for this statute, the purpose of this legislation is to "provide coordination between the Department of Correctional Services and a Local Social Services District to enhance appropriate placement of a person released from custody who is accessing housing assistance."

Effective Date: October 1, 2005

7. L 2005, ch 318 - Amending Correction Law § 168-l [Board of Examiners of Sex Offenders]

This law amends paragraphs (b) and (c) of Correction Law § 168-l(6) to authorize law enforcement agencies to include any aliases used by a registered sex offender when disseminating information about a Level II or Level III sex offender under the Sex Offender Registration Act (SORA).

According to the Sponsor's Memo in support of this law, "[t]his change helps advance the purposes of SORA by allowing members of the public to learn



alternate names an offender may be using in an attempt to hide his or her identity.”

Effective Date: October 24, 2005

8. L 2005, ch 260 - Known as “The Child Safety Act.” Amending the Public Health Law to Add Sections 1392-a, 1394-a, and 1394-b; Amending Correction Law § 168-b

This law amends the Public Health Law to require that overnight camps (PHL § 1392-a), summer day camps (PHL § 1394-a), and traveling summer day camps (PHL § 1394-b) check the state sex offender registry prior to hiring any individual. This legislation also amends Correction Law § 168-b to require that the Division of Criminal Justice Services release information in the sex offender registry regarding prospective employees to any of these camps.

In support, the Sponsor of this law noted that “[c]hildren’s camps are some of the most obvious occupations where a sex offender would most readily come into contact with children” and thus, cross-checking job applicants with the sex offender registry can “prevent such life-destroying encounters.”

Effective Date: August 18, 2005

9. L 2005, ch 252 - Amending Correction Law § 851 [Temporary Release Programs; Definitions]

This law amends Correction Law § 851 to prohibit a registered sex offender from participating in a community services program, as defined by subdivision five of that section.

It is noted that while the law already barred registered sex offenders from work release programs, work release is defined differently than a community services program. Thus, according to the Sponsor’s Memo for this law, “[t]his legislation closes a loophole in the existing corrections law which sought to prohibit release of sex offenders into the community.” In support of this amendment, the Sponsor cited the high recidivism rate amongst sex offenders and the limited amount of supervision they would receive if released into the community under one of these programs.

Effective Date: November 1, 2005

10. L 2005, ch 56 - Amending Correction Law §§ 168-b(1)(b) and 168-f(2) [Relating to Sex Of-

fender Registration]

This law amends Correction Law § 168-b to require that the Division of Correctional Services have an updated photograph for each individual required to register pursuant to Correction Law Article 168. Level III sex offenders are required to update their photograph once a year, while Level I and Level II sex offenders are required to do so once every three years. Failure to comply with these requirements within 20 days of the anniversary of the initial registration date constitutes a violation of Correction Law § 168-t.

Effective Date: April 12, 2006

D. Miscellaneous Changes

1. L 2005, ch 736 - Known as “The Interstate Wildlife Violator Compact.” Amending the Environmental Conservation Law to add Title 25 and, more specifically, §§ 11-2501 and 11-2503

This law amends the Environmental Conservation Law to prevent violations of the hunting and fishing laws by ensuring, in cooperation with 19 other states, that nonresident sportsmen who have had their privileges suspended or revoked in their home states also have their privileges treated similarly in New York. Conversely, the law also ensures that when a nonresident commits an offense in a participating compact state and fails to meet his obligation in that state, his wildlife privileges are suspended in his home state until he meets his obligation in the state where the violation occurred.

According to the Sponsor’s Memo in support of this law, “[t]he deterrent effect on New Yorkers hunting illegally in participating states should lead to a decrease in the interstate transportation of carcasses and trophies into New York. In turn, this would decrease the likelihood of the transmission of diseases.” Further, the Sponsor noted that “[w]ith reciprocal treatment assured in the home state, nonresident violators can be issued appearance tickets rather than being brought immediately to a court for the setting of bail.”

Effective Date: October 11, 2005

2. L 2005, ch 706 - Amending Environmental Conservation Law §§ 11-0103, 11-0535, 11-0903, 11-0905, and 71-0925

This law amends various sections of the Environ-



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mental Conservation Law by expanding the list of protected wildlife species to include those that are vulnerable to commercial trade, including several species of amphibians and reptiles. Failure to comply with this section is a non-Penal Law violation.

According to the Sponsor's Memo in support of this law, several species may become endangered if they continue to be unprotected. Therefore, "[b]y regulating the taking of these species now, the Department [of Environmental Conservation] hopes to avoid listing them as threatened or endangered."

Effective Date: January 2, 2006

3. L 2005, ch 690 - Amending Criminal Procedure Law § 190.30 [Grand Jury; Rules of Evidence]

This law amends CPL § 190.30(3) to authorize a written or oral statement to be received in a grand jury proceeding as evidence when it is made under oath by a person attesting to (a) his ownership of, or possessory right in, a credit card or debit card account number, and (b) the defendant's lack of superior or equal right to use or possess such account number.

Under the former law, a person whose credit card had been stolen did not have to physically appear before a grand jury, but a person whose credit card number had been stolen - but not the card itself - would have to appear. According to the Sponsor's Memo in support of this law, this amendment is necessary to reflect the new nature of identity theft crimes. The Sponsor states that under the former law, "[d]epending on where the victim lives, there can be a real hardship in requiring the victim to physically appear before a grand jury." Therefore, this amendment is "appropriate, cost-effective and protective of victims."

Effective Date: October 4, 2005

4. L 2005, ch 685 - Amending Criminal Procedure Law § 2.20 [Powers of Peace Officers]

This law amends CPL § 2.20(1) by adding a new paragraph (j) to authorize uniformed court officers to issue traffic summonses and complaints for parking, standing, or stopping violations pursuant

to the vehicle and traffic law whenever they are acting pursuant to their special duties.

According to the Sponsor's Memo in support of this law, the purpose of this amendment is to ensure that specifically designated parking areas in and around court complexes are used only by authorized personnel.

Effective Date: October 4, 2005

5. L 2005, ch 660 - Amending Labor Law § 135 [Duties of Employers]; Adding Labor Law § 145 [Criminal Penalties]

This law amends Labor Law § 135 to require employers to maintain proof of age of employees claiming to be between 18 and 25 years old, and adds Labor Law § 145 to provide criminal penalties and fines for persons violating any provision of Article 4 of the Labor Law relating to the employment of minors. Pursuant to section 145, a first offense is punishable by either a fine of up to \$500, 60 days of imprisonment, or both, and a second or subsequent offense is punishable by either a fine of up to \$5000, up to one year of imprisonment, or both.

According to the Sponsor's Memo in support of this law, these changes will deter violations of the child labor law, which are widespread throughout New York City. The Sponsor noted that requiring employers to keep proof of their employees' ages will "ensure availability of the essential evidence of a violation, which is often not provided by the child worker or his or her parents for fear of retaliation by the employer." Further, the Sponsor stated that criminal sanctions for child labor law violations are necessary because employers are not deterred by civil penalties, but instead, merely "treat them as a minor additional cost of doing business."

Effective Date: December 15, 2005

6. L 2005, ch 653 - Adding Environmental Conservation Law § 11-1906 [On-line Shoots Prohibited]; Amending Environmental Conservation Law § 71-0923 [Violations]

This law adds ECL § 11-1906 to prohibit the creation or maintenance of a website, shooting gallery,



or other business in New York for purposes of on-line shooting or spearing of targets or animals. Further, this law amends ECL § 71-0923 to add a new subdivision (12), which states that violation of section 11-1906 “shall be punishable by a fine of not more than two thousand five hundred dollars.” According to the Sponsor’s Memo in support of this law, New York cannot allow hunting via the internet to occur, as it “takes the honor and the sport out of hunting and turns it into the equivalent of an online video game.” The Sponsor noted that “[t]his [law] is in response to Live-Shot.com, a Texas based website, which allows users to hunt and target shoot with live ammunition over the [i]nternet.”

Effective Date: September 16, 2005

7. L 2005, ch 642 - Amending Criminal Procedure Law § 150.40(2) [Appearance Ticket; Where Returnable; How and Where Served]

This law amends the language of CPL § 150.40(2) in an attempt to prevent challenges to non-personal service as inadequate. Specifically, the amendment now allows for violation of either local zoning ordinances or laws. This technical amendment, according to the Sponsor’s Memo, is necessary because “most villages in the State enforce zoning through local laws,” not zoning ordinances. Further, the legislation removes the term “local” from the provision that an appearance ticket for violation of “a local building or sanitation code” may be served pursuant to CPLR § 308. The reasoning behind this change is that all of the municipalities in the state, except for New York City, rely upon the Uniform Fire Prevention and Building Code and the State Sanitation Code, not “local” codes.

Effective Date: August 30, 2005

8. L 2005, ch 526 - Amending Agriculture and Markets Law § 121 [Dangerous Dogs]; Amending NYC Administrative Code § 17-350 [Violations and Penalties]

This law amends Agriculture and Markets Law § 121(8) to increase the maximum fine that may be imposed upon a dog owner when a dog that has been previously deemed dangerous causes serious physical injury. For violation of this subdivision, which constitutes an unclassified misdemeanor,

the maximum fine allowable is now \$3000. In addition, this law provides that any monetary penalty may be reduced by any amount that is paid by the dog owner as restitution to the victim for unreimbursed medical expenses, lost earnings, or other damages resulting from the attack. This law also amends NYC Administrative Code § 17-350 to include a similar provision for restitution in its penalty provisions covering dangerous dog attacks.

According to the Sponsor’s Memo in support of this law, under the prior law dog owners were subject to higher penalties for attacks on certain livestock than on human beings. Considering that “Americans are bitten by dogs almost 5 million times a year,” the Sponsor noted that this law was necessary to “redress this imbalance and encourage responsible dog ownership.”

Effective Date: November 14, 2005

9. L 2005, ch 523 - Amending Agriculture and Markets Law § 353 [Overdriving, Torturing and Injuring Animals; Failure to Provide Proper Sustenance]

This law increases the penalty for violation of Agriculture and Markets Law § 353 from an unclassified misdemeanor to a Class A misdemeanor. It also makes a violation of section 353 a printable offense under CPL § 160.10(1)(b).

Effective Date: November 1, 2005

10. L 2005, ch 484 - Amending Navigation Law §§ 2, 40, 43, 47, and 49-c

This law amends the above mentioned sections of the Navigation Law to classify kayaks to be the same as rowboats and canoes. This legislation also amends the language of Navigation Law § 40(1)(d) to clarify that a person under the age of twelve is required to wear a personal flotation device only on a pleasure vessel and not while on a public or residential vessel. [Failure to comply with this section is a violation punishable by a fine of not less than twenty-five nor more than one hundred dollars.]

Effective Date: August 9, 2005

11. L 2005, ch 457 - Amending the Judiciary Law and the Criminal Procedure Law in Relation to the Use of Credit Cards to Pay Fees, Fines, Surcharges, and Bail



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This law amends Judiciary Law § 212(2) to broaden the court-related payments that may be made to a court by way of a credit card or similar device to include all court fees, fines, surcharges, and other monies the Judiciary collects on behalf of the state. This law also amends this section to provide that the Chief Administrator of the Court may require a party making payment in this manner to pay a reasonable administrative fee.

Further, this law makes two amendments to the Criminal Procedure Law. First, the law amends CPL § 420.05 to expand the use of credit cards for payment of all court imposed surcharges and fees. [Previously, only the mandatory surcharge and crime victim assistance fee could be paid by credit card; all other Penal Law § 60.35 fees could not.] Second, the law amends CPL § 520.10(1)(l) to allow posting of bail by credit card or similar device, regardless of the nature of the charges against the principal.

According to the Sponsor's Memo for this law, it was necessary to expand the payments for which use of a credit card is authorized because the narrow language of the prior statutes constrained the efficient collection of revenue by the courts.

Effective Date: August 9, 2005 for the payment of the expanded list of fees by credit card; and January 1, 2006 for the payment of bail by credit card.

12. L 2005, ch 274 - Amending § 33 of Chapter 912 of the Laws of 1920

This law amends section 33 of Chapter 912 of the Laws of 1920 relating to the regulation of boxing, sparring and wrestling matches in order to make the penalty provisions of that section consistent with the implementation of the Professional Wrestling Health and Safety Act of 2002. Specifically, the legislation removes all personnel involved in professional wrestling from any licensing requirements, except for any person or entity that promotes a professional wrestling match or exhibition within the state. Further, the law clarifies that promoting these activities without being licensed to do so is a misdemeanor.

According to the Sponsor's Memo in support of this law, the amendment was necessary to make the

Laws of 1920 coincide with the Professional Wrestling Health and Safety Act of 2002, which recognized that professional wrestling is not a competitive sport and, therefore, did not require licensing for personnel other than promoters. The rationale for continued licensing of promoters is that wrestling "still involves action that, in the hands of amateurs or inexperienced promoters, could result in injury to the participants, and maybe even the fans."

Effective Date: July 19, 2005

13. L 2005, ch 186 - Amending Executive Law §§ 646-a(2) and 642(1), Criminal Procedure Law § 440.50(1), and Correction Law § 149

This law amends Executive Law § 646-a(2) to add paragraph (g). Paragraph (g) requires that the informational pamphlet given to crime victims include the division of parole's contact information so that the victim can learn of the defendant's incarceration status, as well as update their own contact information. This legislation also amends Executive Law § 642(1) to require the District Attorney to consult with victims of certain felony offenses regarding disposition of their cases. Further, this law amends CPL § 440.50(1) to require the District Attorney to inform the victim of the final disposition of the case where "the final disposition includes a conviction of a violent felony offense as defined in [PL § 70.02] or a felony defined in [Article 125 of the Penal Law]," regardless of whether the victim requests such information. Finally, this legislation amends Correction Law § 149 to require that the Department of Correctional Services notify the District Attorney of the release of any inmate who has been convicted of a felony two or more times. Such notification is required to be given at least 48 hours prior to the release of the inmate.

According to the Sponsor's Memo in support of this law, "[t]hese provisions will further assist victims in dealing with the aftermath of a crime by enabling the victim to be aware of judicial proceedings."

Effective Date: September 1, 2005

14. L 2005, chs 134, 107, 106 - Amending Vari-



ous Sections of Article 25 of the Arts and Cultural Affairs Law

These laws amend the entertainment ticket scalping laws, which are found within Article 25 of the Arts and Cultural Affairs Law. According to the Sponsor's Memo in support of Chapter 106, "[t]his [law] will repeal the maximum premium price restrictions on the resale of tickets to places of entertainment for venues with over 6000 seats . . . [and] will increase the licensing fees and bond requirements for ticket resellers."

Effective Date: Various (see text of specific chapters)

15. L 2005, ch 10 - Amending Environment Conservation Law §§ 11-0103 [Definitions] and 11-0512 [Possession, Sale, Barter, Transfer, Exchange and Import of Wild Animals as Pets Prohibited]

This law amends subdivision eight of Environmental Conservation Law § 11-0512 to add the police to the list of those "authorized to enforce the provisions of this section[, to] . . . issue notices of violation to persons in violation of this section, and . . . to seize any wild animal held in violation of this section." It also adds that "[a]ny costs associated with seizing, transferring or euthanizing a wild animal shall be borne by the person who owned, harbored or possessed the animal." This offense constitutes "a violation, punishable . . . by imprisonment for not more than fifteen days, or by a fine of not more than two hundred fifty dollars, or by both such fine and imprisonment." ECL § 71-0923.

Further, this law amends ECL § 11-0103(6)(e) to exclude from the list of prohibited wild animals certain domestic cat hybrids, to ban Komodo dragons, to make technical changes to the list of banned reptiles, and to require that fennec foxes that are not subject to the ban on wild animals as pets be captive-bred fennec foxes.

Effective Date: March 15, 2005



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 just four boroughs of New York City. In 2005 Criminal Court administration assigned fifty-eight 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 a significant number of 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 the case 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 order to sit as an Acting Justice 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
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).
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.
Trial	
	Felony Offenses
	NYC Criminal Court Has Preliminary Jurisdiction over felony offenses (those where the defendant faces more than one year in jail upon conviction after trial). 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.



Bronx Pilot Project - An Administrative Reorganization

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 November 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.

Administratively, Criminal Court continues to lend operational and budgetary support to the Criminal Division's Administrative Judge John Collins and Deputy Administrative Judge Eugene Oliver (former supervising judge of Bronx Criminal Court) on issues and matters that are within its statutory jurisdiction. Moreover, we lend technical support to important initiatives. Justin Barry, Criminal Court's drug court coordinator, consulted with Bronx administrators, judges and drug court personnel on the creation of a new Bronx Misdemeanor Treatment Court and implementation of the comprehensive screening project to quickly and efficiently identify eligible drug court defen-



Criminal Division, Bronx Supreme Court Arraignments and Summons

dants. Criminal Court's chief clerk's staff continued to lend technical assistance on a variety of important issues, including budget, supplies, recordkeeping and cashing.

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 for 2005. Other statistics relating to misdemeanor and preliminary felony case processing are not reported at length here.

	Bronx Online/DAT Arrest Arraignment Statistics						
	2005	2004	2003	2002	2001	2000	1995
Arraignments - Total	66,764	67,710	69,995	70,972	70,759	84,234	58,065
Felony Arraignments	14,003	14,262	14,239	16,825	17,166	17,865	24,045
Misdemeanor Arraignments	47,782	46,353	48,560	48,241	46,955	58,471	30,111
Other Arraignments	4,979	6,555	7,169	5,906	6,638	7,898	3,909



COURT OPERATIONS – ARRAIGNMENTS



Senior Court Clerk Jose Colon
Brooklyn Arraignments

Arraignment marks the first time that a criminal defendant appears in court. Criminal Court operates arraignment parts day and night, everyday of the year in all five counties of the city. In 2005, 250,522 defendants were arraigned in Kings, New York, Queens and Richmond counties on Desk Appearance Ticket (DAT) or On-Line arrest 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 actions must occur, all typically within a twenty-four hour period. The flowchart on page 28 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 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 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 determine which courtroom should conduct the arraignment, 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, criminal defendants are notified of 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 2005 there were 124,204 cases disposed of throughout all of Criminal Court's four county arraignment parts, almost 50% of all arrest cases arraigned.

