

**EATON MUNICIPAL COURT**

**ANNUAL REPORT**

**2017**

**PAUL D. HENRY, JUDGE**  
**BERTHA D. KALIL, CLERK**

**JANUARY 10<sup>th</sup>, 2018**

**COUNCIL of the CITY OF EATON**

Brad Collins, City Manager  
Stephanie Risner, City Finance Director

**January 1<sup>st</sup>, 2017 to December 4<sup>th</sup>, 2017:**

David M. Kirsch, Mayor  
Brad R. Moore, Vice Mayor  
Craig Moormeier  
David A. Daily  
Joseph Renner

**December 4<sup>th</sup>, 2017 to current:**

Gary Wagner, Mayor  
Joseph Renner, Vice Mayor  
Craig Moormeier  
Brad R. Moore  
Matthew Venable

**COUNTY COMMISSIONERS of PREBLE COUNTY**

Chris Day – President  
Denise Robertson – Vice-President  
Rodney Creech

In compliance with the requirements of Section 1901.14 of the Ohio Revised Code, I submit the Annual Report of the Eaton Municipal Court, Preble County, Ohio, for the calendar year of 2017.

I sincerely trust that this report will better acquaint you with the Court and how it continues to serve you and your community.

Sincerely,

Paul D. Henry, Judge  
Eaton Municipal Court

PDH/bdk

**COURT OFFICERS**

JUDGE	Paul D. Henry
CLERK	Bertha D. Kalil
CHIEF DEPUTY CLERK	Belinda Harry
DEPUTY CLERK	Cindy McCoy
DEPUTY CLERK	Terry Washington
DEPUTY CLERK	Sharon McKee
PART-TIME DEPUTY CLERK	Missy Green
PART-TIME DEPUTY CLERK	Ali Robertson
DEPUTY PROBATION OFFICER/COMPUTER OPERATOR	Andrew Borgwardt
CHIEF BAILIFF & PROBATION OFFICER	Pam Boyd
DEPUTY BAILIFF/SECURITY	Gary Washington
MAGISTRATE	George J. Earley
ACTING JUDGE	Charles D. Hubler
PROSECUTING ATTORNEY	Jill Allen
PROSECUTING ATTORNEY Preble County Complaints & Felonies	Martin Votel
Violations Bureau and Bonding Station when Court is closed is the Eaton Police Department, 328 North Maple St., Eaton, Ohio 45320.	

**COURT INFORMATION**

Date of Establishment	January 1 <sup>st</sup> , 1956
Authority	Section 1901.01 ORC
Governmental Unit of Administration	City of Eaton
Territorial	Preble County, Ohio
Population in Jurisdiction of Said Court	*42,270

\*Based upon last census 2010

## **ANNUAL REPORT**

### **II. CIVIL BRANCH**

#### **A. Civil Case Load**

During the Calendar year 2017 there were 1,093 new cases filed in the Civil Division of the Eaton Municipal Court. Of these cases, 141 were filed in the Small Claims Division. This is an approximate 7.68% increase from the cases filed in 2016. By comparison, in the year 2016, there were 1,015 cases filed in the Civil Division, of which 86 were filed in the Small Claims Division.

#### **B. RECEIPTS and EXPENDITURES of the Civil Division**

In the calendar year 2017, the Civil Division of the Eaton Municipal Court received \$108,138.75 from Court Costs and unclaimed funds, \$10,640.00 for Computer Costs and \$15,960.00 for Capital Improvement which was distributed to the City of Eaton from the Court's Civil bank account.

In 2017, the Court also received and disbursed to the State of Ohio the sum of \$17,545.77. This money is used by the State of Ohio for their Legal Aid Society Funding ORC 1901.26, 1907.24 and 2303.201.

There is a total of \$16,118.81 in open items.

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

#### A. Criminal Case Load

In 2017, there were 699 felony cases initiated in the Eaton Municipal Court. In 2016 when there were 257 cases filed. This is a increase of 172%.

In 2017, there were 1,541 misdemeanor charges filed. This is an approximate increase of 42% from 2016 when there were 1,083 cases filed.

