

MARIETTA MUNICIPAL COURT
WASHINGTON COUNTY, OHIO

ANNUAL REPORT

-2010-



For the Period:
January 1, 2010 – December 31, 2010

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INTRODUCTION

Chapter 1901 of the Ohio Revised Code governs the conduct of Municipal Courts including the Marietta Municipal Court. Section 1901.14(A)(4) provides as follows:

“On or before the last day of March of each year, the Court shall render a complete report of its operation during the preceding year to the Legislative Authority and to the Board of County Commissioners of each county within its territory. The report shall show the work performed by the Court, a statement of receipts and expenditures of the civil and criminal branches, respectively, the number of cases heard, decided, settled and such other data as the Supreme Court, the Secretary of State, the Legislative Authority, and the Board of County Commissioners required.”

JUDGE'S COMMENTS

Facility issues related to Municipal Court dominated 2010. The Court purchased the former OBES property at 217 Third Street as a future home for the Court in 2009. The plans for remodeling that building as a home for the Court and Law Director were approved by City Council and put out to bid. The project was bid twice and did not come within the financial plan approved by Court and City Council. The Court then revised the building plans to reduce the footprint of the addition and simplify all design detail. The project is now out for re-bid.

All court employees attended various training and education classes including Court Security, Public Records Policy, Ethics for Court Personnel, Internet-E-mail Policy and Security, BMV training and Fire Safety Training.

The Court officiated at eighty-six weddings in 2010.

Respectfully submitted,

Janet Dyar Welch, Judge

CIVIL DIVISION

A. New Filings – Comparative Table

Type	2010	2009	2008	2007	2006
Civil	1,023	1,111	1,296	1,200	759
Small Claims	222	319	433	461	591

B. Hearings – Comparative Table

Held By:	2010	2009	2008	2007	2006
Judge	108	98	163	162	64
Magistrate Small Claims	149	207	274	258	391

C. Receipts and Expenditures

Payee	2010	2009	2008	2007
City – General	91,878.10	103,491.51	106,405.93	106,467.80
Court – Computer	9,645.61	11,144.00	12,559.00	13,263.00
Court – Capital Imp.	16,382.00	18,407.00	22,314.68	21,095.00
Ohio – Legal Aid	28,042.99	31,460.32	37,523.28	35,671.68
Total Disbursements:	145,948.70	164,502.83	178,802.89	176,497.48

CRIMINAL/TRAFFIC DIVISION

A. New Filings – Five Year Comparative Table

Type Offense	2010	2009	2008	2007	2006
Felonies	343	330	382	373	336
Misdemeanors	1,836	1,858	2,091	2,258	2,076
OVI	334	339	365	518	593
Other Traffic	6,441	6,331	7,031	6,828	6,268
Total:	8,954	8,858	9,869	9,977	9,273

B. Trials

The Court conducted 42 preliminary hearings on felony cases, 61 court trials on contested traffic and criminal cases and 12 jury trials. These totals do not include motion hearings, probation violations, or contempts.

C. Criminal/Traffic Receipts and Expenditures – Comparative Table

Payee	2010	2009	2008	2007	2006
City of Marietta					
General Fund	416,120.54	388,903.03	420,396.34	431,186.78	394,814.79
Capital Improvement Fund	180,746.10	176,364.15	174,630.55	168,049.40	154,304.84
Court Computer	79,545.60	78,499.00	79,375.19	71,940.17	68,525.69
Indigent Alcohol Fund	14,561.25	16,836.46	9,354.40	12,608.35	14,100.51
City Subtotal:	690,973.49	660,602.64	683,756.48	683,784.70	631,745.83
County Auditor					
General Fund	200,231.50	226,940.91	267,682.01	300,596.42	279,244.48
House Arrest	69,124.10	12,941.90	24,594.10	49,682.00	45,566.00
Probation Fees	155,462.05	137,833.74	129,984.76	86,027.80	106,392.20
County Subtotal:	424,817.65	377,716.55	422,260.87	436,306.22	431,202.68
Law Library	5,500.00	5,500.00	5,500.00	5,500.00	5,500.00
Sheriff	16,490.20	12,154.93	15,766.10	14,134.73	14,674.69
State of Ohio*	506,770.43	444,796.35	448,725.79	445,518.34	408,403.61
Beverly	180.00	345.00	320.00	250.00	135.00
New Matamoras	401.00	1,592.50	1,677.00	600.00	50.00
Lowell	1,150.00	1,779.00	300.00	418.00	145.00
Macksburg	-0-	150.00	50.00	50.00	335.00
Capital Recovery	32,612.78	35,139.11	42,865.81	41,754.73	28,382.07
Belpre	2,964.50	1,044.00	987.00	2,762.00	
Belpre Police Sub	-0-	0.00	25.00	70.00	
College Law Enf.	150.00	575.00	200.00	150.00	
Common Pleas Court	16,003.10	16,000.19	9,900.43	7,589.53	
Subtotal:	582,222.01	519,076.08	526,317.13	518,797.33	457,625.37
Total Disbursements	1,698,013.15	1,557,395.27	1,632,334.48	1,638,888.25	1,531,189.29

* State of Ohio includes Ohio State Highway Patrol, Criminal Reparations Account, Public Defender, Child Restraint, Pharmacy Board, Liquor Control, Division of Conservation, etc.