Number of Arraignment Parts - 2005

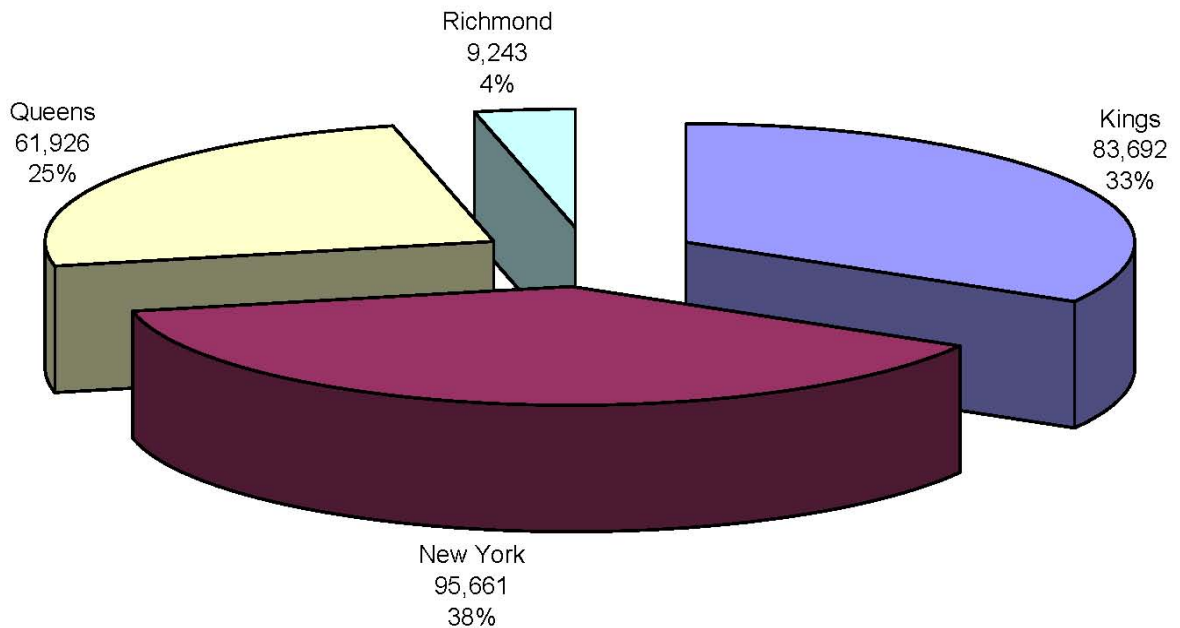
	Citywide	Kings	Midtown	New York	Queens	Red Hook	Richmond
Arraignment Parts	20.1*	6.8	1	6.7	4.1*	0.5*	1.0*
Day	7.1*	2	1	2	1.1*	0.5*	0.5
Night	4.5	1.8	0	1.7	1	0	0
Weekend Day	3.5*	1	0	1	1	0	0.5*
Weekend Night	5	2	0	2	1	0	0

* Some arraignment parts are listed as a fraction. In Queens, the one arraignment part that is only open one day each 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.



		DAT/On-Line Arraignments				
		Citywide	Kings	New York	Queens	Richmond
2005	Total Arraignments	250,522	83,692	95,661	61,926	9,243
	On-Line Arrests	234,849	80,447	86,211	59,664	8,527
	DAT	15,673	3,245	9,450	2,262	716
2004	Total Arraignments	252,136	79,506	104,857	58,386	9,387
	On-Line Arrests	234,918	75,761	94,682	56,051	8,424
	DAT	17,218	3,745	10,175	2,335	963
2003	Total Arraignments	252,390	82,241	100,076	59,668	10,405
	On-Line Arrests	237,003	77,721	92,945	57,244	9,093
	DAT	15,387	4,520	7,131	2,424	1,312
2002	Total Arraignments	256,620	85,541	103,671	56,318	11,090
	On-Line Arrests	242,251	81,915	97,074	53,509	9,753
	DAT	14,369	3,626	6,597	2,809	1,337
2001	Total Arraignments	269,234	96,174	105,746	55,937	11,377
	On-Line Arrests	255,953	92,754	100,183	52,978	10,038
	DAT	13,281	3,420	5,563	2,959	1,339
2000	Total Arraignments	302,860	104,325	122,803	63,786	11,946
	On-Line Arrests	289,878	100,791	117,763	60,838	10,486
	DAT	12,982	3,534	5,040	2,948	1,460
1995	Total Arraignments	272,088	91,788	113,475	55,531	11,294
	On-Line Arrests	199,469	67,281	82,982	41,099	8,107
	DAT	72,619	24,507	30,493	14,432	3,187

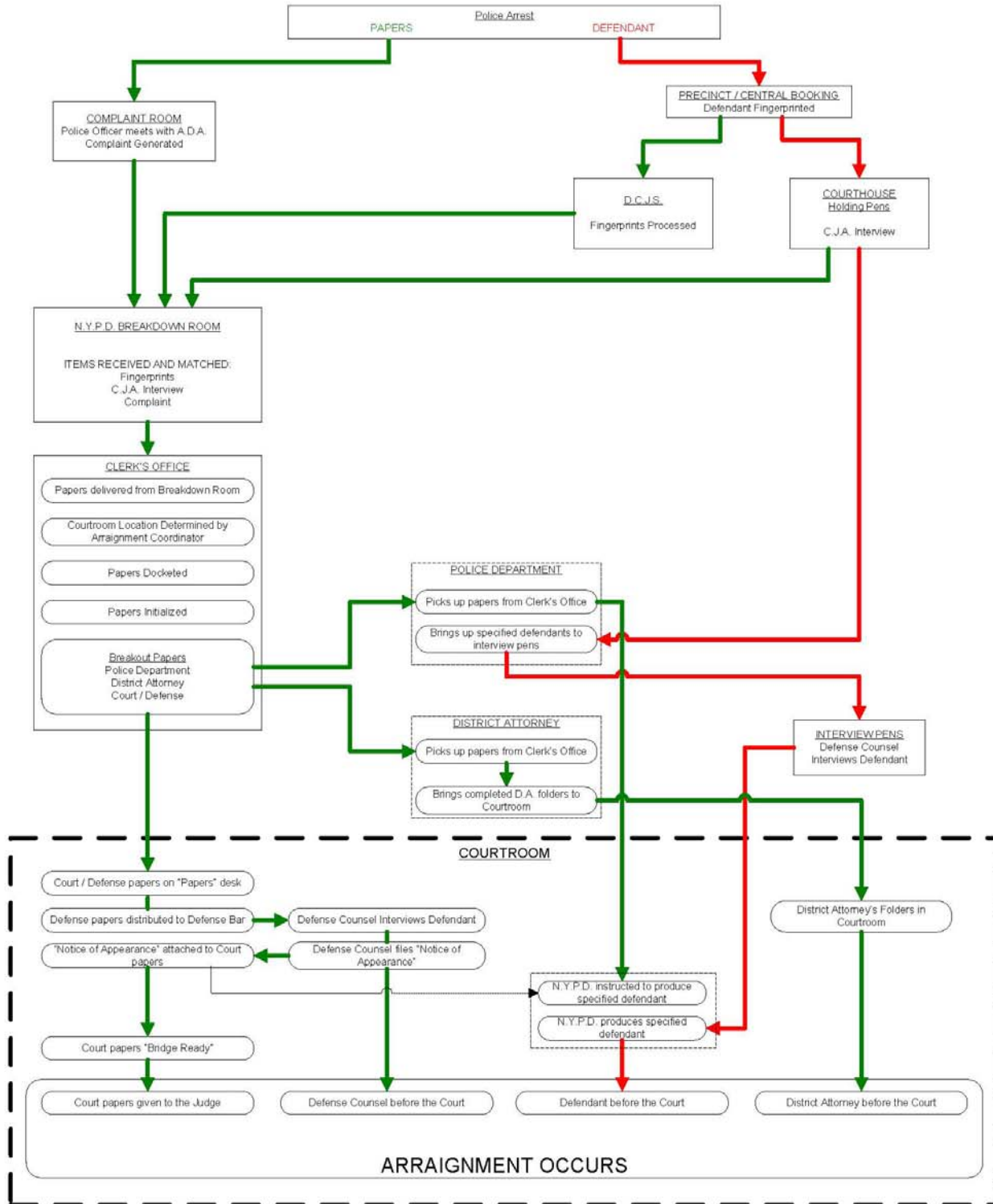
Criminal Court Arraignments 2005





Arrest to Arraignment – The Path of the Case

ARREST TO ARRAIGNMENT FLOWCHART





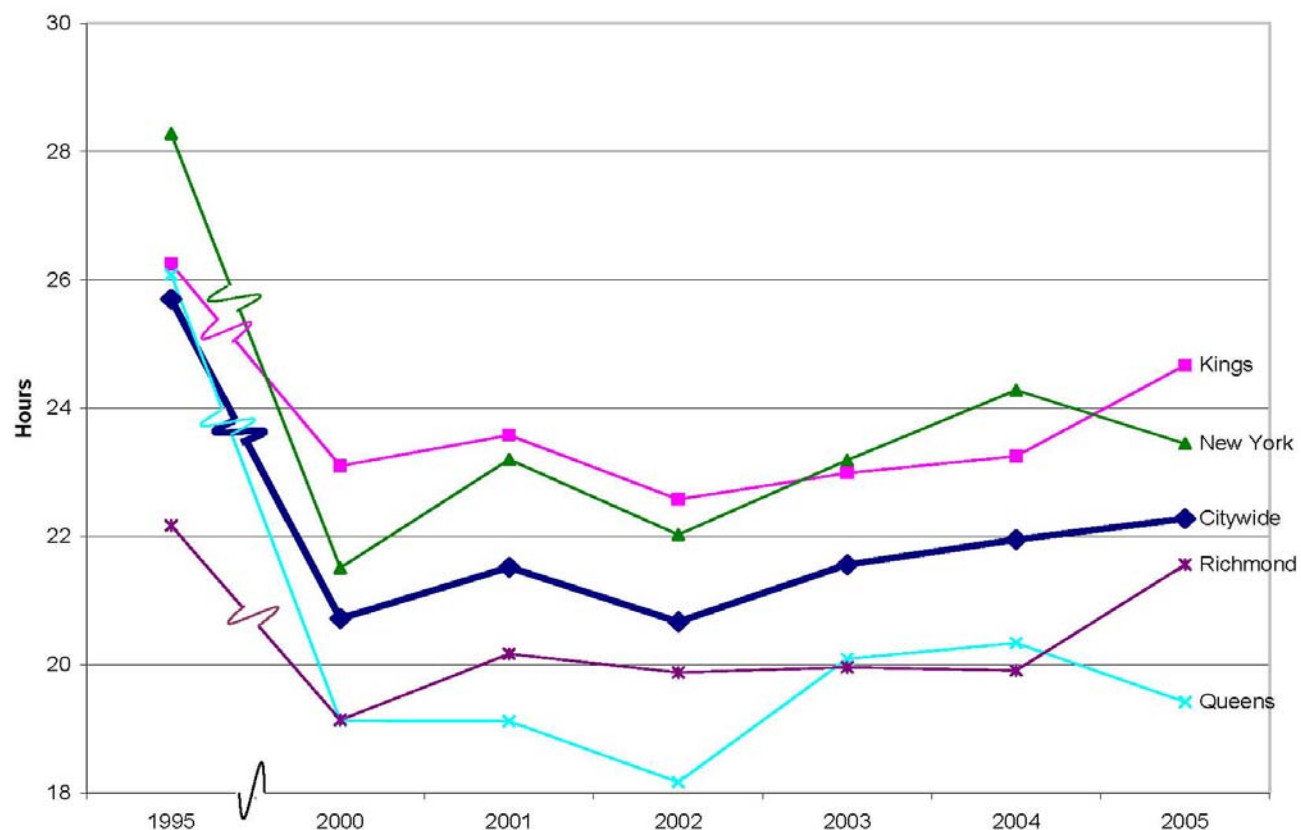
Arrest to Arraignment – The Process

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 who 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 in-

terview 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 between arrest and arraignment for 2005 and how that compares with the past 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.

	Citywide	Kings	New York	Queens	Richmond
2005	22.28	24.67	23.45	19.42	21.56
2004	21.95	23.25	24.28	20.34	19.91
2003	21.56	22.99	23.19	20.09	19.96
2002	20.67	22.58	22.03	18.17	19.88
2001	21.52	23.58	23.20	19.12	20.17
2000	20.72	23.10	21.51	19.13	19.14
1995	25.70	26.25	28.28	26.08	22.17





Arraignments – Types of Charges

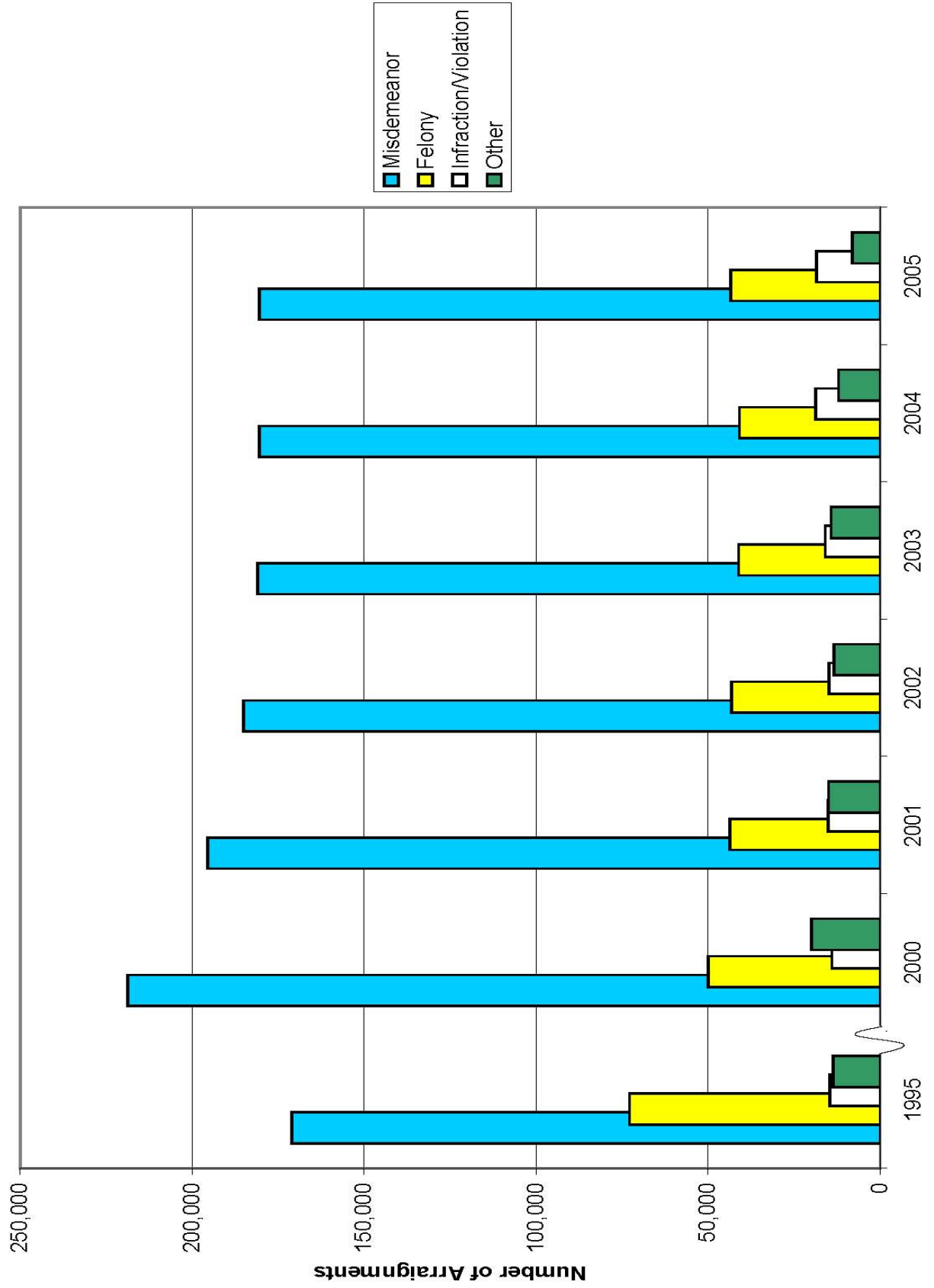
Types of Online/DAT Arraignments*

		Citywide	Kings	New York	Queens	Richmond
2005	Total	250,522	83,692	95,661	61,926	9,243
	Felony	43,472	14,314	16,846	10,465	1,847
	Misdemeanor	180,503	60,506	69,396	43,803	6,798
	Infraction/Violation	18,448	5,765	6,432	5,912	339
	Other	8,099	3,107	2,987	1,746	259
2004	Total	252,136	79,506	104,857	58,386	9,387
	Felony	40,925	11,615	17,357	10,349	1,604
	Misdemeanor	180,416	59,659	73,222	40,629	6,906
	Infraction/Violation	18,729	4,388	8,950	4,857	534
	Other	12,066	3,844	5,328	2,551	343
2003	Total	252,390	82,241	100,076	59,668	10,405
	Felony	41,183	11,962	17,548	9,996	1,677
	Misdemeanor	180,964	62,436	68,457	42,521	7,550
	Infraction/Violation	15,998	3,609	7,028	4,609	752
	Other	14,245	4,234	7,043	2,542	426
2002	Total	256,620	85,541	103,671	56,318	11,090
	Felony	43,196	11,401	19,747	9,972	2,076
	Misdemeanor	185,084	66,015	71,456	40,114	7,499
	Infraction/Violation	14,896	3,796	5,783	4,382	935
	Other	13,444	4,329	6,685	1,850	580
2001	Total	269,234	96,174	105,746	55,937	11,377
	Felony	43,625	12,738	19,459	9,068	2,360
	Misdemeanor	195,563	74,637	73,000	40,719	7,207
	Infraction/Violation	15,087	3,619	6,320	3,952	1,196
	Other	14,959	5,180	6,967	2,198	614
2000	Total	302,860	104,325	122,803	63,786	11,946
	Felony	49,962	15,155	21,544	10,458	2,805
	Misdemeanor	218,809	80,104	84,095	47,196	7,414
	Infraction/Violation	14,057	3,768	5,268	3,878	1,143
	Other	20,032	5,298	11,896	2,254	584
1995	Total	272,088	91,788	113,475	55,531	11,294
	Felony	72,807	23,023	29,515	17,551	2,718
	Misdemeanor	170,990	57,445	74,594	33,107	5,844
	Infraction/Violation	14,705	7,339	2,325	2,632	2,409
	Other	13,586	3,981	7,041	2,241	323

* Excludes arraignments on summonses. For discussion of summons matters, see page 24.



