

MARIETTA MUNICIPAL COURT  
WASHINGTON COUNTY, OHIO

ANNUAL REPORT

-2012-



For the Period:  
January 1, 2012 – December 31, 2012

## TABLE OF CONTENTS

I.	Introduction	1
II.	Judge's Comments	2-3
III.	Civil Division	4
IV.	Criminal/Traffic Division	5
V.	Criminal/Traffic Receipts/Expenditures	6
VI.	Unpaid Fines and Costs	7
VII.	Cost of Operation and Special Projects Funds	8
VIII.	Probation Report	9-11

## **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**

### **Relocation:**

The Marietta Municipal Court and Marietta Law Director's office moved into a renovated facility at 259 Butler Street in 2012. Retired Law Director Roland W. Riggs III led the Public Dedication Ceremony on November 30, 2012. The Bar Association hosted guest judges from other Ohio courts who traveled to participate in the ceremony. Marietta High School set up a student art display in the lobby. The display was well received by the public. The Court Administrator now coordinates a rotating display for area schools so that student artwork can be showcased in a wider forum.

### **Staff Retirement:**

Long time Deputy Clerk Judy McLeish retired. Before retirement Mrs. McLeish spent extra time instructing her fellow clerks in her area of specialty, license suspensions. Her long service is appreciated.

### **Staff Training:**

Members of the Clerk's staff attended BMV training and a Court Clerks Course at the Supreme Court of Ohio. Probation Officers attended training on Firearm Recertification, the Ohio Chief Probation Officers Association Line Training, the National Adult Parole and Probation Conference, Reid Interviewing Technique training and Court Security training from the Supreme Court of Ohio. Eric Brockmeier

became certified to be an OPOTA semi-auto pistol instructor. Bailiff Gary Turner trained and was certified as the lead T.A.C. Clerk Emily Heddleston was accepted into the three year long Ohio Supreme Court Management Program.

**Weddings:**

The Court officiated at fifty-one weddings in 2012.

Respectfully submitted,

---

Janet Dyar Welch, Judge

## CIVIL DIVISION

### A. New Filings – Comparative Table

Type	2012	2011	2010	2009	2008
Civil	893	951	1,023	1,111	1,296
Small Claims	163	219	222	319	433

### B. Hearings – Comparative Table

Held By:	2012	2011	2010	2009	2008
Judge	90	116	108	98	163
Magistrate Small Claims	102	155	149	207	274

### C. Receipts and Expenditures

Payee	2012	2011	2010	2009	2008
City – General	86,343.03	92,319.33	91,878.10	103,491.51	106,405.93
Court – Computer	8,168.00	9,192.00	9,645.61	11,144.00	12,559.00
Court – Capital Imp.	14,035.00	15,491.00	16,382.00	18,407.00	22,314.68
Ohio – Legal Aid	23,904.54	26,389.44	28,042.99	31,460.32	37,523.28
<b>Total Disbursements:</b>	<b>132,450.57</b>	<b>143,391.77</b>	<b>145,948.70</b>	<b>164,502.83</b>	<b>178,802.89</b>

## CRIMINAL/TRAFFIC DIVISION

### A. New Filings – Five Year Comparative Table

Type Offense	2012	2011	2010	2009	2008
Felonies	409	352	343	330	382
Misdemeanors	1,823	1,795	1,836	1,858	2,091
OVI	372	365	334	339	365
Other Traffic	6,372	6,343	6,441	6,331	7,031
<b>Total:</b>	<b>8,976</b>	<b>8,855</b>	<b>8,954</b>	<b>8,858</b>	<b>9,869</b>

### B. Trials

The Court conducted 87 preliminary hearings on felony cases, 57 court trials on contested traffic and criminal cases and 3 jury trials. These totals do not include motion hearings, probation violations, contempts, or restitution hearings.

C. Criminal/Traffic Receipts and Expenditures – Comparative Table

<b>Payee</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>
<b>City of Marietta</b>					
General Fund	400,754.50	400,008.22	416,120.54	388,903.03	420,396.34
Capital Improvement Fund	171,675.37	171,527.13	180,746.10	176,364.15	174,630.55
Court Computer	76,260.00	76,384.93	79,545.60	78,499.00	79,375.19
Indigent Alcohol Fund	15,068.67	16,107.75	14,561.25	16,836.46	9,354.40
<b>City Subtotal:</b>	<b>663,758.54</b>	<b>664,028.03</b>	<b>690,973.49</b>	<b>660,602.64</b>	<b>683,756.48</b>
<b>County Auditor</b>					
General Fund	216,146.63	197,407.38	200,231.50	226,940.91	267,682.01
House Arrest	22,487.00	41,612.00	69,124.10	12,941.90	24,594.10
Probation Fees	139,406.83	142,858.20	155,462.05	137,833.74	129,984.76
<b>County Subtotal:</b>	<b>378,040.46</b>	<b>381,877.58</b>	<b>424,817.65</b>	<b>377,716.55</b>	<b>422,260.87</b>
Law Library	5,500.00	5,500.00	5,500.00	5,500.00	5,500.00
Sheriff	13,938.55	14,880.40	16,490.20	12,154.93	15,766.10
State of Ohio*	524,250.52	527,196.55	506,770.43	444,796.35	448,725.79
Beverly	420.00	175.00	180.00	345.00	320.00
New Matamoras	1,237.00	449.00	401.00	1,592.50	1,677.00
Lowell	25.00	1,390.00	1,150.00	1,779.00	300.00
Macksburg	-0-	-0-	-0-	150.00	50.00
Capital Recovery	28,310.26	33,927.68	32,612.78	35,139.11	42,865.81
Belpre	2,995.80	3,676.00	2,964.50	1,044.00	987.00
Belpre Police Sub	-0-	-0-	-0-	0.00	25.00
College Law Enf.	225.00	300.00	150.00	575.00	200.00
Common Pleas Court	19,260.75	11,821.19	16,003.10	16,000.19	9,900.43
<b>Subtotal:</b>	<b>596,162.88</b>	<b>599,315.82</b>	<b>582,222.01</b>	<b>519,076.08</b>	<b>526,317.13</b>
<b>Total Disbursements</b>	<b>1,637,961.88</b>	<b>1,645,221.43</b>	<b>1,698,013.15</b>	<b>1,557,395.27</b>	<b>1,632,334.48</b>

