



# **THE MARIETTA MUNICIPAL COURT**

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**MARIETTA, OHIO**

## ***ANNUAL REPORT***

**(For the period January 1, 2003 through December 31, 2003)**

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**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 requires."**

**MARIETTA MUNICIPAL COURT PERSONNEL**

**Hon. W. M. Nuzum, III .....Judge**  
**Rosanne M. Buell.....Clerk**  
**Joseph N. Perry .....Chief Probation Officer**  
**Gary M. Turner.....Bailiff**  
**Annette M. Zide.....Project Director for CCA Grant**  
**Carol L. McKittrick.....Chief Deputy Clerk**  
**Sharon L. Smith.....Deputy Clerk**  
**Jennifer D. Zoller Schultheisz.....Deputy Clerk**  
**Judith A. McCoy .....Deputy Clerk**  
**Rebecca A. Lightfritz .....Deputy Clerk**  
**Judy L. McLeish .....Deputy Clerk**  
**Elizabeth R. Tebay .....Deputy Clerk**  
**Brenda S. Knight .....Deputy Clerk**  
**Betty M. Harris .....Deputy Clerk**  
**Howard C. Dailey.....Deputy Clerk**  
**Brian D. Ketelsen .....Probation Officer**  
**Gary B. Bosworth .....Probation Officer**  
**Melanie S. Ferrell .....Probation Officer**  
**Jason L. Hamilton .....Probation Officer**  
**Aimee V. Meadows .....Drug Court Administrator**  
**Joseph C. Matthewson.....Drug Court Case Manager**

**PARTTIME PERSONNEL**

**Juliana C. Dotsenko .....Magistrate**  
**Nancy E. Brum .....Acting Judge**  
**Dennis L. Sipe .....Acting Judge**  
**Michael D. Buell .....Acting Judge**  
**John M. Halliday .....Acting Judge**  
**Ashley Hysell .....Filing Clerk**  
**Tracy Bowen.....Filing Clerk Jared**  
**Erb .....Filing Clerk**  
**Brandon Canfield .....Filing Clerk**

## **JUDGE'S COMMENTS**

**I am pleased to present you with the 2003 annual report of the activities of the Marietta Municipal Court. The statistical information contained in this report reflects much of our activities. I want to call to your attentions some activities that are not reflected in the statistics.**

**We obtained a grant to start a drug court program in 2003. We hired a Drug Court Director, Aimee Meadows, who has significant education, experience and skills to make the program successful. Her coworker and case manager, Joe Matthewson, has developed a rapport with the clients in the program. We have seen significant improvement in the lives of the young clients struggling with alcohol and drug addiction.**

**We have two successful graduates from the program and have nearly twenty others enrolled at various stages of treatment. I could not be more pleased with the results of this therapeutic justice program. I want to express my gratitude to the Mayor and Council for their support in helping us create the program.**

**I worked closely in 2003 with a committee from the Washington County Bar Association, the Mayor's Citizens Advisory Committee, Law Director Riggs and Councilman McCauley, to develop a needs assessment and program for the proposed justice center. This proposed facility would house the Marietta Municipal Court and Law Director's office. After an exhaustive study using the services of local architect Stephen**

**Gegner, we determined the most cost-effective site for the proposed structure was the parking lot north of City Hall. The Mayor's Citizens Advisory Committee reported that this was one of the top priorities for the city to deal with in its long range planning process.**

**We followed the requirements of the Ohio Revised Code for selection of an architect for the project. We hired the architects to perform the preliminary work to design a facility. They developed a program for the building. It identifies the space needed to perform the various functions of the departments that will be housed in the structure along with the adjacencies of those departments. We look forward to moving forward with the project in 2004 with the cooperation of Council and Mayor Mullen.**

**We purchased a building and parking lot located at 329 Third Street in 2003. Additionally, we acquired an option to purchase the adjoining property. We are using the 329 Third Street property to house our Drug Court program. Our long-range plan is to use this site along with the site we have an option to purchase to accommodate the parking displaced by our justice center building. The purchase funds were acquired from court costs assessed on users of the court and designated for special court projects. The taxpayers of Marietta did not contribute to this acquisition.**