Types of Arraignment Charges - Citywide





Most Frequently Charged Offenses At Arraignments

Top 10 Arraignment Charges Citywide

Comparison by most frequently arraigned			2005	2000	1995
PL	120.00	Assault 3°	1	3	3
PL	220.03	Crim poss CS 7°	2	2	1
PL	221.10	Crim poss marihuana 5°	3	1	—
PL	155.25	Petit larceny	4	6	5
VTL	511.1A	Agg unlicensed op MV	5	—	—
PL	165.15	Theft of services	6	4	2
PL	220.39	Crim sale CS 3°	7	7	4
PL	140.15	Criminal trespass 2°	8	8	8
AC	10-125	Pub. consumption alc	9	—	—
VTL	1192.2	DUI	10	—	—
VTL	511.1	Agg unlicensed op MV	—	5	6
PL	221.40	Crim sale marihuana 4°	—	9	—
PL	140.10	Criminal trespass 3°	—	10	10
PL	120.05	Assault 2°	—	—	7
PL	160.15	Robbery 1°	—	—	9

Top 10 DAT Arraignment Charges Citywide

Comparison by most frequently arraigned			2005	2000	1995
PL	155.25	Petit larceny	1	5	3
AC	20-453	Unlicensed vendor	2	—	7
PL	221.10	Crim poss marihuana 5°	3	4	8
PL	120.00	Assault 3°	4	1	5
VTL	511.1A	Agg unlicensed op MV	5	—	—
PL	165.15	Theft of services	6	2	1
PL	240.30	Agg harassment 2°	7	6	—
VTL	511.1	Agg unlicensed op MV	8	3	4
PL	220.03	Crim poss CS 7°	9	7	2
PL	165.71	Trademark Counter3°	10	—	—
PL	145.00	Criminal mischief 4°	—	8	—
PL	140.15	Criminal trespass 2°	—	9	9
PL	120.14	Menacing 2°	—	10	—
PL	140.10	Criminal trespass 3°	—	—	6
PL	205.30	Resisting arrest	—	—	10

Top 10 Misdemeanor Arraignment Charges Citywide

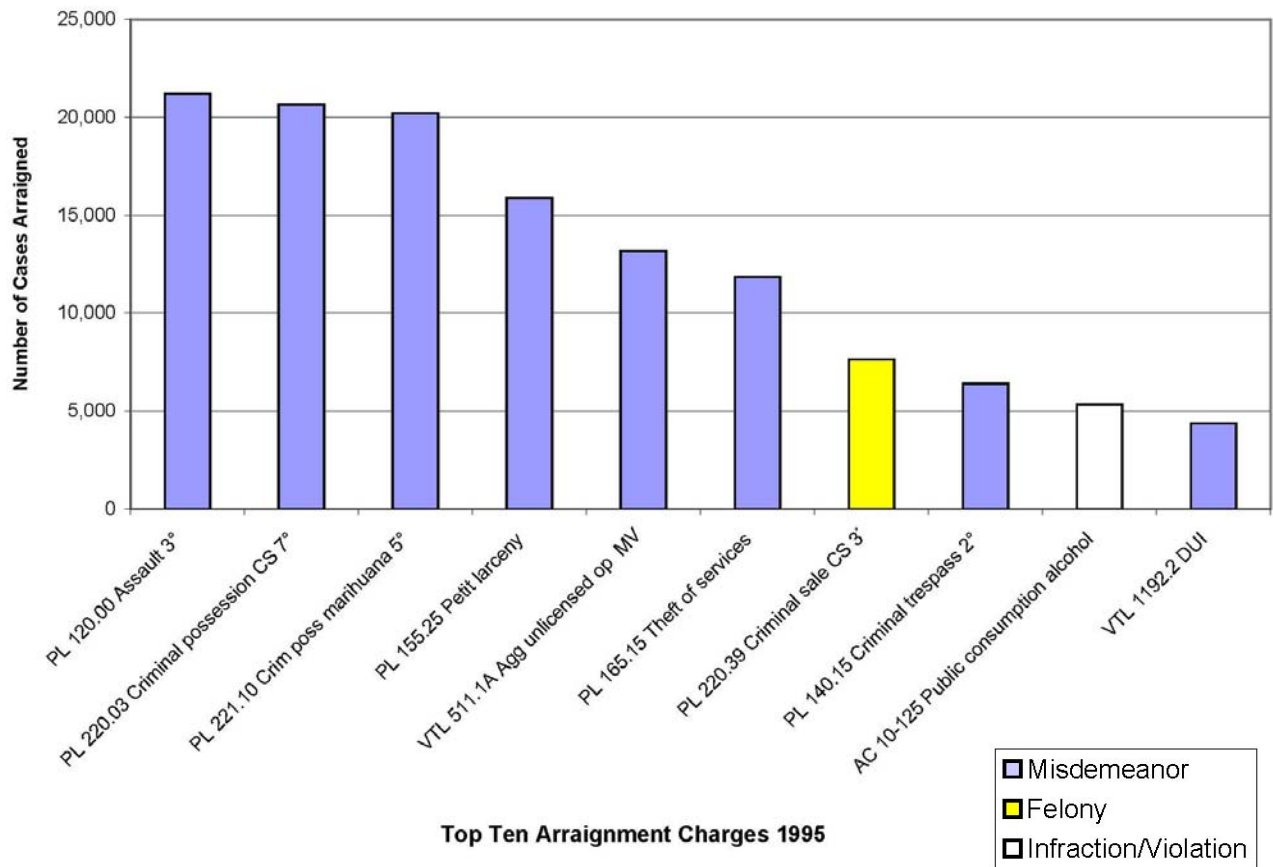
Comparison by most frequently arraigned			2005	2000	1995
PL	120.00	Assault 3°	1	3	3
PL	220.03	Crim poss CS 7°	2	2	1
PL	221.10	Crim poss marihuana 5°	3	1	—
PL	155.25	Petit larceny	4	6	4
VTL	511.1A	Agg unlicensed op MV	5	—	—
PL	165.15	Theft of services	6	4	2
PL	140.15	Criminal trespass 2°	7	7	6
AC	10-125	Pub. consumption alc	8	—	—
VTL	1192.2	DUI	9	—	—
PL	205.30	Resisting arrest	10	—	9
VTL	511.1	Agg unlicensed op MV	—	5	5
PL	221.40	Crim sale marihuana 4°	—	8	10
PL	140.10	Criminal trespass 3°	—	9	7
PL	120.14	Menacing 2°	—	10	—
VTL	511.2	Agg unlicensed op MV	—	—	8

Top 10 Felony Arraignment Charges Citywide

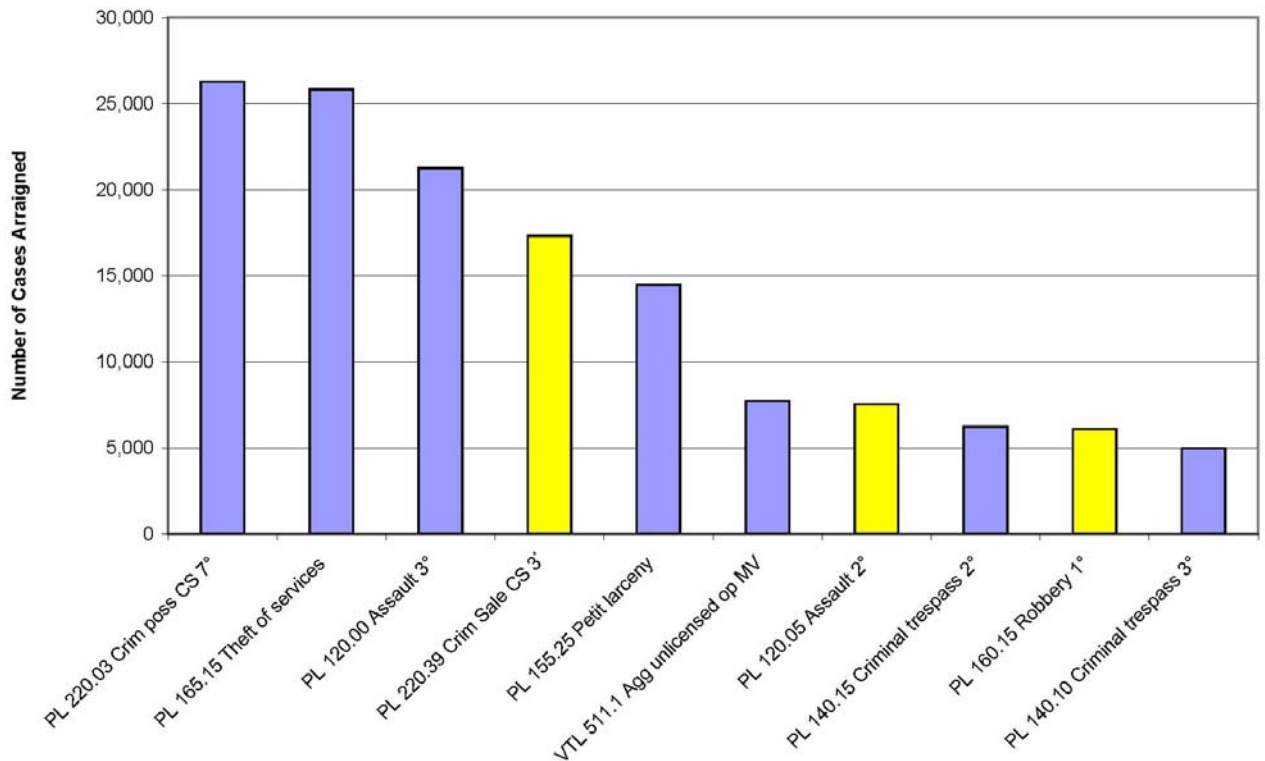
Comparison by most frequently arraigned			2005	2000	1995
PL	220.39	Crim sale CS 3°	1	1	1
PL	220.16	Crim poss CS 3°	2	3	4
PL	120.05	Assault 2°	3	2	2
PL	160.10	Robbery 2°	4	5	5
PL	160.15	Robbery 1°	5	4	3
PL	155.30	Grand larceny 4°	6	6	8
PL	265.02	Crim poss weapon 3°	7	9	6
PL	170.25	Crim poss forged In 2°	8	—	—
PL	155.35	Grand larceny 3°	9	7	—
PL	140.25	Burglary 2°	10	10	7
PL	140.20	Burglary 3°	—	—	9
PL	215.51	Criminal contempt 1°	—	8	—
PL	165.50	Crim poss stol prop 3°	—	—	10



Top Ten Arraignment Charges 2005



Top Ten Arraignment Charges 1995





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. Citywide, slightly less than half of all case filings were disposed of at their initial court appearance. Almost all of these dispositions involved misdemeanor or other petty offenses. Disposition rates in the four counties are fairly consistent except for Staten Island where only a little less than one third of all cases are disposed of in arraignments.

**Court Officer - Sergeant Steven Ottati
Queens Arraignments**



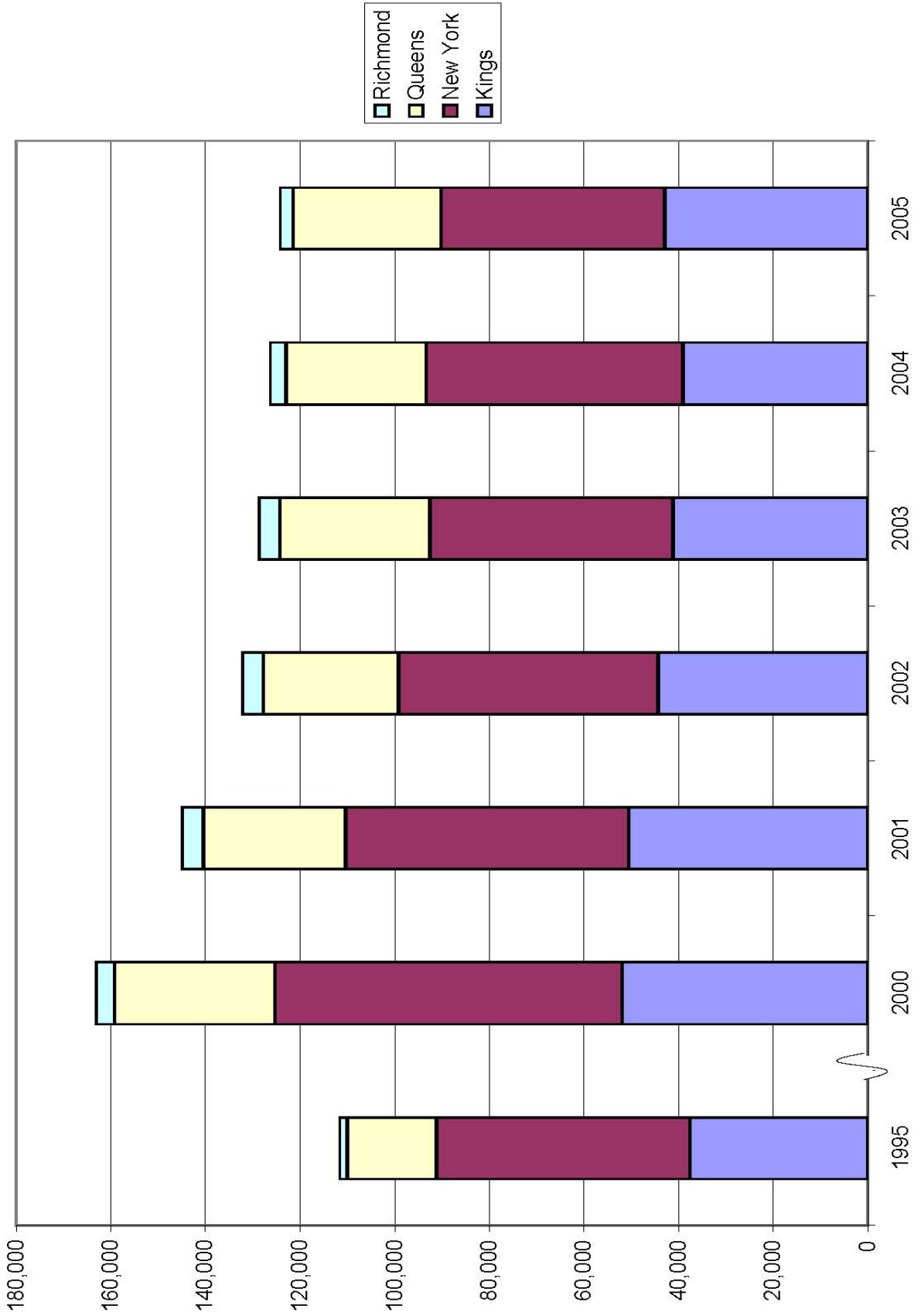
Dispositions at Arraignment

	Citywide		Kings		New York		Queens		Richmond	
	Number	Percent*	Number	Percent*	Number	Percent*	Number	Percent*	Number	Percent*
2005	124,204	49.3	42,885	50.3	47,233	49.1	31,249	51.2	2,837	31.3
2004	126,273	50.0	39,018	48.7	54,350	52.1	29,506	50.5	3,399	35.7
2003	128,572	51.5	41,165	50.5	51,365	51.8	31,684	54.1	4,358	41.2
2002	132,087	51.9	44,276	51.7	54,847	53.7	28,536	51.0	4,428	40.4
2001	144,960	52.8	50,502	51.1	59,882	55.8	30,060	53.2	4,516	37.8
2000	163,096	53.7	51,898	49.4	73,361	59.3	33,942	54.1	3,895	31.5
1995	111,611	40.7	37,478	40.5	53,615	46.7	18,833	33.5	1,685	15.2

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



Dispositions at Arraignment





Citywide Summons Operation

In the past year, the personnel working in the Citywide Summons back office processed almost 650,000 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 at the Court's Central Receiving Unit. The Central Receiving Unit separates these summonses by county and appearance date and then looks for defects serious enough that would prohibit the summons from being docketed, such as a missing signature or narrative, or bad 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 an electronic image of the ticket.

Once the summonses are scanned into the Summons 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.