\* 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 \$396,578.30 for unpaid fines and costs imposed in calendar year 2012. Cases with delinquent cases are assigned 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, 2008 are deemed uncollectible but are subject to being reopened if the offender appears in court for another reason.

### **COST OF OPERATION**

	2012	2011
Court General Fund Budget	\$778,720.00	\$849,798.00
Total General Fund Expended	\$769,613.47	\$764,576.77
Payment to the General Fund from Fines and Cost	\$508,738.11	\$513,142.70
Payment to the General Fund from Probation Funding	\$229,230.90	\$218,128.00

### **SPECIAL PROJECTS FUNDS**

In 2012 the Court expended \$119,494.16 from its Computer Fund and \$60,961.96 from its Capital Improvement Fund. The Computer Fund and the Capital Improvement Fund are separately generated by the Court through the assessment of fees on offenders and other users of court services.

The Computer Fund paid for major technology expenses related to renovations of the new court facility. This expense included the cost of providing fiber optic cable from the City server at 304 Putnam Street to 259 Butler Street. This expense and other major purchases are expected to be long term investments in necessary infrastructure.

In the future, the court expects an annual payment of about \$175,000.00 from the Court Capital Improvement Fund to pay for the renovation project.

## **2012 PROBATION REPORT**

The Marietta Law Director's Office and the Marietta Municipal Court Probation Department moved to the renovated facility at 259 Butler Street in May, 2012. The Probation Department gladly vacated its basement quarters at 304 Putnam Street. The new location provides a closer integration of Probation with other court services and permits the Probation officers to respond immediately to emergencies or disturbances. In addition, the new facility is logically arranged and makes it easier to monitor and work with probationers.

The Chief Probation Officer assumed responsibility for building security at the new facility. He is aided by three part-time Court Security/Community Control Officers. In addition, the Marietta Police Department and the Washington County Sheriff's Office Security Division provide a welcome presence during the hours of peak public presence.

The Probation Department supervised a summer community service project, which consisted of scraping and painting fire hydrants in the City. Working with the Probation Department, the community service workers painted about 783 fire hydrants with coded paint colors, which denote the flow rate of the hydrant. Our office also received significant contributions from supportive merchants including Apex Feed & Supply and Sherwin Williams.

Offenders worked 3,162 hours of community service in lieu of jail for numerous departments, work which is valued at \$22,798. The Washington County Jail had 38 inmates work 2,535 hours of supervised community service totaling \$18,889 which was credited for court fines.

### 2012 Breakdown of Persons Sentenced to Probation

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

<b>Gender</b>		<b>Age</b>		<b>Race</b>	
Male	665	18-21	216	White	853
Female	237	22-25	150	Black	26
		26-35	246	Hispanic	5
		36-45	142	Other	18
		46-55	102		
		56+	45		

<b>Probationers by Officer</b>		<b>Conviction</b>	<b>Total:</b>
Ferrell	200	DUI	303
E. Brockmeier	182	Property	104
P. Brockmeier	174	Traffic	31
Community Control	346	Domestic Violence	71
		Other	204
Total:	902	Alcohol	72
		Violent/Crimes against Persons	63
		Drug	45
		Sex	9

## 4 Year Statistical Report

	<u>Year 2009</u>	<u>Year 2010</u>	<u>Year 2011</u>	<u>Year 2012</u>
<b>Urine Test Performed</b>	<b>835</b>	<b>858</b>	<b>1083</b>	<b>616</b>
<b>Positive Urine Test</b>	<b>232</b>	<b>224</b>	<b>287</b>	<b>178</b>
<b>Electronically Monitored House Arrest</b>	<b>39</b>	<b>13</b>	<b>21</b>	<b>27</b>
<b>Sobrieter</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>SCRAM</b>	<b>49</b>	<b>63</b>	<b>46</b>	<b>36</b>
<b>Driver Intervention Program Enrollment</b>	<b>135</b>	<b>139</b>	<b>194</b>	<b>170</b>
<b>Ignition Interlock Program Enrollment</b>	<b>23</b>	<b>29</b>	<b>20</b>	<b>22</b>
<b>Total New Probationers (All Levels)</b>	<b>951</b>	<b>863</b>	<b>832</b>	<b>902</b>
<b>Community Service Hours Worked</b>	<b>6,259</b>	<b>10,308</b>	<b>7,579</b>	<b>6,770</b>
<b>Fines Credited for Community Service</b>	<b>\$43,813</b>	<b>\$45,863</b>	<b>\$36,270</b>	<b>\$43,983</b>
<b>Court Ordered for Community Service</b>	<b>2,834</b>	<b>3,266</b>	<b>2,330</b>	<b>4,920</b>
<b>Jail Beds Saved</b>	<b>1,047</b>	<b>5,678</b>	<b>3,906</b>	<b>3,678</b>



**Dale J. Willson, Chief Probation Officer**