Charges of Operating a Motor Vehicle While Under the Influence of Alcohol or Drugs of Abuse increased from 2016. In 2017 there were 369 OMVI cases filed in the Eaton Municipal Court. This is an approximate 118% increase from 2016 when there were 169 OMVI cases filed.

Traffic citations increased approximately 6.42% in 2017. There were 4,607 traffic citations filed in the Eaton Municipal Court for 2017. There were 4,329 traffic citations filed in 2016.

Contested cases decreased by approximately 2.93% in 2017. In 2017 there were 1,226 cases where persons entered pleas of not guilty. In 2016 there were 1,263 contested cases.

It should be noted that these numbers do not include cases where the individual is charged with multiple offenses.

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

In 2017, the Eaton Municipal Court disbursed \$1,081,555.89 in its Criminal and Traffic Division. The Criminal and Traffic bank accounts earned \$35.33 in interest. There is a total of \$61,550.50 in open items. In 2016 the Court disbursed \$1,020,422.47 in its Criminal and Traffic Division. Interest earned during the calendar year of 2016 was \$34.98. This is a increase of \$61,133.42 in total paid out funds from 2016, or an approximate 6% increase in total revenue.

In 2017 the Eaton Municipal Court made the following disbursements to the following local and governmental agencies:

City of Eaton	\$ 454,524.38
City of Eaton – unclaimed funds	\$ 589.00
City of Eaton – Computer fund	\$ 54,746.00
City of Eaton – Capital Improvement fund	\$ 135,633.50
City of Eaton – Interest Earned	\$ 35.33
Eaton Police Department	\$ 1,203.00
Preble County Treasurer	\$ 93,195.70
Preble County Law Library	\$ 4,000.00
Preble County Sheriff	\$ 7,375.78
Indigent Attorney Application Fee	\$ 6,953.00
Consumer Dispatch	\$ 40.00
Other Sheriff Departments	\$ 41.00
Capital Recovery	\$ 33,909.00
Villages	\$ 8,563.75
Treasurer of State of Ohio	\$ 280,746.45
<b>TOTAL DISTRIBUTED IN 2017:</b>	<b>\$ 1,081,555.89</b>

**IV. COURT STATISTICS**

	<b><u>2013</u></b>	<b><u>2014</u></b>	<b><u>2015</u></b>	<b><u>2016</u></b>	<b><u>2017</u></b>
<b>TRAFFIC</b>	4,400	3,543	4,032	4,329	4,607
<b>DUI'S</b>	206	164	191	169	369
<b>CRIMINAL</b>	1,136	928	793	1,083	1,541
<b>FELONIES</b>	216	195	163	257	699
<b>CIVIL</b>	554	510	479	623	628
<b>SMALL CLAIMS</b>	159	152	172	86	141
<b>NEW GARNISH- MENTS</b>	365	301	328	306	324
<b>TOTAL:</b>	<b>7,036</b>	<b>5,793</b>	<b>6,158</b>	<b>6,853</b>	<b>8,309</b>



### **COURT APPOINTED ATTORNEY**

Legal Fees paid to attorney when the Court rules that legal counsel shall be Provided for the defendant.

2002	314 Defendants	\$ 89,551.00
2003	286 Defendants	\$ 85,583.00
2004	305 Defendants	\$ 87,497.00
2005	414 Defendant	\$120,618.03
2006	311 Defendants	\$ 79,343.38
2007	276 Cases Paid	\$ 66,941.10
2008	272 Cases Paid	\$ 72,081.20
2009	224 Cases Paid	\$ 58,633.75
2010	261 Cases Paid	\$ 56,825.02
2011	309 Cases Paid	\$ 80,502.68
2012	290 Cases Paid	\$ 67,914.14
2013	291 Cases Paid	\$ 76,454.78
2014	308 Cases Paid	\$ 81,501.31
2015	240 Cases Paid	\$ 58,435.15
2016	262 Cases Paid	\$ 61,757.12
2017	324 Cases Paid	\$ 84,526.00

Total money recovered by the Eaton Municipal Court for Court Appointed Attorney Fees in 2017 - \$12,722.58. In 2016 the Court recovered \$15,989.72.