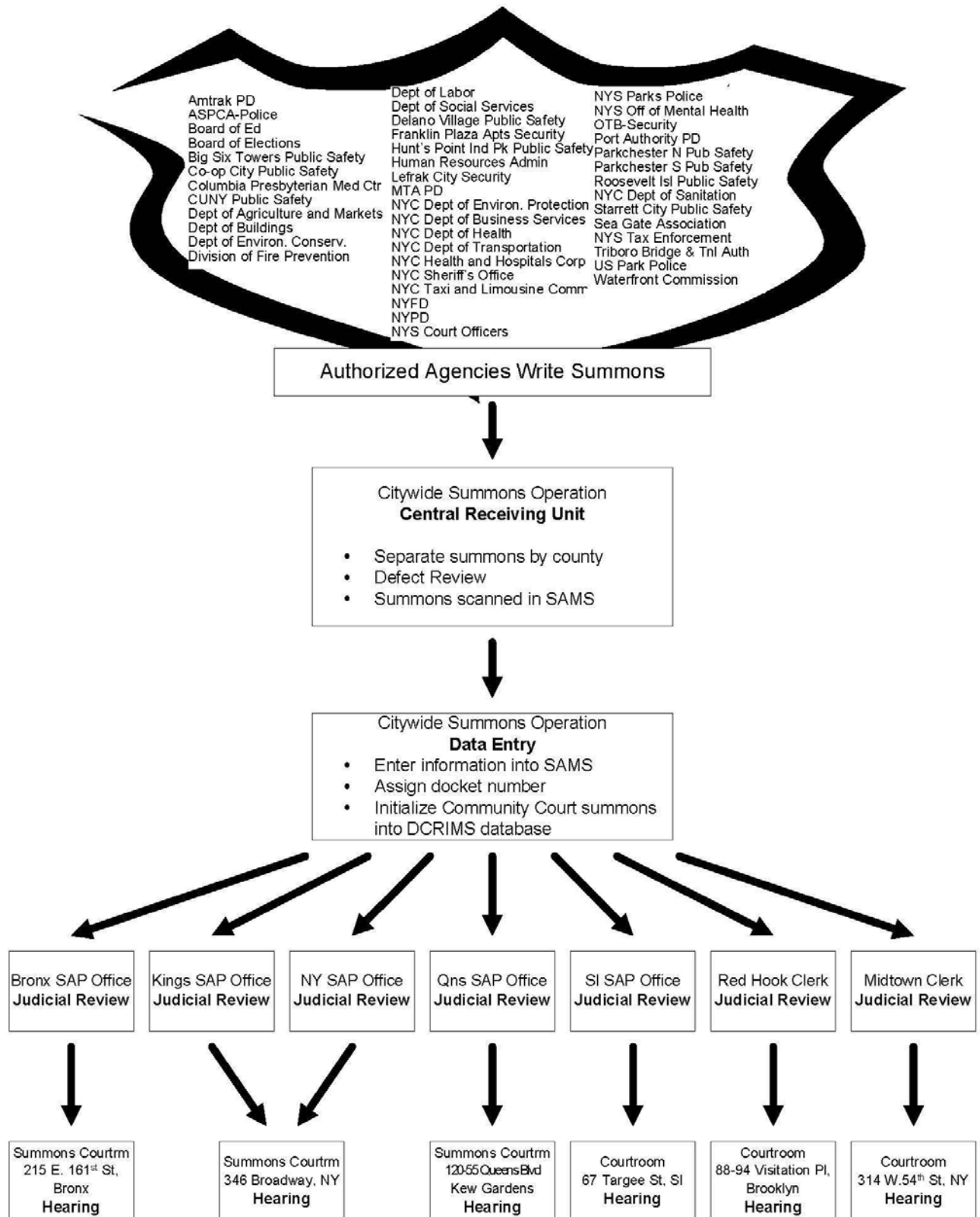


**Data Recording Assistant Clara Dantzler
Citywide Summons Operation**

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 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 – From Ticket to Hearing





Summonses – Filings, Docketing and Arraignments

Summary of Summons Filings* - 2005

	Citywide	Bronx	Kings	Midtown	New York	Queens	Red Hook	Richmond
Filings	648,638	150,326	170,926	13,170	168,446	114,250	13,467	18,053
Defects (-)	40,450	12,702	10,659	-	10,136	6,059	-	894
Docketed Filings	608,188	137,624	160,267	13,170	158,310	108,191	13,467	17,159
Dism Insuff (-)	118,277	28,731	38,130	3,619	41,274	6,523	-	-
Plea By Mail (-)	9,724	895	1,840	-	3,055	3,907	-	27
Arraigned	480,187	107,998	120,297	9,551	113,981	97,761	13,467	17,132

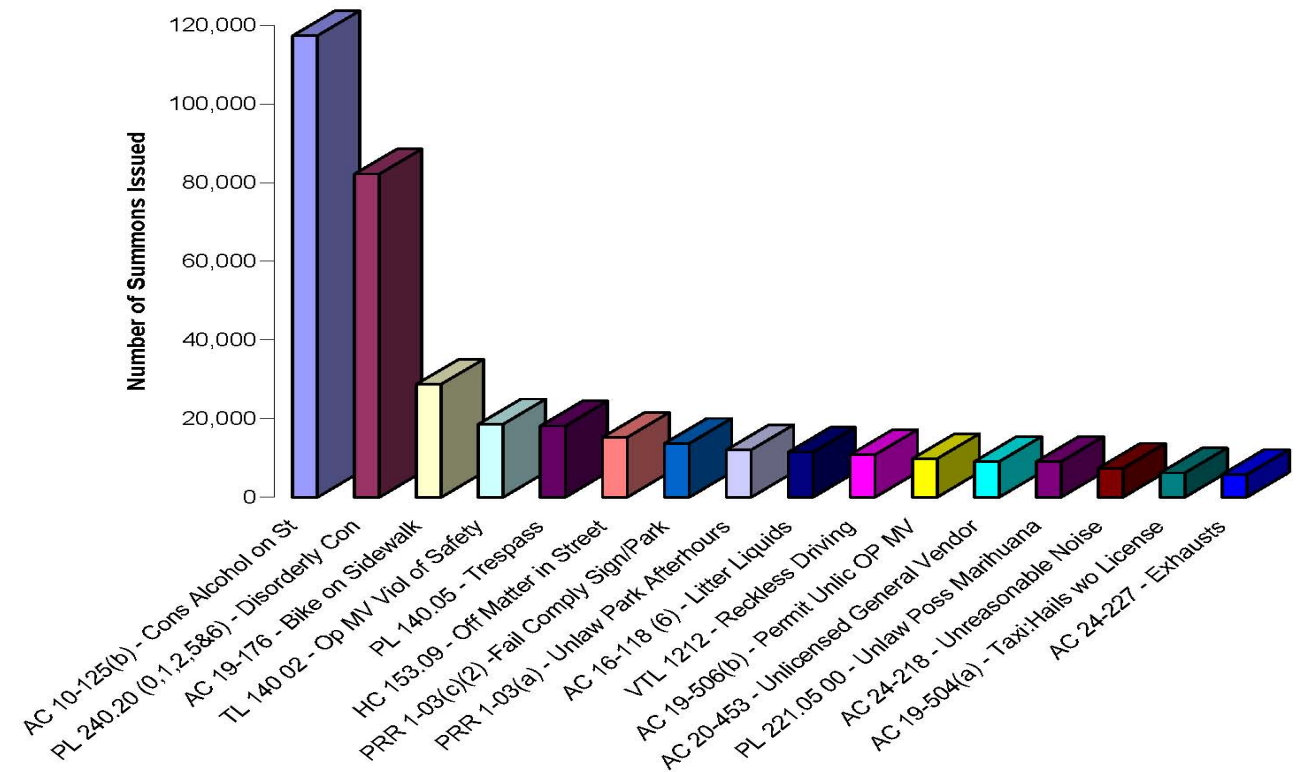
Summons Filings*

Year	Citywide	Bronx	Kings	Midtown	New York	Queens	Red Hook	Richmond
2004	548,134	127,151	136,822	-	159,923	106,076	-	18,162
2003	578,095	154,396	148,962	-	149,150	106,084	-	19,503
2002	505,331	123,323	144,547	-	128,090	92,881	-	16,490
2001	534,586	139,113	150,669	-	128,070	96,803	-	19,931
2000	581,841	138,487	164,349	-	144,408	109,153	-	25,444
1995	282,676	50,320	80,137	-	88,292	46,856	-	17,071

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.

Most Frequently Charged Summons Offenses* 2005

Top 16 Summons Charges - Docket Year 2005

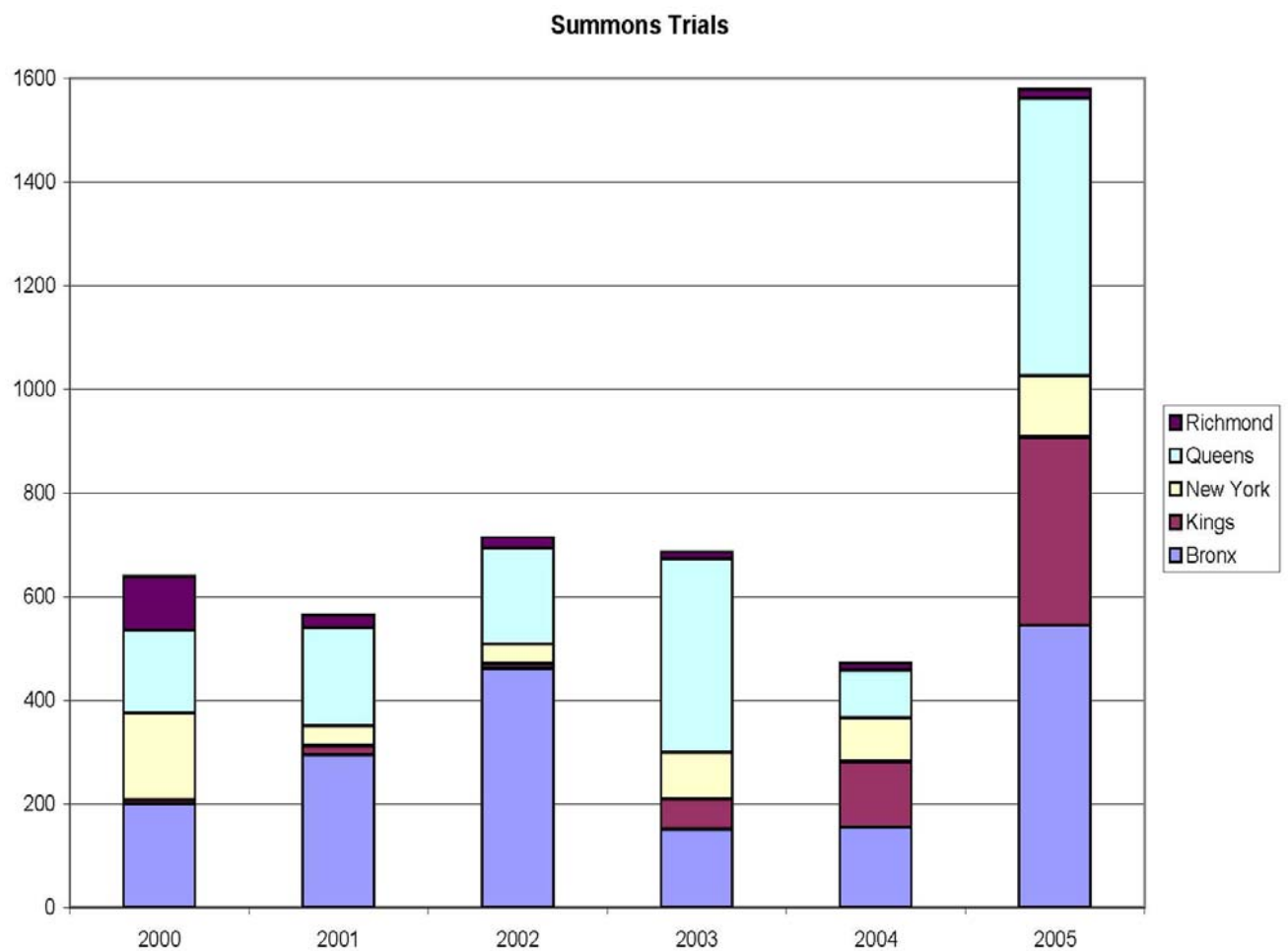


* Includes Bronx information



Summonses – Trials

	Summons Trials*					
	Citywide	Bronx	Kings	New York	Queens	Richmond
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



Summonses – Revenue

	Summons Revenue* - 2005					
	Citywide	Bronx	Kings**	New York**	Queens	Richmond
Fine City	\$5,312,706	\$1,254,739	\$605,002	\$1,990,712	\$1,315,478	\$146,775
Fine State	\$1,376,741	\$136,465	\$154,630	\$707,341	\$288,525	\$89,780
Surcharge CVAF	\$350,320	\$40,480	\$49,795	\$125,470	\$118,555	\$16,020
Surcharge Misd	\$12,650	\$395	\$1,130	\$7,565	\$2,805	\$755
Surcharge Violation	\$1,277,180	\$147,140	\$186,385	\$455,605	\$431,765	\$56,285
Surcharge VTL	85,560	\$14,425	\$3,855	\$24,685	\$33,935	\$8,660
Total	\$8,415,157	\$1,593,644	\$1,000,797	\$3,311,378	\$2,191,063	\$318,275

* 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.



Court Office Assistant Wioletta Brewinski
New York County Summons



Plea By Mail

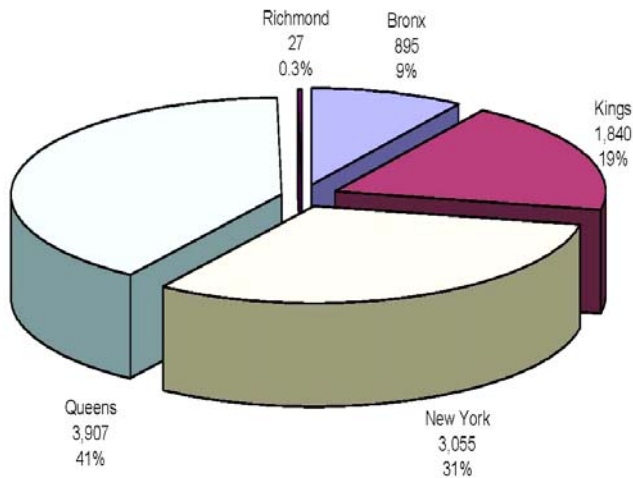
2005 was the first full calendar year that individuals receiving a Criminal Court summons citing a violation of Section 10-125 (2)(b) of the N.Y.C. Administrative Code- "Consumption of Alcohol on Streets Prohibited" (also known as "Open Container Violation" or "Consumption of Alcohol in Public") were 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 2005, 9,724 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 wisely manage limited staffing resources.

Pleas By Mail* - 2005

City	Bronx	Kings	New York	Queens	Richmond
9,724	895	1,840	3,055	3,907	27

Pleas By Mail 2005



* Includes Bronx information



INSTRUCTIONS FOR PLEADING GUILTY TO SUMMONS BY MAIL PD 260-111 (3-03)

THIS FORM MUST BE ISSUED ALONG WITH A SUMMONS, IN LIEU OF AN ARREST, ONLY FOR VIOLATION OF ADMINISTRATIVE CODE SECTION 10-125(b), CONSUMPTION OF ALCOHOL IN PUBLIC.

TO PLEAD NOT GUILTY:

YOU MUST APPEAR IN COURT AT THE PLACE AND TIME SPECIFIED ON THE SUMMONS YOU RECEIVED.

TO PLEAD GUILTY BY MAIL YOU MUST SEND THE FOLLOWING:

- THIS PLEA FORM, COMPLETED AND SIGNED
- THE SUMMONS YOU RECEIVED
- A CHECK OR MONEY ORDER FOR \$25.00 MADE PAYABLE TO N.Y.C. CRIMINAL COURT (DO NOT SEND CASH), WITH THE SUMMONS NUMBER WRITTEN ON THE PAYMENT.

THE ABOVE ITEMS MUST BE MAILED, WITHIN 10 DAYS OF THE DATE THAT THE SUMMONS WAS ISSUED, TO:

N.Y.C. CRIMINAL COURT
P.O. BOX 555
NEW YORK, NY 10013-0555

IF YOU PLEAD GUILTY BY MAIL, YOU DO NOT NEED TO APPEAR IN COURT.

PLEA FORM (PRINT CLEARLY)

COMPLETE ONLY IF YOU WISH TO PLEAD GUILTY BY MAIL.
PLEA FORM MUST BE SIGNED BY THE PERSON PLEADING GUILTY.

Name _____ Date of Birth _____

Address _____ Apt. _____

City _____ State _____ Zip _____

I hereby plead guilty to Administrative Code Section 10-125(b), the offense of Consumption of Alcohol in Public, a violation, not a crime, as charged in:

Summons Number _____ Issued On _____
(As it appears on the top of the Summons) (Date)

By Entering a Plea of Guilty to This Charge, I Agree to the Following:

- I Waive Arraignment in Open Court, The Right to Receive a Copy of the Accusatory Instrument and The Right to the Aid of Counsel.
- I Understand that a Plea of Guilty to the Charge is Equivalent to a Conviction after Trial.
- I Understand that this Violation is Punishable by a Fine of Not More Than \$25.00 or Imprisonment of up to Five Days or Both.
- I Agree that the Sentence Imposed Will be a Fine of \$25.00.
- I Understand that the Court May Refuse to Accept the Plea of Guilty, Because of my Prior Criminal Record or Other Special Circumstances, in Which Case, My Payment Will be Returned and Will Be Notified in Writing to Appear Before The Court at a Designated Date, Time and Place to Answer The Charge.
- I Plead Guilty to and Admit Committing the Offense as Set Forth in the Summons Served Upon Me.

Signature _____ Date _____

SUMMONS AND CHECK OR MONEY ORDER FOR \$25.00 MUST BE ENCLOSED WITH THIS FORM



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 113,376 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 suppression hearings and jury trials 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, speeding the way to real trial readiness.