UNPAID FINES AND COSTS

The Court is owed \$330,215.13 for unpaid fines and costs imposed in calendar year 2010. Older cases are referred to the Court's collection agency, Capital Recovery, and the statutory thirty percent fee is added to the amount due. This collection fee is paid by the offender. The collection agency is not paid a portion of the fines and costs it collects. Collection efforts continue for prior years on accumulated fines and costs. Uncollected fines imposed prior to January 1, 2006 are deemed uncollectible but are subject to being reopened if the offender appears in court for another reason.

COST OF OPERATION

In 2010, the actual total of funds expended on Court operations from the City of Marietta General Fund was \$800,385.98. In 2009 the funds expended on Court operations was \$776,010.01. This expense in 2010 is partially offset by the payment of \$534,015.77 to the General Fund from court costs and fines.

The City Court budget for 2010 was \$888,563.68. In 2009 the budget was \$799,159.00.

In 2010 the Court expended \$14,400.00 from its Indigent Alcohol Fund, \$45,136.09 from its Computer Fund and \$265,399.64 from its Capital Improvement Fund. The Indigent Alcohol Account, the Computer Fund and the Capital Improvement Fund are separately generated through the Court by charging offenders additional costs.

2010 PROBATION REPORT

The Court ordered Secure Continuous Remote Alcohol Monitor (SCRAM) worn by sixty-three offenders in 2010 for a total of 5002 days of monitoring. This device monitors alcohol use twenty four hours a day, seven days a week. The data is transmitted by text messages to the Probation Department. A SCRAM requirement is sometimes imposed as condition of pre-trial release on bond. In other instances, an extended SCRAM requirement is imposed to complement alcohol treatment and in lieu of a jail sentence imposed by the Judge but not required by statute.

The Probation Department also administered and monitored Ignition Interlock and House Arrest Systems. They made 293 residence checks in 2010 as well.

The Municipal Court and its Probation Department partnered with Marietta College to provide four students 1060 hours of internship experience. These students assist in Court, and at Probation help with data entry, deliver restitution to victims and work to develop their expertise in their discipline with special projects.

Offenders worked 3,266 hours of community service in lieu of jail for numerous departments, worked which calculates to \$22,862.00. The Washington County Jail had 50 inmates work 2,994.25 hours of supervised community service totaling \$20,959.75 credited towards court fines in 2010.

All Probation Officers attended annual firearm qualifications, Line Officer Training, Motivational Interviewing and Ohio Risk Assessment System Training.

2010 Breakdown of Persons Sentenced to Probation

951 persons placed on probation. Probation Violations filed and terminated: 123

Gender		Age		Race	
Male	601	18-21	229	White	820
Female	262	22-25	133	Black	41
		26-35	241	Hispanic	1
		36-45	116	Other	1
		46-55	103		
		56+	41		

Probationers by Officer		Conviction	Total:
Ferrell	133	DUI	243
Hamilton	141	Property	90
Brockmeier	153	Traffic	76
Community Control	436	Domestic Violence	76
		Other	189
Total:	863	Alcohol	95
		Violent/Crimes against Persons	43
		Drug	47
		Sex	4

4 Year Statistical Report

	<u>Year 2007</u>	<u>Year 2008</u>	<u>Year 2009</u>	<u>Year 2010</u>
Urine Test Performed	266	680	835	858
Positive Urine Test	53	160	232	224
Electronically Monitored House Arrest	87	54	39	13
Sobriotor	31	14	4	0
SCRAM	17	46	49	63
Driver Intervention Program Enrollment	235	216	135	139
Ignition Interlock Program Enrollment	23	48	23	29
Total New Probationers (All Levels)	1011	934	951	863
Community Service Hours Worked	15,829	16,327	6,259	10,308
Fines Credited for Community Service	\$109,296	\$114,872	\$43,813	\$45,863
Court Ordered for Community Service	4,222	4,521	2,834	3,266
Jail Beds Saved	1,643	1,388	1,047	5,678



Dale J. Willson, Chief Probation Officer