**Our staff s dedicated to serving the public and providing fair and impartial justice to our community. I am proud of their achievements. Clerk, Rosanne Buell and I have**

**worked hard for various organizations dedicated to the mission of improving our justice system. We were one of a small group of courts asked to participate in a pilot program to test innovative techniques to improve the jury trial methods in Ohio. Chief Justice Moyer reported the results of our efforts. They created a sweeping change to the jury trial system in Ohio. Our court is recognized as a leader in application of court technology in the state. Clerk Buell and I have dedicated much effort to assist the Supreme Court of Ohio in developing court technology to make us more efficient in delivering our services. We look forward to serving our community and our profession in 2004 as we have in the past.**

**Thank you for encouraging our efforts.**

**W. M. Nuzum, III, Judge**

**Marietta Municipal Court**

## **II. CIVIL BRANCH**

### **A. CIVIL CASE LOAD**

**During the Calendar year 2003, there were 1379 new cases filed in the Civil Division of the Marietta Municipal Court. Of these cases, 489 were filed in the Small Claims Division and 890 case were filed in the Civil Division. By comparison, in the year 2002, there were 1246 cases filed in the Civil Division, of which 317 were filed in the Small Claims Division. (The figures for 2001 show that 1207 cases were filed in the Civil Division, of which 420 cases were in the Small Claims Division.)**

**In 2003, the Marietta Municipal Court conducted 371 Court hearings in the Civil Division. An additional 328 hearings were conducted in the Small Claims Division by the Court's Magistrate during 2003. For comparison purposes, in the year 2002, the Marietta Municipal Court conducted 461 hearings in the Civil Division and 187 hearings were conducted by the Referee in the Small Claims Division. There was a decrease in Court hearings in Civil cases of approximately 19 percent. There was an increase in Small Claims hearings of approximately 75 percent. (The figures for 2001 would reveal 583 hearings in the Civil Division and 187 hearings in the Small Claims Division.)**

## **B. RECEIPTS AND EXPENDITURES OF THE CIVIL DIVISION**

**In the calendar year 2003, the Civil Division of the Marietta Municipal Court received \$79,362.00 from Court Costs plus \$122.00 in interest and \$8,142.00 for Computer Costs which was distributed to the City of Marietta from the Court's civil bank account.**

**In 2003, the Court also receipted and disbursed to the State of Ohio the sum of \$16,651.00. The 2002 figure was \$16,230.00. This money is used by the State for their Legal Aid Society funding pursuant to ORC 1901.26, 1907.24 and 2303.201. The Court deposited \$11,301.00 into its Capital Improvement Fund.**

**Total open items as of December 31, 2003 were \$5,194.00.**

### **III. CRIMINAL TRAFFIC BRANCH**

#### **A. CRIMINAL CASE LOAD**

**In 2003, there were 214 felony cases initiated in the Marietta Municipal Court. This is a decrease from 259 in 2002. (There were 214 felonies initiated 2001 and 199 in 2000.)**

**In 2003, there was a decrease of approximately 17 percent in felony cases filed in the Marietta Municipal Court from the year 2002. In 2003, 2206 misdemeanor charges were filed. This is a decrease of approximately 14 percent from the year 2002 when 2579 misdemeanor cases were filed. (In 2001 there were 2285 misdemeanor cases filed.)**

**In 2003, there were 438 OMVI cases filed in the Marietta Municipal Court. This is an increase from the 414 OMVI charges filed in 2002. (In 2001, the Court handled 378 OMVI cases and in 2000, 434.)**

**Traffic citations decreased approximately 14 percent in 2003 from the year 2002. There were 8,721 traffic citations filed in the Marietta Municipal Court in 2003. There were 10,243 traffic citations filed in 2002 and 10,393 in 2001.**

**It should be noted that these numbers do not include cases where an individual is charged with multiple offenses or if they are later charged with a Probation Violation.**

**The Court conducted 40 preliminary hearings on felony cases, and 152 court trials on contested traffic and criminal cases. The court also held 11 jury trials.**