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 some bench trials. Over the years, some of these AP parts have become specialized. Included in this



Honorable Alexander Jeong
Manhattan Criminal Court

section are problem-solving courts designed to focus on various societal problems, including Domestic Violence Courts, Drug Courts and Persistent Misdemeanant or "Spotlight" parts. 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 on separately. Statistics on AP parts include only "non-specialized courtrooms." Information on the "specialized" courtrooms appears in their own sections. For a full discussion of the NYC Criminal Court Drug Court Initiative, please see the separate drug court Annual Report.



	Citywide	Kings	New York	Queens	Richmond
Number of AP Parts—2005	26.15	10.5	7	6.8	1.85
Average # AP Parts Open Daily 2005	22.6	8.5	6.8	6.2	1.2

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

	Citywide	Kings	New York	Queens	Richmond
2005	89.6	73.0	104.0	86.5	88.0
2004	90.9	74.0	104.9	87.6	84.6
2003	88.9	68.5	105.3	83.7	88.9
2002	80.6	65.5	92.1	79.4	83.9
2001	79.4	67.2	88.1	82.5	82.5
2000	77.5	68.5	86.6	74.3	84.7
1995	59.3	40.4	70.7	60.0	82.2

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

2005	4.5	4.3	4.2	5.0	4.9
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Numbered of Calendared Cases in AP Parts

2005	500,769	175,467	151,792	140,548	32,962
2004	486,812	161,863	155,117	139,946	29,886
2003	501,036	163,743	163,209	143,074	31,010
2002	506,020	172,468	156,363	144,423	32,766
2001	541,003	208,200	150,605	145,934	36,264
2000	586,830	229,488	169,300	147,534	40,508

Mean Number of Cases Calendared Per Day in AP Parts

2005	70.8	71.5	77.1	78.0	38.9
2004	68.0	65.7	78.7	75.2	34.7
2003	70.5	65.9	81.5	79.6	37.6
2002	76.5	78.0	79.2	91.1	38.9
2001	83.7	93.7	76.8	99.6	44.3
2000	87.2	99.5	80.4	100.4	47.8

Total Dispositions in AP Parts

2005	113,376	33,901	46,016	27,567	5,892
2004	112,528	32,005	47,611	26,998	5,914
2003	107,934	30,752	46,318	24,785	6,079
2002	108,130	32,861	43,643	25,214	6,412
2001	113,260	38,746	43,256	24,062	7,196
2000	123,950	42,742	45,575	27,386	8,247
1995	150,839	48,448	57,697	35,453	9,241



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 Attorney's 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 in the felony waiver part 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. Over 26,000 dispositions were taken in felony waiver parts in the four counties in 2005.

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. Over 106,000 appearances on cases were calendared in Criminal Court's felony waiver parts throughout the city of which over 26,000 were disposed. Compare this with the approximately 20,000 dispositions com-



Honorable Alan J. Meyer
Staten Island Criminal Court

bined in the corresponding four Supreme Courts.

While every county disposes of a large amount of drug cases in their felony waiver parts, the practice differs with other cases. For instance, New York County does not have a felony waiver part for non-drug cases but Brooklyn has a felony waiver part that handles all types of felony filings.

Top Ten Arraignment Charges of Dockets Disposed in Felony Waiver Parts 2005

Number of dispositions for each charge			Citywide	Kings	New York	Queens	Richmond
1	PL 220.39	Crim sale CS 3°	5,834	2,255	2,343	1,076	160
2	PL 120.00	Assault 3°	2,742	37	3	2,443	259
3	PL 220.16	Crim poss CS 3°	2,182	631	645	773	133
4	PL 160.10	Robbery 2°	1,682	776	2	828	76
5	PL 160.15	Robbery 1°	1,667	1,007	6	596	58
6	PL 120.05	Assault 2°	1,231	479	3	575	174
7	PL 265.02	Crim poss weapon 3°	881	746	5	78	52
8	PL 140.25	Burglary 2°	630	304	0	323	53
9	PL 215.50	Criminal contempt 2°	639	4	0	582	53
10	PL 170.25	Crim poss forged In 2°	628	33	0	543	52



Number of Felony Waiver Parts

	Citywide	Kings	New York	Queens	Richmond
2005	5.7	2	1	2.2	.5

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

	Citywide	Kings	New York	Queens	Richmond
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
1995	40.4	24.8	36.8	50.8	66.2

Number of Calendared Cases Heard in Felony Waiver Parts

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

Total Dispositions in Felony Waiver Parts

2005	Total Dispositions	26,195	9,524	3,939	9,500	3,232
	% of Felony Cases Arraigned Disposed of in Felony Waiver Pts	53.3	—	—	—	—
2004	Total Dispositions	25,008	8,784	3,995	8,840	3,389
	% of Felony Cases Arraigned Disposed of in Felony Waiver Pts	54.0	—	—	—	—
2003	Total Dispositions	22,707	7,041	3,818	8,326	3,522
	% of Felony Cases Arraigned Disposed of in Felony Waiver Pts	47.9	—	—	—	—
2002	Total Dispositions	24,929	8,638	4,425	8,024	3,842
	% of Felony Cases Arraigned Disposed of in Felony Waiver Pts	50.6	—	—	—	—
2001	Total Dispositions	25,315	9,302	4,213	7,446	4,354
	% of Felony Cases Arraigned Disposed of in Felony Waiver Pts	50.3	—	—	—	—
2000	Total Dispositions	28,763	10,249	4,730	8,664	5,120
	% of Felony Cases Arraigned Disposed of in Felony Waiver Pts	49.6	—	—	—	—
1995	Total Dispositions	43,525	15,670	9,027	13,188	5,640
	% of Felony Cases Arraigned Disposed of in Felony Waiver Pts	52.9	—	—	—	—

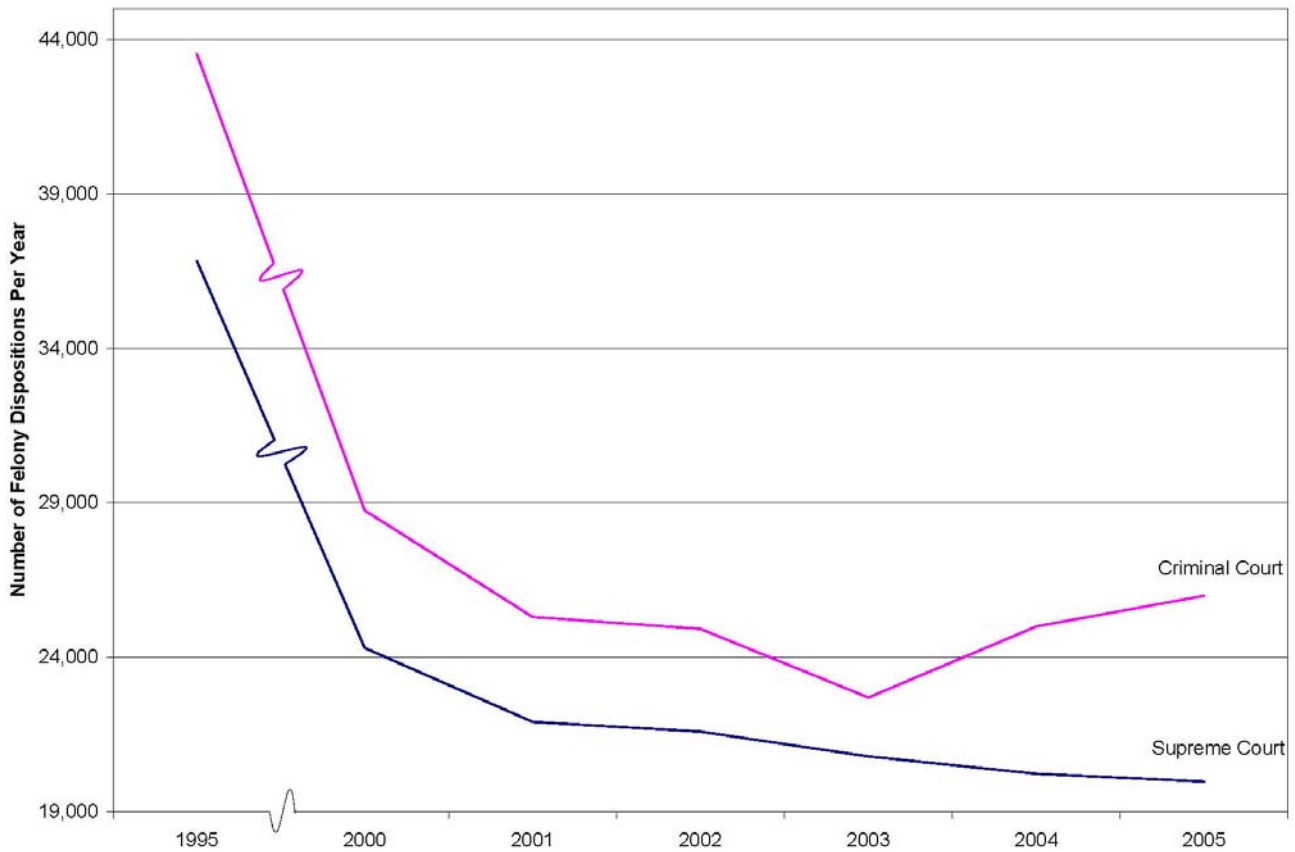


Felony Waiver Parts

Supreme Court Dispositions

	Citywide	Kings/Richmond	New York	Queens
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
1995	36,834	12,121	15,659	9,054

Supreme Court Dispositions Compared to Criminal Court 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. All told, Criminal Court has six courtrooms dedicated to handling these types of offenses.

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



**Resource Coordinator Beth Havericak
Brooklyn Domestic Violence Complex**

Number of Domestic Violence Court Parts in Criminal Court *

	Citywide	Kings	New York	Queens	Richmond
2005	6.45	2.4	2.2	1.6	.25

Total Number of Plea Dispositions in DV Parts

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

** 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 and Manhattan, the domestic violence compliance parts are open 2 days/week and in Queens, DVC is open 3 days/week. In Richmond county, the domestic violence part (AP2DV) is called in a combined part with other 3 other types of calendars and cases.*



Spotlight Parts

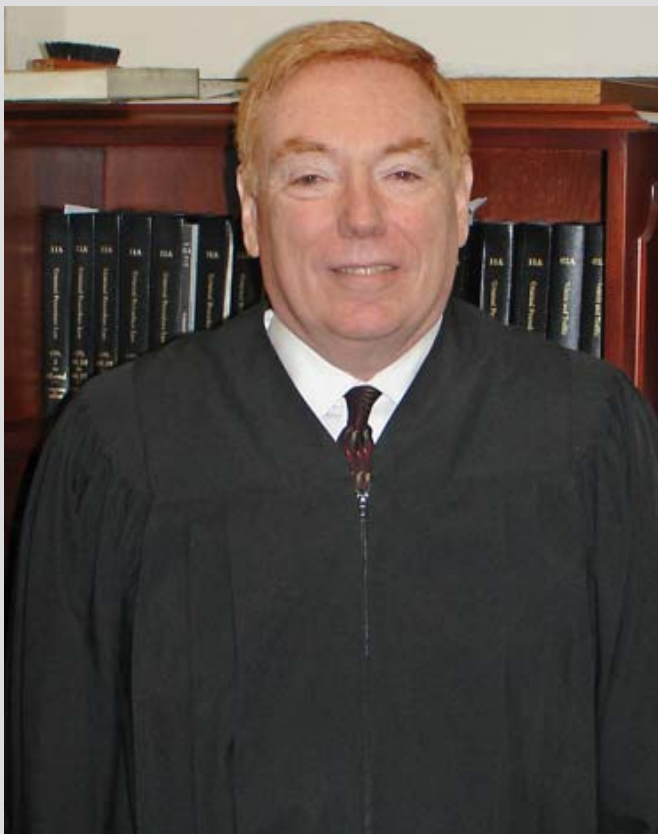
Operation Spotlight, a multi-agency initiative sponsored by the Mayor's Office of the Criminal Justice Coordinator, launched in 2002, focuses on chronic misdemeanor offenders who commit a disproportionate amount of crime throughout the city. Specialized courts were established in all five boroughs to hear *Operation Spotlight* cases. The initiative has expedited the processing of narcotics laboratory reports, fast-tracked probation and parole revocations, and increased trial capacity and direct links to services for drug-addicted and mentally ill defendants.

The Mayor's office defines a "Operation Spotlight" defendant as someone whose criminal record shows:

1. 3 or more arrests within the last 12 months, at least 2 of which must be for non-felony offenses; and
2. 2 or more misdemeanor convictions, at least 1 occurring within the last 12 months.

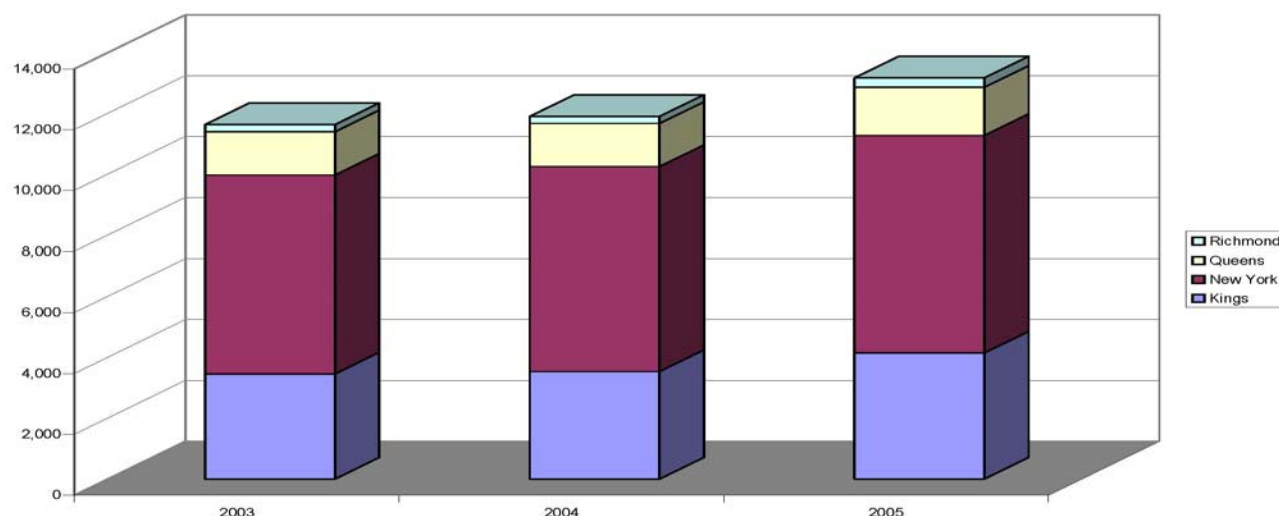
Defendants who meet this criteria have a "Operation Spotlight" designation marked on their criminal history or Rap sheet.

Honorable William McGuire
Brooklyn Criminal Court



	Number of Spotlight Parts				
	Citywide	Kings	New York	Queens	Richmond
2005	2.6	1.0	1.0	.5	0.1
Number of Cases Designated Spotlight Cases Arraigned					
2005	13,171	4,146	7,130	1,583	312
2004	11,904	3,536	6,718	1,419	231
2003	11,636	3,458	6,516	1,426	236

Operation Spotlight Arraignments





Drug Treatment Court Initiative



**Senior Case Manager Desiree Rivera
Manhattan Treatment Court**

Criminal Court’s six drug courts 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.

Drug courts offer not only substance abuse treatment to participating defendants, but also other services such as medical and psychiatric care, educational services, vocational training and job placement.

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. It is a two step process involving a review of a defendant’s rap sheet and charges by a court clerk prior to arraignment and a clinical assessment the day after arraignment by a drug court case manager to determine whether the defendant abuses drugs and is eligible for treatment. Brooklyn began Comprehensive Screening in January 2003 , the Bronx started the program before court merger was finalized and Queens started the planning process for this program in 2005 and expects to make it operational in 2006.

Number of Drug Court Parts in Criminal Court

	Citywide	Kings	New York	Queens	Richmond
2005	6	2	2	1	1

Number of Plea Dispositions taken in Drug Courts

2005	744	423	156	122	43
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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 referred 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.



Senior Court Clerk Walter Fatscher
Queens Compliance Part

Number of Cases Calendared in Domestic Violence Compliance Parts

	Citywide	Kings	New York	Queens
2005	5,763	1,516	1,444	2,803
2004	6,658	2,218	1,094	3,346
2003	5,278	2,359	1,514	1,405
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, violence, 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.