**CERTIFICATE**

I, Bertha D. Kalil, Clerk of the Eaton Municipal Court during the year of 2017, do hereby certify that the foregoing Financial Statements and distributions made thereof as provided by law for the calendar year of 2017 are true, and I further certify that the details of the computations and calculations are contained in records and ledgers which are part of the standard and recognized books of accounts in the office of the Clerk of the Eaton Municipal Court.

These statements are prepared for submission to the Council of the City of Eaton and the Board of County Commissioners of Preble County in compliance with Section 1901.14(D) of the Ohio Revised Code.

Certified this 25<sup>th</sup> day of January, 2018.

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Bertha Kalil, Clerk  
Eaton Municipal Court  
1199 Preble Drive  
Eaton, Ohio 45320

## **COST OF OPERATION**

In 2017, the actual total of monies expended on Court operations by the City of Eaton, was \$673,977.93 less \$98,942.70 reimbursement from Preble County from the general fund. This is a decrease of \$7,822.88 from 2016 when the cost of operating the Municipal Court was \$666,155.05 this is an approximate decrease of 1.2%.

In 2017, the actual total monies expended on Computerization by the City of Eaton was \$47,985.42. This is a decrease in expenditures of \$19,723.29 from 2016 when the total expenditures for computerization was \$67,708.71. The current balance as of December 31<sup>st</sup>, 2017 is \$26,094.70. This money expended is collected by the Court on each new case filed in the court and can only be used by Order of the Judge for computerization as set forth by statute.

In 2017, the actual total monies expended on Special Projects was \$143,899.14 of this amount \$121,451.07 was in principal and \$7,228.07 was interest paid on the Court. The current balance as of December 31<sup>st</sup>, 2017 in this fund is \$56,249.18. This money can be used for any special projects Ordered by the Judge. This money is collected on each new filing in the Eaton Municipal Court.

In other accounts held by the City of Eaton for the Eaton Municipal Court is the Driver's Interlock Fund with a balance of \$67,214.56 and the Indigent Alcohol Fund in the amount of \$111,689.67. There were no expenditures for the Indigent Alcohol Fund for 2017. Both of these accounts can only be used per Judge Henry's authorization on a case by case basis.

The current estimated budget for 2018 for the City of Eaton is \$765,000.00. The City appropriated \$65,000.00 for computer costs and \$120,000.00 for special projects.

Although this is in our current budget, the monies will be generated by the court by computer costs and special projects/capital improvement costs.

In 2017 the actual monies expended on Court operations by Preble County was \$166,050.38 from the general fund which includes \$61,757.72 for indigent attorney Fees.

The total amount expended by Preble County for 2016 was \$166,050.38 plus \$61,757.72 for indigent attorney fees.

In addition the budget for 2018 for Preble County portion of operations is \$204,073.00 from the general fund which includes \$86,500.00 for indigent attorney fees.

I take this opportunity to submit this statistical summary of the activities of the Eaton Municipal Court for the 2017 calendar year. The Court handled 8,309 cases this past year. This is an approximate 21.25% increase from 2016. That number reflects both new and reactivated cases. The exact numbers are set out in the complete annual report.

The Court makes all reasonable efforts to have the staff participate in training and development. Due to the changing requirements imposed by the State and ever improvements in technology and software systems that staff's continued training is a necessity.

Rule 26 and Sup. R. 26.01 to 26.05 are intended to provide minimum standards for the maintenance, preservation, and destruction of records within the courts and to authorize alternative electronic methods and techniques. Implementation of this rule and Sup. R. 26.01 to 26.05 is a judicial, governmental function. The Court undertook the process of digital imaging all files in the Eaton Municipal Court. This Rule went into effect in 2007 and the Court has been diligently working on the digital imaging of all files. All OVI cases must now be kept 50 years after the date of final order. All 1<sup>st</sup> thru 4<sup>th</sup> degree misdemeanor traffic and criminal cases shall be retained for 25 years and all minor traffic & minor criminal cases shall be retained for five years.

The State of Ohio requires that I continue my legal education on a yearly basis. Generally, I try to satisfy these requirements by attending conferences and seminars presented by the Ohio Judicial College, the Ohio Municipal Court Judges Association, and the Ohio Judicial Conference.

On behalf of myself and the entire staff I wish to express our appreciation to all

Council members, City Manager Brad Collins, Stephanie Risner and all other persons at the City Building for their attention to the Court.