**B. RECEIPTS AND EXPENDITURES OF THE CRIMINAL AND TRAFFIC DIVISION**

In 2003 the Marietta Municipal Court disbursed \$1,477,480.00 in its Criminal and Traffic Division. The Criminal and Traffic bank accounts earned \$540.00 in interest. There is a total of \$10,675.00 in open items. **Additionally the Court added \$6,800.00 to the City of Marietta's General Fund from fees for immobilizations that the bailiff handled.** In 2002, the Court disbursed \$1,588,571.00 in its Criminal and Traffic Division. (The 2001 figure was \$1,481,505.00) Interest earned during the calendar year 2002 was \$1,362.00. This was a decrease in monies received by the Marietta Municipal Court of approximately 7 percent from the calendar year 2002. In 2001, 2002 and 2003 the Marietta Municipal Court made the following disbursements to the following local and governmental agencies:

Year	2001	2002	2003
City of Marietta	557,005.00	602,871.00	551,823.00
Capital Improvement Fund	158,996.00	155,668.00	136,357.00
County of Washington	161,069.00	215,384.00	224,116.00
Probation Fee	41,028.00	39,654.00	41,254.00
Wash. County Law Library	5,500.00	5,500.00	5,500.00
Wash. County Sheriff	9,357.00	9,816.00	9,886.00
State of Ohio	509,591.00	523,324.00	472,324.00
Division of Conservation	10,609.00	10,682.00	7,914.00
Board of Pharmacy	20,913.00	17,790.00	21,620.00
Clerk, Common Pleas	2,885.00	4,172.00	3,786.00
Clerk, City of Belpre	2,687.00	2,261.00	1,957.00
Clerk, Court of Appeals	32.00	0.00	0.00
Clerk, Village of Beverly	151.00	50.00	50.00
Clerk, Village of New Mat.	294.00	434.00	158.00
Clerk, Village of Lowell	1,243.00	940.00	735.00
Marietta College Law Enf.	145.00	25.00	0.00
Washington County Law Library (Through the Office of the City Auditor)	79,084.50	77,734.75	80,027.97

#### **IV. UNPAID FINES**

**The Marietta Municipal Court is still in the process of collecting unpaid fines from prior years. The Court also credited \$111,972.00 for community service performed and credited. As of December 31, 2003, there was a total of \$599,967.26 owed in unpaid fines. This figure is now computer generated and also includes fines owed from minor traffic offense where the license was ordered cancelled as final disposition and the money is not actively being collected. These figures date back to January 1, 2000. There are uncollected fines from prior years that the court deems uncollectible but are subject to being reopened if the Defendant can be located and appears in court for any reason.**

## **V. COST OF OPERATION**

**In 2003, the actual total of monies expended on Court operations by the City of Marietta, was \$844,371.06. This was an increase from the year 2002 when the cost of operating the Municipal Court was \$747,313.71.**

**In 2003 the Court expended \$36,809.32 from it's Indigent Alcohol fund, \$56,864.59 from it's Computer Fund and \$203,507.60 from it's Capital Improvement Fund.**

**The current budget for 2003 was \$873,344.00. Monies expended from the Indigent Alcohol Account, the Computer Fund and the Capital Improvement Fund are generated by the Court by charging the offenders additional costs.**

## **VI. COMMUNITY CORRECTIONS GRANT**

**The Community Corrections Act Grant program has allowed our county to develop a Probation Department in the Marietta Municipal Court that never existed before. We have completed our seventh year on this grant. Currently, with the help of the CCA program, we are able to provide intensive supervision to all defendants. A Probation Department for the Municipal Court became necessary as a result of Senate Bill 2, which allows for felons to be housed in the local jail in lieu of prison. Our local board found it more practical to divert misdemeanor offenders out of jail while keeping the felons in jail, however, since there are serious offenses that are misdemeanors such as Domestic Violence, Assault, and OMVI, it became imperative that we develop a program to monitor these people after a diversion.**

**After the budget cuts the grant award for 2003 was for \$141,263.00 of which \$136,170.51 was spent.**

**This year there were 662 diversions, 417 drug tests, 2,376 house checks, 69 individuals on electronic house arrest, 5,315 probation appointments, 25,726.75 hours of community service performed and \$118,563 fines collected through community service. The average cost per diversion for each offender was \$205.69, which is far below the state average which is \$600 per offender.**