Director Les Lopes
Manhattan Court Dispute Referral Center



CDRC Referrals*

	Citywide	Bronx	Kings	New York	Queens
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	19,538	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
1995	27,759	8,137	8,365	5,396	5,681

* Includes Bronx information



COURT OPERATIONS – TRIAL PARTS



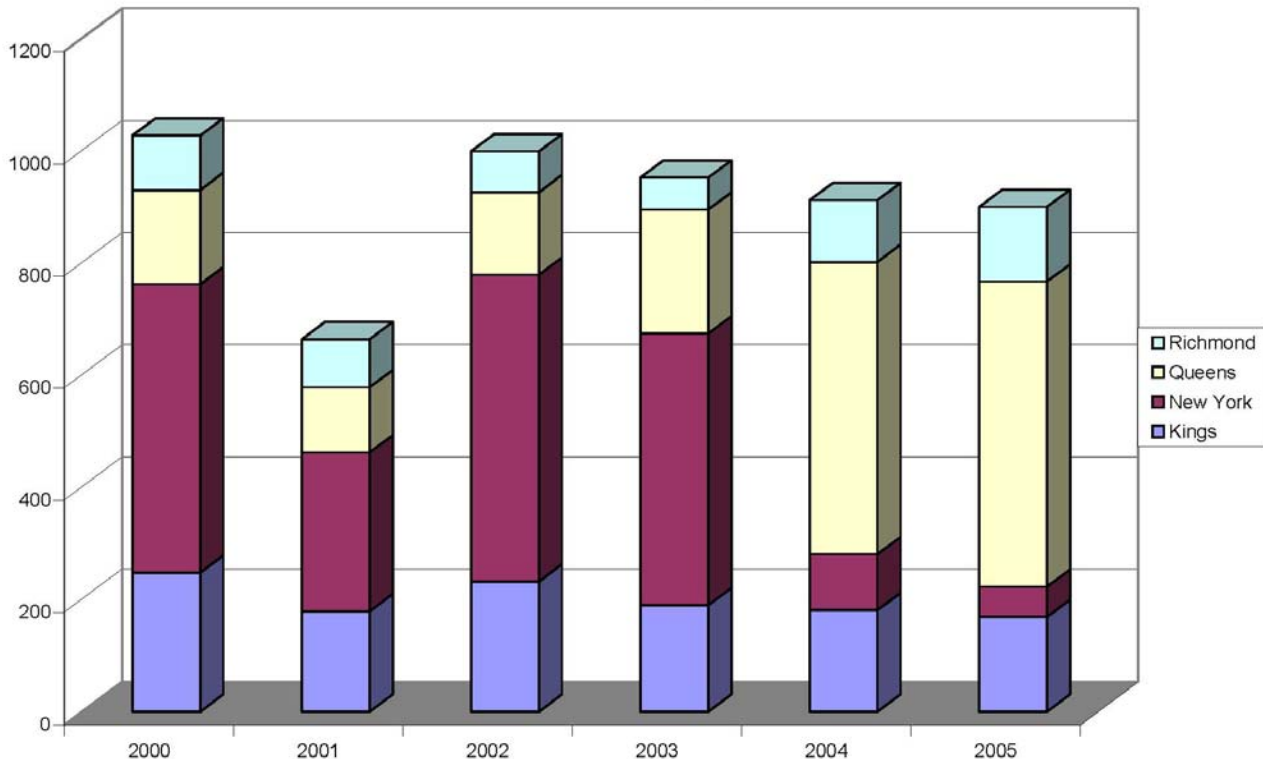
Trial Parts in the Criminal Court handle most of the trials – both bench and jury. (Some trials are conducted in the Court’s AP parts). In New York State only those individuals charged with a serious crime, defined as one where the defendant faces more than six (6) months in jail, are entitled to a jury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

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

Honorable Evelyn Laporte
Manhattan Criminal Court

Pre-Trial Hearings





Pre Trial Hearings

Trial Parts conduct the majority of the pretrial 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.

A breakdown of hearings done since 2000 is offered below.



**Court Reporter Lori Ernst
Staten Island Criminal Court**

Pre Trial Hearings Commenced

		Citywide	Kings	New York	Queens	Richmond
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

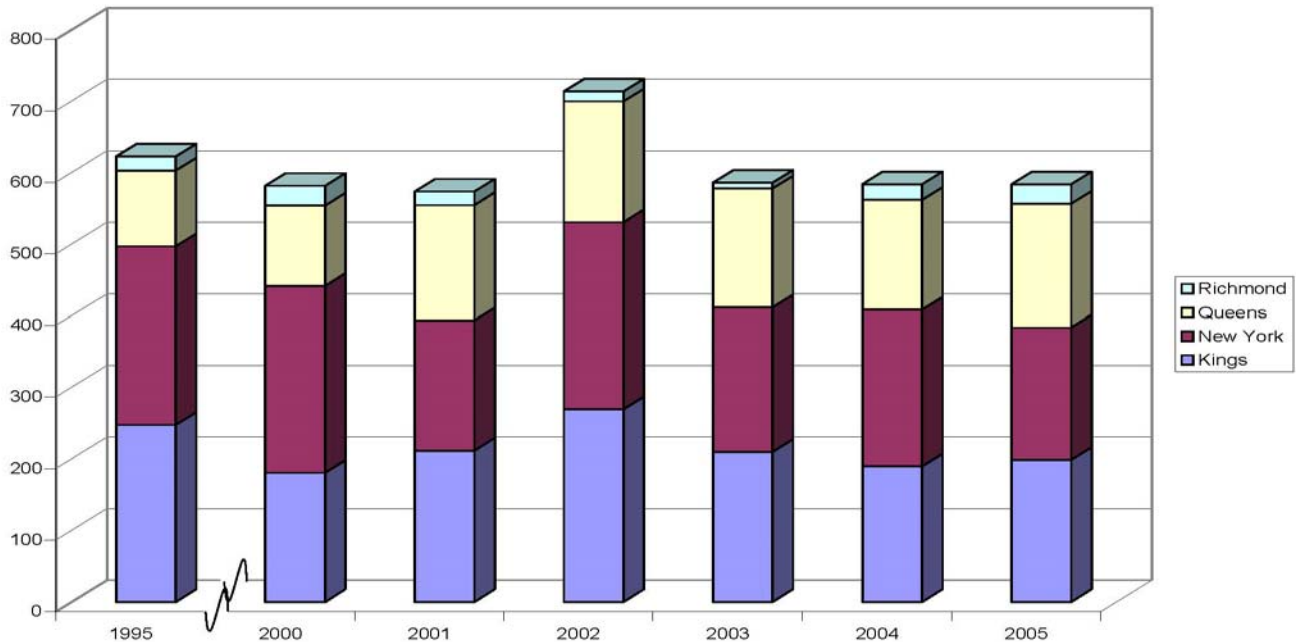


Trials

Trial Verdicts

		Citywide			Kings			New York			Queens			Richmond		
		Conv	Acq	Tot	Conv	Acq	Tot	Conv	Acq	Tot	Conv	Acq	Tot	Conv	Acq	Tot
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
1995	Jury	102	95	197	19	23	42	57	53	110	21	14	35	5	5	10
	Bench	238	188	426	131	75	206	72	67	139	32	39	71	3	7	10
	Total	340	283	623	150	98	248	129	120	249	53	53	106	8	12	20

Total Trial Verdicts





Bench Trial Verdicts Mean Age at Disposition (days)

	Citywide	Kings	New York	Queens	Richmond
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	228.7	184.0	236.2	265.2	378.9
2000	223.9	170.5	254.4	223.3	346.4
1995	176.0	169.8	195.3	154.6	203.4

Jury Trial Verdicts Mean Age at Disposition (days)

2005	260.8
2004	293.6
2003	276.7
2002	264.5
2001	274.4
2000	285.2
1995	237.9



**Court Interpreter Kobina Ampah
Manhattan Criminal Court**



COURT OPERATIONS – COMMUNITY COURTS

Red Hook Community Justice Center

Red Hook Community Justice Center (RHCJC), opened in 2000, reflects a partnership of the Criminal Court of the City of New York, the Kings County District Attorney's Office, the Center for Court Innovation and the City of New York, as well as partnerships with many community based social service providers. Modeled after the Midtown Community Court, the Justice Center 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 also 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.

While standard statistics can really only show a small amount of the work actually done at courts like Red Hook, the next three pages give a snapshot of the volume and kind of cases that are seen at both Red Hook and Midtown Community Courts.



**Assistant Deputy Chief Clerk Sandra Martin Smith
Red Hook Community Justice Center**

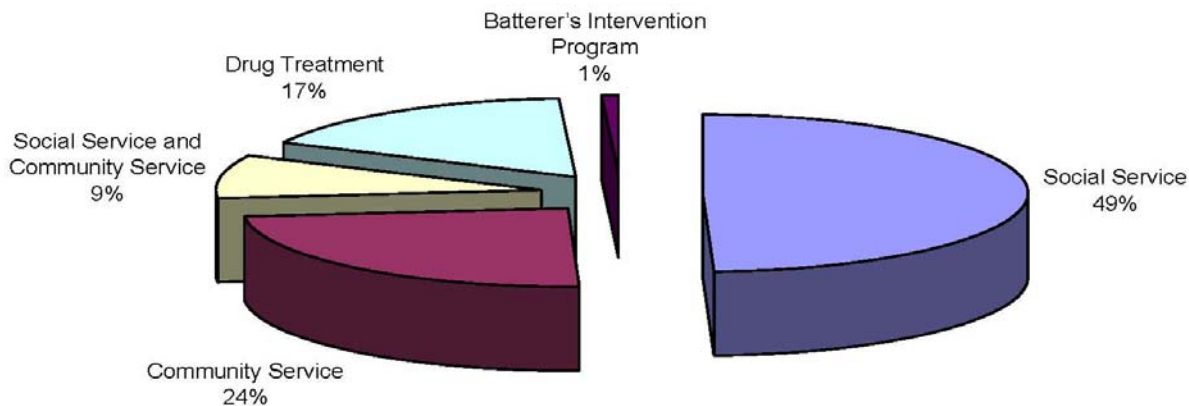
Top 10 Arraignment Charges - Red Hook				
Comparison by most frequently arraigned			2005	2000
PL	220.03	Crim poss CS 7°	1	1
PL	120.00	Assault 3°	2	3
PL	221.10	Crim poss marihuana 5°	3	4
VTL	511.1	Agg unlicensed op MV	4	6
PL	165.15	Theft of services	5	5
AC	10-125	Pub. consumption alcohol	6	—
PL	155.25	Petit larceny	7	7
PL	140.10	Criminal trespass 3°	8	2
PL	230.00	Prostitution	9	8
PL	230.03	Patron prostitute 4°	10	—
PL	120.14	Menacing 2°	—	9
PL	205.30	Resisting Arrest	—	10



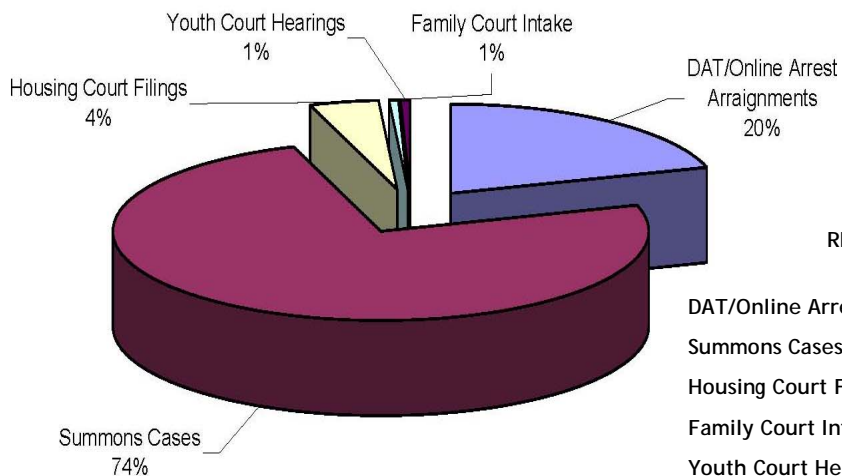
Red Hook Community Justice Center						
	2005	2004	2003	2002	2001	2000
Arraignments	3,670	3,168	3,803	4,052	4,199	2,995
Dispositions at Arraignment	2,048	1,912	2,136	2,631	2,581	1,643
Dockets Surviving Arraignment	1,622	1,256	1,667	1,421	1,618	1,352
% Total Surviving Arraignment	44.2	39.6	43.8	35.1	38.5	45.1
Mean Age at Disposition (days)	90.0	98.9	85.2	101.8	83.1	59.5
Summons Trials Commenced	54	19	1	3	3	0

RHCJC Program Mandates			
	Number	% Mandated	Completion Rate
Total Program Mandates	1,495	100%	78%
Social Service	738	49%	81%
Community Service	359	24%	80%
Social Service and Community Service	131	9%	61%
Drug Treatment	256	17%	
Batterer's Intervention Program	11	1%	

2005 RHCJC Program Mandates



Red Hook Community Justice Center Cases From All Sources



RHCJC Cases From All Sources

	Number	% Intake
DAT/Online Arrest Arraignments	3,670	20%
Summons Cases	13,393	74%
Housing Court Filings	727	4%
Family Court Intake	109	1%
Youth Court Hearings	102	1%



COURT OPERATIONS – COMMUNITY COURTS

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. In 1999, the Court began to hear small claims cases as well, bringing a problem-solving approach to a new set of neighborhood problems.

The chart to the right shows the path of a typical Midtown case from arrest to the referral to social services. The host of services offered at Midtown come into play at different stages of the process.



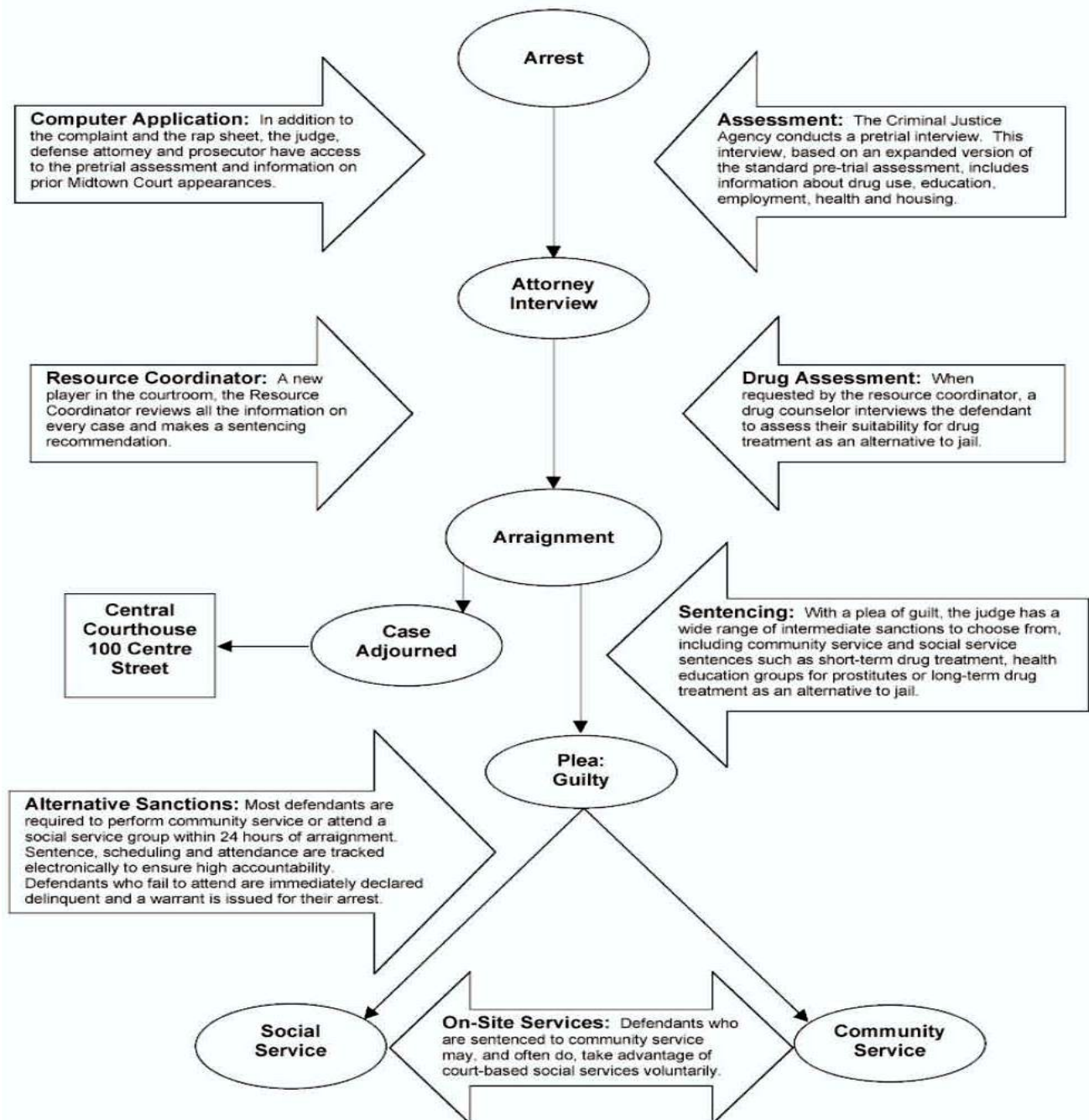
Court Officer Andrew Caliendo
Midtown Community Court

Top 10 Arraignment Charges - Midtown					
Comparison by most frequently arraigned			2005	2000	1995
PL	155.25	Petit larceny	1	1	2
AC	20-453	Unlicensed vendor	2	3	3
PL	165.15	Theft of services	3	2	1
PL	230.00	Prostitution	4	5	6
PL	221.10	Crim poss marihuana 5°	5	4	—
VTL	511.1A	Agg unlicensed op MV	6	—	—
PL	240.37	Loitering prostitution	7	6	4
AC	10-125	Pub. consumption alcohol	8	10	—
PL	165.71	Trademark counter 3°	9	—	10
PL	240.20	Disorderly conduct	10	—	—
PL	220.03	Crim poss CS 7°	—	7	5
VTL	511.1	Agg unlicensed op MV	—	8	—
PL	120.00	Assault 3°	—	9	—
PL	230.03	Patron prostitute 4°	—	—	7
PL	165.40	Crim poss stol prop 5°	—	—	8
PL	205.30	Resisting Arrest	—	—	9



	Midtown						
	2005	2004	2003	2002	2001	2000	1995
Arraignments	9,067	10,593	11,023	11,230	10,742	10,080	13,168
Dispositions at Arraignment	6,243	7,076	7,209	7,539	8,177	7,849	10,371
Dockets Surviving Arraignment	2,825	3,517	3,814	3,691	2,565	2,231	2,797
% Total Surviving Arraignment	31.1	33.2	34.6	32.9	23.9	22.1	21.2
Mean Age at Disposition (days)	75.5	91.9	72.6	66.7	57.9	65.2	104.6

Midtown Community Court Case Flow Summary





COURT OPERATIONS - CENTRAL ADMINISTRATION

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

Office of the Administrative Judge

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

Included in the Administrative Judge's staff are her counsel, Beverly Russell, who assists 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 assist 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



Court Analyst Abel Peltro
Personnel Department

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



Office of the Chief Clerk
Chief Clerk William Etheridge, Personnel Director Ada Molina and First Deputy Chief Clerk Vincent Modica



Office of the Chief Court Attorney
Assistant Court Analyst Georgie McDonald, Senior Court Attorney Judi Caragine and Chief Court Attorney Michael Yavinsky



Office of the Administrative Judge
Seated: Citywide Domestic Violence Court Coordinator Lisa Lindsay, Administrative Judge Juanita Bing Newton and Counsel Beverly Russell. Standing: Sgt. Terrence Gatling, Citywide Drug Court Coordinator Justin Barry, Principal Law Stenographer Nancy Tulino, Principal Secretary to Judge Theresa Daniel, Secretary to Judge Suzy Jernigan-Clark and CO Steven Ingenito



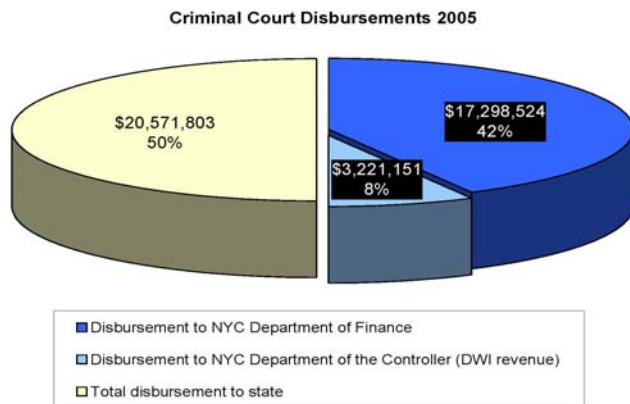
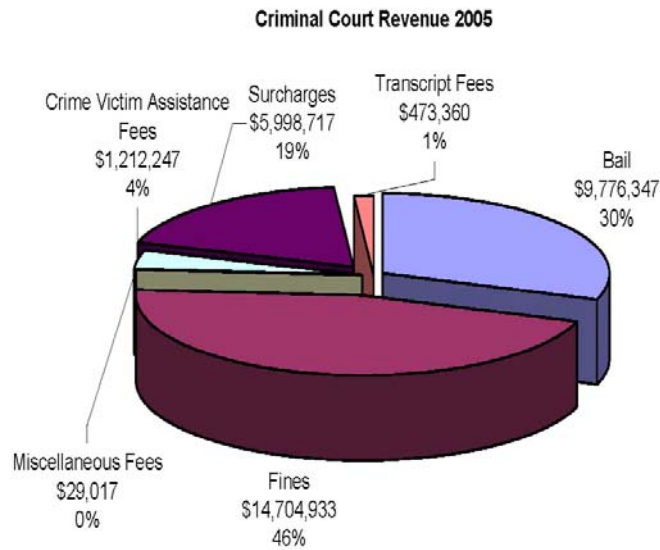
COURT OPERATIONS - CENTRAL ADMINISTRATION

Criminal Court Revenue* 2005

	Citywide	Bronx	Kings**	New York**	Queens	Richmond
Bail	\$9,776,347	\$2,790,892	\$2,264,006	\$1,549,877	\$2,249,815	\$921,757
DNA Fee	\$1,425	\$200	\$75	\$325	\$525	\$300
DNA Fee Supreme	\$8,400	\$8,400	\$0	\$0	\$0	\$0
DWI Surcharge	\$143,000	\$11,050	\$32,950	\$23,150	\$61,700	\$14,150
DWI Surcharge Supreme	\$20,425	\$20,425	\$0	\$0	\$0	\$0
Fine City Arrest	\$2,198,791	\$593,237	\$222,566	\$324,130	\$945,390	\$113,468
Fine City Summons	\$5,312,706	\$1,254,739	\$605,002	\$1,990,712	\$1,315,478	\$146,775
Fine DWI	\$3,053,921	\$659,914	\$558,176	\$451,000	\$1,153,366	\$231,465
Felony City Arrest	\$10,680	\$10,680	\$0	\$0	\$0	\$0
Felony DWI Fine	\$3,805	\$3,805	\$0	\$0	\$0	\$0
Felony State Arrest	\$800	\$800	\$0	\$0	\$0	\$0
Fine State Arrest	\$2,747,489	\$475,793	\$564,031	\$628,154	\$952,786	\$126,725
Fine State Summons	\$1,376,741	\$136,465	\$154,630	\$707,341	\$288,525	\$89,780
Misc Court Costs	\$0	\$0	\$0	\$0	\$0	\$0
Misc Court Costs Supreme	\$150	\$150	\$0	\$0	\$0	\$0
Misc Interest	\$871	\$0	\$871	\$0	\$0	\$0
Misc Other	\$273	\$42	\$0	\$200	\$31	\$0
Misc Other Supreme	\$351	\$351	\$0	\$0	\$0	\$0
Misc Overage	\$485	\$175	\$190	\$120	\$0	\$0
Misc Returned Check	\$760	\$0	\$60	\$360	\$340	\$0
SORA	\$2,665	\$50	\$200	\$1,090	\$1,075	\$250
SORA Supreme	\$1,090	\$650	\$0	\$0	\$440	\$0
Subpoena Fee	\$239	\$69	\$0	\$150	\$0	\$20
Subpoena Fee Supreme	\$248	\$248	\$0	\$0	\$0	\$0
Supp SORA	\$11,060	\$0	\$2,000	\$4,060	\$0	\$5,000
Supp SORA Supreme	\$1,000	\$1,000	\$0	\$0	\$0	\$0
Surcharge CVAF Summons	\$350,320	\$40,480	\$49,795	\$125,470	\$118,555	\$16,020
Surcharge CVAF Arrest	\$858,262	\$187,762	\$136,203	\$228,677	\$263,840	\$41,780
Felony CVAF	\$3,665	\$3,665	\$0	\$0	\$0	\$0
Felony Surcharge	\$53,390	\$53,390	\$0	\$0	\$0	\$0
Surcharge Misdemeanor Summons	\$12,650	\$395	\$1,130	\$7,565	\$2,805	\$755
Surcharge Misdemeanor Arrest	\$845,399	\$223,885	\$119,169	\$200,970	\$262,760	\$38,615
Surcharge Violation Summons	\$1,277,180	\$147,140	\$186,385	\$455,605	\$431,765	\$56,285
Surcharge Violation Arrest	\$2,184,001	\$504,233	\$304,040	\$640,193	\$642,890	\$92,645
Surcharge VTL Summons	\$85,560	\$14,425	\$3,855	\$24,685	\$33,935	\$8,660
Surcharge VTL Arrest	\$1,377,112	\$248,460	\$320,402	\$273,485	\$448,190	\$86,575
Transcript	\$430,620	\$101,540	\$46,620	\$168,880	\$83,530	\$30,050
Transcript Supreme	\$42,740	\$42,740	\$0	\$0	\$0	\$0
Total	\$32,194,622	\$7,537,250	\$5,572,356	\$7,806,199	\$9,257,742	\$2,021,075

* Includes Bronx information

** See note on top of page 40 concerning allocation of Kings and Manhattan summons fines and surcharges.



Secretary Lissette Sanchez
Chief Clerk's Office

* Includes Bronx information

Criminal Court Disbursements*

<i>Disbursement to NYC Department of Finance</i>	\$17,298,524
<i>Disbursement to NYC Department of the Controller (DWI revenue disbursed to Controller)</i>	\$3,221,151
Total disbursements to city (subtotal)	\$20,519,675
Total disbursement to state	<u>\$20,571,803</u>
Total disbursements	\$41,091,479

Criminal Court Grant Awards* - 1998 through 2005

	Grant Source	Year Awarded	Award Amount
Queens Domestic Violence Court	USDOJ	1999	\$275,343
Manhattan Misdemeanor Treatment Court	USDOJ	2000	\$384,658
Manhattan Treatment Court	LLEBG	1998-2005	\$2,279,872
Bronx Treatment Implementation Grant	USDOJ	2000	\$380,994
Bronx Treatment Court Enhancement Grant	Byrne Grant	2004	\$15,000
Bronx Treatment Court Enhancement Grant	USDOJ	2000	\$244,341
Red Hook Drug Court Planning Grant	USDOJ	2000	\$29,952
Queens Misdemeanor Implementation Grant	USDOJ	2003	\$490,220
Richmond Drug Court Planning Grant	USDOJ	2000	\$22,458
Richmond Treatment Implementation Grant	USDOJ	2000	\$390,408
Total			\$4,513,246



COURT OPERATIONS – SUMMARY INFORMATION

The charts on pages 65 and 66 give a fairly good summary of some of the work that is accomplished in the Criminal Court over the course of the year.

Caseloads

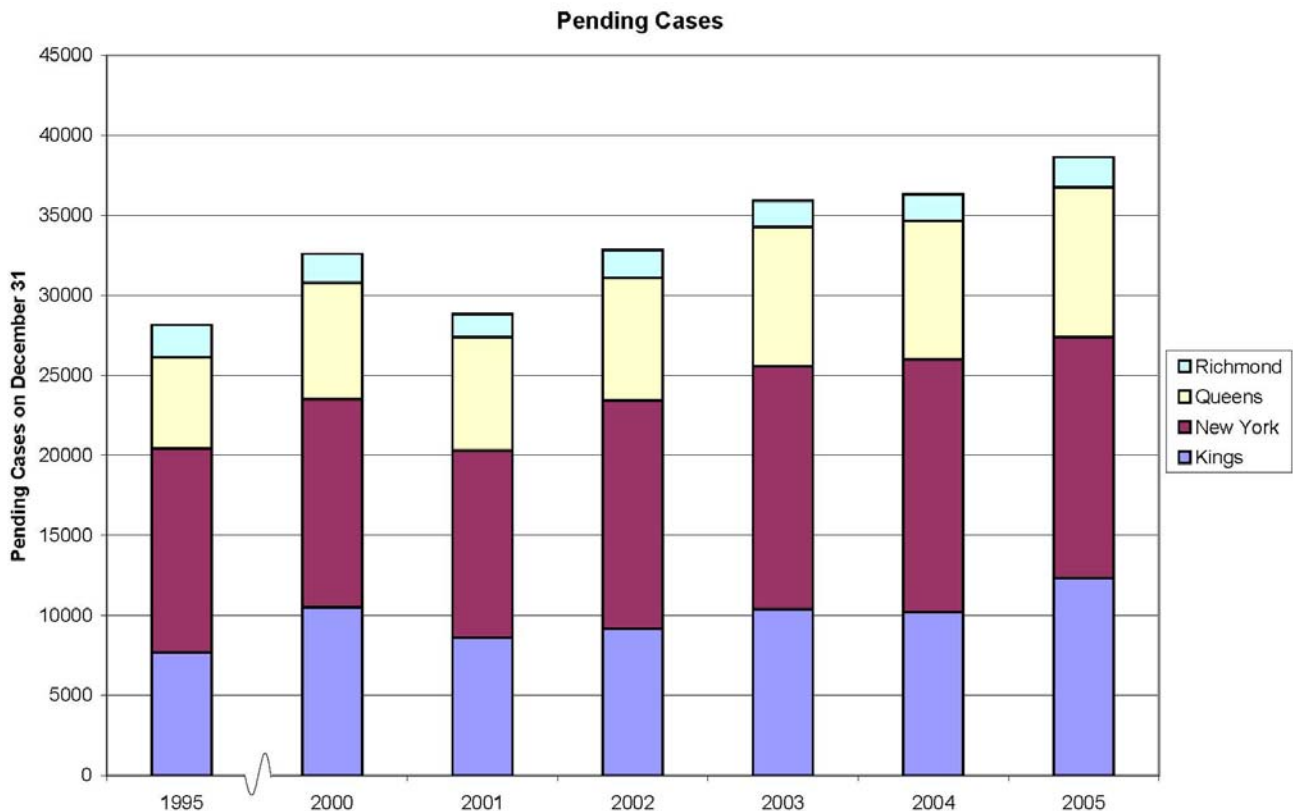
The charts below and on the facing page show the caseload, or number of cases in Criminal Court citywide, pending as of the last day of the year. These pending caseload numbers are a fairly good indication of the amount of work pending in the Court at any given time and the amount of work handled by judges and non-judicial personnel.

Dispositions

The chart on page 66 indicates the numbers and types of dispositions reported every year since 2000 and 1995.



Senior Court Clerk Monica Harris
Brooklyn Criminal Court





COURT OPERATIONS – SUMMARY INFORMATION

Dockets Pending on December 31 (Snapshot of Pending Cases)

	Citywide	Kings	New York	Queens	Richmond
2005 Total	38,830	12,530	15,020	9,397	1,883
2005 Total Pending Disposition	36,071	11,475	14,534	8,407	1,655
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
2004 Total	36,325	10,209	15,787	8,671	1,658
2004 Total Pending Disposition	33,849	9,330	15,206	7,817	1,496
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
2003 Total	35,936	10,355	15,194	8,721	1,666
2003 Total Pending Disposition	33,720	9,540	14,665	7,951	1,564
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
2002 Total	32,845	9,137	14,297	7,657	1,754
2002 Total Pending Disposition	30,896	8,474	13,740	7,035	1,647
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
2001 Total	28,832	8,590	11,709	7,093	1,440
2001 Total Pending Disposition	27,230	8,021	11,252	6,605	1,352
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
2000 Total	32,688	10,501	13,103	7,276	1,808
2000 Total Pending Disposition	30,999	9,821	12,593	6,904	1,681
Felony	8,077	1,143	4,361	2,105	468
Misd/Inf/Viol/Oth	22,922	8,678	8,232	4,799	1,213
Total Pending Sentence	1,689	680	510	372	127
1995 Total	28,152	7,657	12,753	5,729	2,013
1995 Total Pending Disposition	26,949	7,264	12,314	5,467	1,904
Felony	8,245	1,424	4,846	1,551	424
Misd/Inf/Viol/Oth	18,704	5,840	7,468	3,916	1,480
Total Pending Sentence	1,203	393	439	262	109



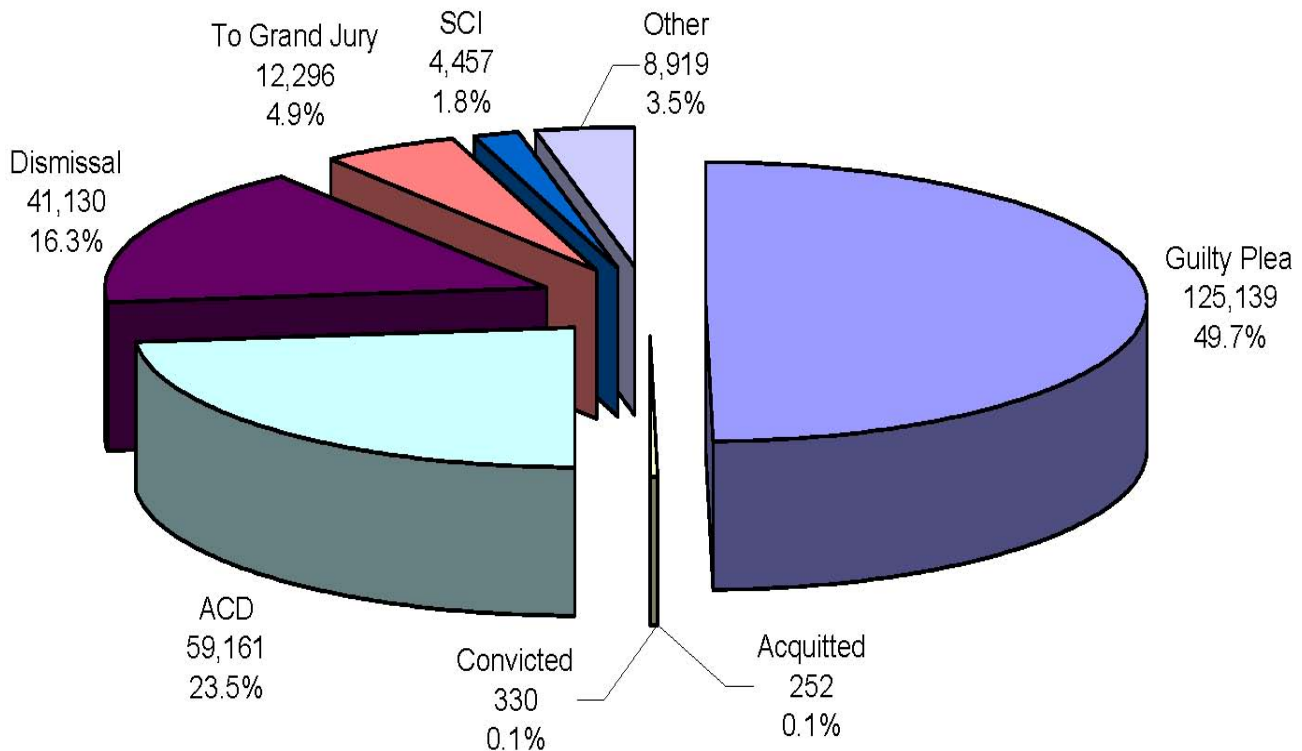
COURT OPERATIONS – SUMMARY INFORMATION

Citywide Dispositions

	2005	2004	2003	2002	2001	2000	1995
Total	251,684	252,494	249,824	254,743	274,545	303,981	274,515
Guilty Plea	125,139	124,438	121,485	122,920	132,233	146,642	125,968
Convicted	330	305	325	419	329	335	340
Acquitted	252	253	261	295	245	247	283
ACD	59,161	57,348	60,311	60,468	66,595	71,176	49,833
Dismissal	41,130	40,607	35,729	38,644	41,813	45,265	51,950
To Grand Jury	12,296	12,194	12,614	13,580	13,394	14,859	26,900
SCI	4,457	4,582	4,462	4,839	4,794	5,231	5,534
Other*	8,919	12,767	14,637	13,578	15,142	20,226	13,707

* 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 2005





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Court News - New Judges in 2005



Hon. Mary R. O'Donoghue

Hon. Mary R. O'Donoghue, originally appointed to Civil Court in 2003 was assigned to Queens Criminal Court on May 24, 2005.