**Submitted by Annette Zide  
Project Director**

## **VII. PROBATION REPORT**

**At issue in probation today is the role of defining community supervision.**

**Traditionally, the mission of probation has been described as some combination of assistance and control, treatment and security, or service and surveillance. In reality, officers provide assistance to offenders for treatment services as well as monitoring them so that they are restored to the community as law abiding citizens.**

**2004 marks a year of enormous change in Ohio traffic and criminal laws. With the current law changes and interpretations of their meanings, it reminds us that we serve a system of constant change. In a positive sense it renews our interest, but with different and sometimes challenging alternatives.**

**We provide the most stringent supervision possible. We feel this is consistent with the views of the citizens of Washington County. By requiring frequent reporting, electronic monitoring, curfews, work release and/or supervised community service, counseling, fine payments, and drug testing, we are providing professional guidance to those persons who are placed on probation by the criminal justice system.**

**The ultimate responsibility of the probation officer lies in the decision making process of whether to initiate revocation proceedings that ultimately could send an offender to jail. The challenge is to use this authority with an understanding of**

**humanity and with a willingness to intervene for the greater good of the offender. This is why many times an offender that fails to proceed effectively through probation is not immediately charged with violating probation. We understand that some people will fail, but in the majority of cases, successful completion is the final outcome.**

### **2003 Breakdown of Persons Sentenced to Probation**

995 persons placed on probation.

<b>Gender</b>		<b>Repeat Offender</b>		<b>Age</b>		<b>Race</b>	
Male	724	Yes	229	18-21	222	White	971
Female	271	No	766	22-25	149	Black	17
				26-35	258	Bi-Racial	2
				36-45	212	Hispanic	3
				46-55	114	Other	2
				56+	40		

<b>Alcohol Involved</b>		<b>Marital Status</b>		<b>Resident of:</b>	
Yes	494	Single	494	City of Marietta	278
No	501	Married	253	Washington County	490
		Divorced	189	State of Ohio	99
		Separated	51	West Virginia	97
		Widowed	8	Other	31

<b>Probationers by Officer:</b>		<b>Conviction:</b>		<b>Total:</b>
Ketelsen	217	DUI		345
Bosworth	260	Property		123
Ferrell	249	Traffic		149
Hamilton	269	Domestic Violence		37
Total	995	Other		63
		Alcohol		59
		Violent/Crimes against Persons		181
		Drug		37
		Sex		1

### 4 Year Statistical Report

<b><u>Year</u></b> <b><u>2000</u></b>	<b><u>Year</u></b> <b><u>2001</u></b>	<b><u>Year</u></b> <b><u>2002</u></b>	<b><u>Year</u></b> <b><u>2003</u></b>	<b><u>From Last</u></b> <b><u>Year</u></b>
<b>House Checks</b>				
<b>3,192</b>	<b>3,431</b>	<b>2,377</b>	<b>2,328</b>	<b>-2%</b>
<b>Urine Tests Performed</b>				
<b>393</b>	<b>639</b>	<b>590</b>	<b>286</b>	<b>-106%</b>
<b>Positive Urine Tests</b>				
<b>117</b>	<b>164</b>	<b>134</b>	<b>58</b>	<b>-131%</b>
<b>Electronically Monitored House Arrest</b>				
<b>39</b>	<b>36</b>	<b>55</b>	<b>60</b>	<b>10%</b>
<b>Driver Intervention Program Enrollment</b>				
<b>224</b>	<b>186</b>	<b>165</b>	<b>201</b>	<b>22%</b>
<b>Total New Probationers (All Levels Combined)</b>				
<b>1100</b>	<b>1017</b>	<b>1016</b>	<b>995</b>	<b>-2%</b>
<b>Community Service Hours Worked</b>				
<b>18,065</b>	<b>16,016</b>	<b>19,113</b>	<b>25,873</b>	<b>35%</b>
<b>Fines Credited for Community Service</b>				
<b>\$72,309</b>	<b>\$65,113</b>	<b>\$89,060</b>	<b>\$111,972</b>	<b>25%</b>
<b>Court Ordered Hours Completed</b>				
<b>6,030</b>	<b>5,119</b>	<b>4,072</b>	<b>7,455</b>	<b>83%</b>
<b>Jail Beds Saved</b>				
<b>755</b>	<b>1,089</b>	<b>907</b>	<b>1,210</b>	<b>33%</b>