Judge O'Donoghue worked in the New York County District Attorney's Office, as an Assistant to the Director of Criminal Justice and in the US Attorney's Office for the Eastern District of New York before her appointment.



Hon. Alexander Jeong

Hon. Alexander Jeong, a Brooklyn resident, comes to the Criminal Court bench after 12 years at the Brooklyn District Attorney's Office. Before his appointment to the Criminal Court bench, Judge Jeong was the Brooklyn D.A.'s Criminal Court Bureau Chief. He is a graduate of Colgate University and George Washington Law School. Judge Jeong is presiding in New York County.



Hon. Toko Serita

Before her appointment to the Criminal Court bench, Hon. Toko Serita was executive assistant to the Administrative Judge of the 11th Judicial District. Before that she worked as an attorney with the Criminal Appeals Bureau of the Legal Aid Society. Judge Serita attended CUNY Law School at Queens College and Vassar College. Judge Serita is presiding in Kings County.



Hon. Matthew Sciarrino, Jr.

Hon. Matthew Sciarrino, Jr. was appointed an interim term on the Civil Court and assigned to sit in Criminal Court. A Staten Island resident, Judge Sciarrino was in private practice and worked as a court attorney before his appointment to the bench. Judge Sciarrino is presiding in Kings County.



Hon. John Wilson

Hon. John Wilson was elected to Civil Court, Bronx County and assigned to sit in Criminal Court. Prior to his election, Judge Wilson, a resident of the Bronx, practiced criminal defense and civil litigation in Manhattan. He was also a member of the Assigned Counsel Panel. Judge Wilson is presiding in Kings County.



Hon. Loren Baily-Schiffman

Hon. Loren Baily-Schiffman elected as a Civil Court judge in 1999 was assigned to Brooklyn Criminal Court on May 24, 2005. Judge Baily-Schiffman worked in private practice and for the Legal Services of N.Y. before her election to the bench.



Court News - New Judges in 2005



Hon. Evelyn Laporte

Hon. Evelyn Laporte was elected to Civil Court, Kings County and assigned to sit in Criminal Court. A Brooklyn resident, Judge Laporte worked as an A.D.A. in the Domestic Violence Bureau of the Brooklyn District Attorney's before her election to the bench. Judge Laporte is presiding in New York County.



Hon. Karen Lupuloff

Hon. Karen Lupuloff was appointed to an interim term on the Civil Court and assigned to sit in Criminal Court. A Manhattan resident, Judge Lupuloff has worked as a Manhattan A.D.A., a Special Commissioner for the NYC School District and an Assistant Deputy NY Attorney General. Judge Lupuloff is presiding in New York County.



Hon. Geraldine Pickett

Hon. Geraldine Pickett was elected to Civil Court, Kings County and assigned to sit in Criminal Court. Judge Pickett lives in Brooklyn. Prior to her election to the bench, Judge Pickett had a general practice as a lawyer in Kings County where she was also on the Assigned Counsel Panel. Judge Pickett is presiding in Kings County.



Court News - Facilities For the Future

Criminal Court and the Office of Court Administration are taking steps to address the Court's, sometimes, outdated infrastructure.

Brooklyn

Following the move by Brooklyn Supreme Court to its new home on Jay Street, a major renovation is planned for Brooklyn Criminal Court in 2006. Criminal Court will be able to expand its operations to courtrooms and offices vacated by Supreme Court and the new work will also restore some of the architectural integrity and beauty of the original structure, cut up and damaged long ago to gain precious space for the operations of two busy courts. The Court has retained an architectural firm to modernize the courthouse paying particular attention to upgrading the back offices and creating a new home for the DV complex.

Manhattan

Manhattan Criminal Court is set to begin a long awaited redesign and renovation of its 100 Centre Street lobby in 2006 that will allow for better traffic flow for the public entering the courthouse and

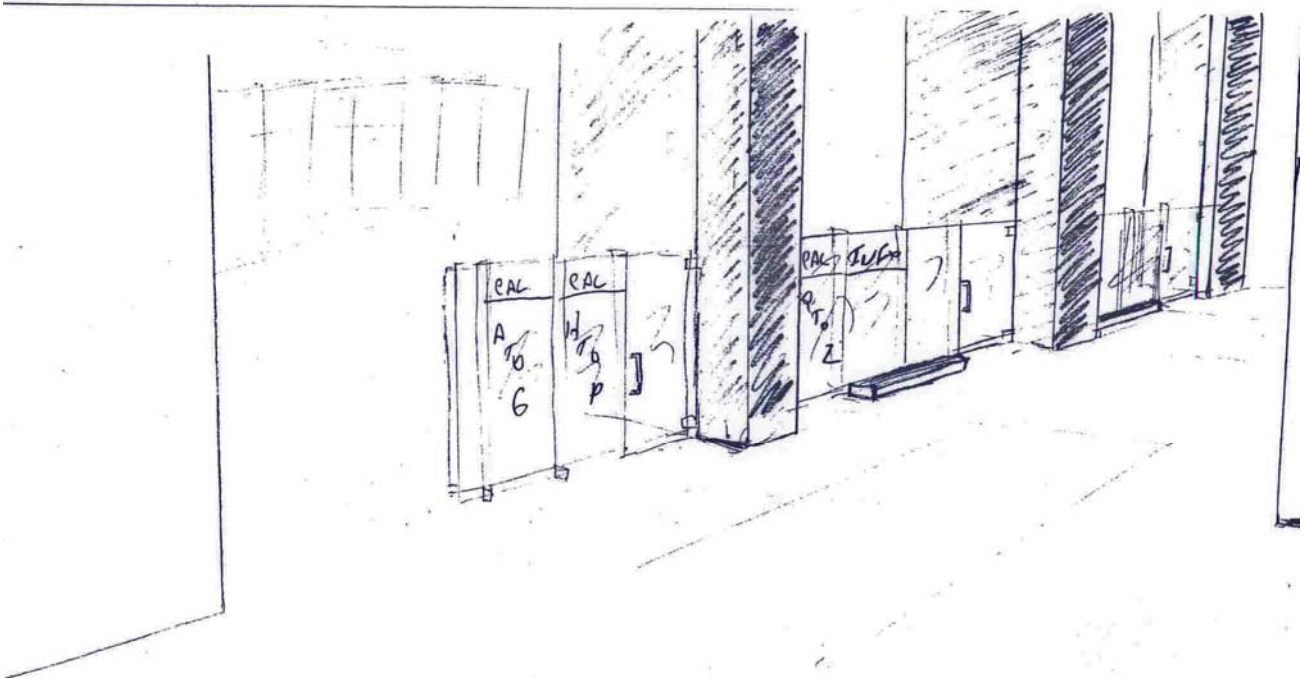
modern amenities such as information displays and climate control.

Staten Island

Plans for a new Staten Island courthouse are expected to move forward this coming year. This long awaited project will replace the badly outdated courthouse built and designed for a different era in 1930. This major renovation will advance in three stages and will involve extensive coordination between the Supreme, Family and Criminal Courts.

Queens

Lastly, the court is moving forward with its plan to replace its Queens summons courtroom with a modern facility that can accommodate the large number of defendants seen everyday. Queens is also slated for an extensive renovation of its lobby which, much like Manhattan's, will include better utilization of space, better traffic flow and information displays for the public.



Artist's Rendering of State-of-the-Art Lobby Information Displays Projected on the Glass Partitions in the Queens Criminal Court Lobby



Court News - Non-Judicial Staff - New Employees and Promotions

NEW HIRES

Assistant Court Analyst

Christina Ruffino

County

Kings

Associate Court Attorney

Robbin Ditto

Barbara Grcevic

Queens

Kings

Court Assistant

Christopher Reid

Trina Ayers

New York

New York

Court Attorney

Niya Bryant

Karen Gopee

Sheridan Jack-Browne

Inna Reznik

New York

Queens

Kings

New York

Court Office Assistant

Philip Hudson

Marcia Roberts

Maureen Spano

Renee Booth

Ida Pacheco

Kings

Kings

New York

Richmond

New York

Court Officer Trainee

Michael Aranda

Terence Aylward

Cemadoll Bacchus

Paul Bajohr

Timothy Baumann

Theresa Benigno

Jamel Brown

Scott Buckley

Edward Calderone

Laura Cannon

Giuseppe Caro

Tenisha Carter

Kimika Cooke

Mary Coyle

Matthew Cotugno

Michael Cuccio

Michael Culhane

Mark Delcielo

Thomas Drehar

Kathleen Dunne

Faith Edwards

Edward Eppig

Michael Fenlon

Scott Fettinger

Timothy Frigano

Jerry Fuente

Brian Fuller

Lisa Gayle

New York

Kings

Kings

Kings

New York

New York

Kings

Kings

New York

New York

Richmond

Kings

New York

Kings

New York

New York

New York

Queens

Queens

Kings

New York

New York/Midtown

New York

Kings

Kings

New York

New York

Kings

Court Officer Trainee

Robert Gregory

Weyki Hago

Jeff Hanger

Thomas Hickey

Anthony Holz

Pamela Joseph

Eric Kosinski

Wendy Lashley

Robert McCabe

Michael Mallery

Richard Manna

Christopher Melfie

Francisco Meneses

Timothy Nolan

Sylvia Ortega

Carlos Pabon

Bruno Papalia

John Pasko

Theresa Pepe

Henry Plant

Seline Polanco

David Ramos

Scott Rosenfeld

Mary Scardina

Christopher Sefcik

Rosemary Servello

John Sexton

Todd Smith

Kevin Strohm

Shamia Thabit

Pierre Threat

Michael Trainor

Elizabeth Tsoi

James Vobis

Stacey Walder

Kevin Welsh

Darien Wagner

Elizabeth Watts

Veronica Wojno

Philip Zera

Mark Zieba

County

Kings

Queens

Kings

Kings

New York

Kings

Queens

Kings

Kings

Kings

New York

New York

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New York

New York/Midtown

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New York

Kings

Queens

Kings

New York

Kings

Kings

New York

New York

New York

Kings

Kings

Kings

Kings

Kings

New York

Court Reporter

Doreen Carube

Sheron Johnson

Ivelisse Rodriguez

Data Recording Assistant

Delores Dean

Deserie Dominguez

Elizabeth Eversley

Paulette Ferro

Valerie Fulp

Richmond

New York

New York

Kings

New York



Court News - Non-Judicial Staff - New Employees and Promotions

Data Recording Assistant County

Shalonda Johnson	New York
Shirley Frazier	Richmond
Arlene Morris	New York
Dromattie Premessur	Queens
Matthew Rosen	New York
Michael Ward	New York
Shehre Yasen	New York

Judges Attendant

Adolfo Lee	New York
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Law Steno to Administrative Judge

Robert West	New York
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Senior Court Analyst

Darren Edwards	New York
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Senior Court Attorney

Judith A. Caragine	Central
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Senior Court Clerk

Janice Blackman	Kings
Mildred Carroll	Kings
Lynn Daniels	Kings
Melissa DeMayo	New York
Monique Dennis	Kings
Thomas Ferris	Queens
Maria Hoffman	New York
Cynthia Privott	New York

Senior Court Office Assistant

Dawn Cunningham	Kings
Lennox Headley	New York
Suzie Quinones	New York

Senior Data Recording Assistant

Monique McCauley	New York
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PROMOTIONS

Associate Court Clerk County

Edwin Flaherty	Kings
Arlethia Howard	Kings

Assistant Deputy Chief Clerk

Timothy McGrath	Kings
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Associate LAN Administrator

Corneliu Ioan	New York
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Court Aide

William Gonzalez	New York
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Deputy Chief Clerk (Arraignment Parts)

Mary Jane Benedetto	Queens
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Management Analyst

Mia Santiago	Kings
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Senior Court Clerks

Joseph Caparco	Kings
Caroline Plotkin	Kings

Senior Court Office Assistant

Tammy Linen	Queens
Schandles McKeithen-Daniels	Kings
Dena Simmons	New York

Senior Data Recording Assistant

Syleta Lynch	Richmond
Sabrena Maddox	Kings

Supervising Data Recording Assistant

Jennifer Gamble	New York
Carol Jackson	Kings



Court News - 2005 Employees of the Year

Each year Criminal Court recognizes some of its outstanding personnel - employees from each borough and central administration who demonstrate extraordinary professionalism and dedication to the mission of the Court.

After receiving nominations from Court staff, a committee of employees with representatives from each borough and central administration proposed 5 employees and a special award for 2005 Employee of the Year. After consulting with the Supervising Judges, Administrative Judge Juanita Bing Newton announced the 5 winners - Anthony Corvino,

Faith O'Neal



Associate Court Attorney Faith O'Neal died suddenly on March 10, 2005. While the Criminal Court family was stunned by the loss of such a wonderful person, we also lost a great court attorney. "Faith was one of the shining stars of the citywide Law Department," said Chief Court Attorney Michael Yavinsky. "She was the consummate professional every single day."

Mike Yavinsky continued, "her work was always excellent, and she was highly regarded by the judges for whom she worked." She was also treasured by her colleagues in the law department who valued her insight and help.

"Faith truly demonstrated extraordinary dedication to the mission of the Criminal Court," added Mike Yavinsky, "we would be remiss if we did not also recognize and celebrate just how great an employee she was."

Anthony Corvino



"I love Criminal Court," Anthony Corvino says. "The people, the work ... It's all great." Tony has worked in the court system for 29 years starting off as a court officer in Brooklyn Criminal Court in 1977. After a brief stint in Supreme Court and Surrogates Court, Tony came back to Criminal Court as a senior court clerk, working in the cashier's office and in a part. He transferred to Richmond County in 1987.

According to Borough Chief Clerk Andy Hassell, "Tony has been doing the job so conscientiously for so long, he does the work of 3 different people. He is multifaceted and knows everything about the court system. And besides all that, he is a great guy."

Tony truly has his hands full. His current assignment includes the Staten Island back office and he is indispensable keeping the county's statistics and analysis.

Pa B. F. Drammeh



"The criminal justice system is very different in Africa than it is here," explained Pa Drammeh. "Here no one is above the law and I love working with people and guiding them through the American court process."

Pa has worked for Criminal Court interpreting 5 African languages since 1986. While Pa reports to the Manhattan courthouse everyday, his work takes him all over the city - wherever Wolof, Mandingo, Fulani, Soninke and Bambara are spoken.

Pa was born in Gambia and came to the United States in 1980 after working as a merchant marine and in his native country's Department of Agriculture.

"Pa is a mild mannered person, who never stops helping any way he can," explains Pa's supervisor, Carmen Porfido. "He is a great asset to the court."



senior court clerk, Richmond county; Pa Drammeh, court interpreter, New York county; Lt. Stephanie Hunter, Queens county; Monica loan, court analyst, central administration; and John Pucik, court assistant, Kings county. Judge Newton also announced that Associate Court Attorney Faith O'Neal would receive a Special Posthumous Recognition Award.

Each one of these individuals exemplifies the spirit and mission of NYC Criminal Court in providing justice to the city of New York while treating all court users with dignity and respect. They all go above and beyond the call of duty always taking the extra step to ensure that their work is done right. These 6 employees were honored at a ceremony in February and plaques commemorating their achievements were placed in the local courthouses.

Lt. Stephanie Hunter



"Conscientious, hard-working, intelligent, excellent," are just a few of the words Captain John D'Amico uses to describe Lt. Stephanie Hunter. "I lean very heavily on Stephanie and she is well deserving of this award," continues Captain D'Amico.

Lt. Hunter has worked in Queens Criminal Court for 14 years. Asked about her favorite part of the job, Lt Hunter responded, "It's the craziness. I also love the multitasking and the sense of community. I was raised in Brooklyn in the 50s in that melting pot. Queens has become that now. I love the diversity."

Lt. Hunter is the borough's training officer. She believes what makes her good at her job is her ability to be a diplomat. "You should always try to diffuse volatile situations ... Never lose control and always have a good sense of humor." She continues, "It's much easier to be polite and accommodating rather than confrontational."

Monica loan



Just one example of Court Analyst Monica loan's extraordinary service to the Court is her role in automating the Supply Bureau's ability to track inventory and purchasing data. Her supervisor, Pat Iannotto, was so impressed he christened the computer program she developed, MIMS or Monica Information Management System. Monica is more than just a computer wiz, though. She brings a level of civility, courteousness and professionalism to all of her interactions with court staff and the public.

Monica started working at Criminal Court barely 6 months after she arrived in the United States from Romania.

When asked what motivates her to work so hard, Monica replied, "I like what I am doing and who I am working with. I am happy that I can prove myself in this wonderful job and wonderful country. I am just trying to give back to America what it has given to me."

John Pucik



"I always like people to leave my office in a better frame of mind than when they came in," John Pucik explained how he interacts with the public and staff. A court employee since 1987, John has worked as a court assistant in Brooklyn Criminal Court since 1994. He works in a busy back office keeping a huge quantity of files in order and fielding questions from lawyers and the public.

"Before I came to the courts, I worked for the Traffic Violations Bureau and we had to deal with a lot of angry people there. I learned not to react to people's anger and diffuse situations and help people solve their problems. That has helped me a lot in Criminal Court."

His co-workers are quick to point out John's professionalism and vast knowledge. He can be counted on to interact with the public in a courteous manner and all agree that he is a tremendous asset to Brooklyn Criminal Court.



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