**Submitted by      Joseph N. Perry**  
**Chief Probation Officer**

## VIII. DRUG COURT REPORT



**This month marks the first anniversary of the Marietta Municipal LifeLink Drug Court. Since its inception, the drug court has assessed 24 people and accepted 20 people into the program. The drug court is made possible through the Byrne Memorial grant, which is distributed through OCJS.**

**The drug court is a three phase program, which gradually steps down treatment intervention over a 12 month period. Participants typically spend five hours per week with drug court personnel or contract agencies in the first phase, gradually spending less time as treatment progresses. The drug court contracts with Washington County Recovery Alternatives (WCRA) for drug and alcohol treatment services, and Treatment Alternatives to Street Crime (TASC) for clinical case management. The drug court also employs a coordinator and a court case manager.**

**As a result of the drug court, the number of jail days decreased by 2,783 days saving the county approximately \$167,000.00 in 2003. Participants within the drug court program have had a long history of court involvement prior to entering the program. Over the last year, 90% of participants have not re-offended while in the program. Additionally, the first two graduates continue to visit the drug court staff and**

**one has volunteered to become a mentor in the program. Both will be approached regarding assistance with starting an alumni group.**

**Data collected over the first year of the project indicates a 10% recidivism rate working with adult offenders (90% of participants have not re-offended); 100% successful completion rate; 3 adults have received their GED while in the program; 3 adults are in college over half-time; 2 are registered to begin college next quarter; and 1 adult is a full time high school student (he is repeating his senior year). 11 participants are employed part-time or more.**

**The current program's capacity is 20 adults per year. Of the 18 current participants, 1 has graduated from the program and 0 have been terminated unsuccessfully, totaling a 100% successful completion rate. The drug court has admitted 19 men and 1 woman. The clients self-report as being 85% Caucasian, 10% Native American, and 5% of Biracial ethnicity. The average client is under 24 years of age.**

**The primary drug of choice of the participants is reflective of community concerns. The following table highlights the drugs that are primarily used by participants in the drug court:**

**Primary Drug of Choice (rounded to nearest tenth)**

<b>Heroin</b>	<b>44.4%</b>
<b>Marijuana</b>	<b>33.3%</b>
<b>Alcohol</b>	<b>16.6%</b>
<b>Cocaine</b>	<b>5.5%</b>

**Submitted by Aimee V. Meadows  
Drug Court Coordinator**

## VIII. COMPUTER GENERATED STATISTICAL ANALYSIS

The following is a list of various cases of interest from the criminal and traffic division in 2001,2002 and 2003.

<u>Type of Case</u>	<u>Number of Cases Filed</u>		
	<u>2001</u>	<u>2002</u>	<u>2003</u>
OMVI	357	393	407
Underage OMVI	18	21	18
Suspension (No O.L., Expired O.L., etc)	450	583	669
Disorderly Conduct (minor misdemeanor and fourth degree misdemeanor)	334	254	405
Domestic Violence	165	189	151
Violate Restraining Order	44	81	77
Assault	76	107	101
Theft (Shoplifting and Bad Checks Included)	299	297	262
Criminal Damaging	47	68	42
Criminal Trespass	48	46	45
Littering	38	35	16
Underage Alcohol Offenses	107	94	57
Possession of Drug Paraphernalia	133	162	126
Possession of Marijuana	98	136	109
Stalking	9	3	6
Child Endangering	8	12	8
Contempt	233	95	281
Contempt on Fines	139	387	209
Income Tax Violations (City of Marietta)	81	26	50

**Respectfully submitted,**

**W. M. Nuzum, III, Judge**

**Rosanne M. Buell, Clerk**