

EATON MUNICIPAL COURT

ANNUAL REPORT

2019

PAUL D. HENRY, JUDGE

SHARON L. MCKEE, INTERIM CLERK

JANUARY 24, 2020

**Council of the CITY OF EATON**

Brad Collins, City Manager  
Stephanie Hurd, City Finance Director

**January 1<sup>st</sup>, 2019 to December 4<sup>th</sup>, 2019**

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

**December 4<sup>th</sup>, 2019 to current**

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

**COUNTY COMMISSIONERS of PREBLE COUNTY**

Christopher 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 2019.

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

Sincerely,

*Paul D. Henry*

Paul D. Henry, Judge  
Eaton Municipal Court

PDH/slm

**COURT OFFICERS**

JUDGE	Paul D. Henry
INTERIM CLERK	Sharon L. McKee
CHIEF DEPUTY CLERK	Belinda Harry
DEPUTY CLERK /BOOKKEEPER – CIVIL SMALL CLAIMS	Cindy Smith
DEPUTY CLERK/BOOKKEEPER	Sherri Cunningham
DEPUTY CLERK/ASSIGNMENT CLERK	Amber Stevenson
PART-TIME DEPUTY CLERK	Melissa Green
PART-TIME DEPUTY CLERK	Heidi Siney
DEPUTY PROBATION OFFICER/COMPUTER OPERATOR	Andrew Borgwardt
CHIEF BAILIFF & PROBATION OFFICER / SECURITY	Pam Boyd
PART-TIME SECURITY	Dave Hatfield
PART-TIME SECURITY	Darrell Adams
PART-TIME SECURITY	Daniel Stevenson
MAGISTRATE	James W. Thomas
ACTING JUDGE	Charles D. Hubler
PROSECUTING ATTORNEY (City & OSP)	Ryan Brunk
PROSECUTING ATTORNEY Preble County Complaints, Felonies & Villages	Martin Votel
PROSECUTING ATTORNEY Village of Camden	Brian Muenchenbach

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 2019 there were 1,297 new cases filed in the Civil Division of the Eaton Municipal Court. Of these cases, 857 were Civil cases, 132 were Small Claims Cases, 306 were Garnishments and 2 rent escrows.

By comparison, in the year 2018, there were 1,022 cases filed in the Civil Division, of these cases 699 were Civil Cases, 63 cases were Small Claims cases and 260 were Garnishments. This is an approximate 26.9% increase from the cases filed in the Small Claims Division in 2018.

B. RECEIPTS and EXPENDITURES of the Civil Division

In the calendar year 2019, the Civil Division of the Eaton Municipal Court Received \$134,125.81 from Court Costs and unclaimed funds, \$12,740.00 for Computer Costs and \$19,110.00 for Capital Improvement which was distributed to the City of Eaton from the Court's Civil bank account. Sum collected is \$165,978.81 less Bank Service fees of \$669.94 for a total distributed to the City of Eaton of \$165,305.87

In 2019 the Court also receipted and disbursed to the State of Ohio the sum of \$23,408.55. 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 \$12,000.90 in the Civil Division open items Account.

### III. CRIMINAL and TRAFFIC BRANCH

#### A. Criminal Case Load

In 2019, there were 285 felony cases initiated in the Eaton Municipal Court. In 2018 there were 280 cases filed. This is a 1.7% increase.

In 2019, there were 938 Criminal charges filed. This is an approximate decrease of 22.6% from 2018 when there were 1,213 cases filed.

Charges of Operating a Motor Vehicle While Under the influence of Alcohol or Drugs of Abuse decreased from 2018. In 2019 there were 149 OMVI cases filed in the Eaton Municipal Court. This is an approximate 12.3% decrease from 2018 when there were 170 OMVI cases filed.

There were 4,006 traffic citations filed in the Eaton Municipal Court for 2019. This is a decrease of approximately 3.3% in traffic citations in 2019. In 2018 there were 4,145 traffic citations filed.

In 2019 there were 1,200 cases where persons entered pleas of not guilty. In 2018 there were 1,122. Contested Cases increased by approximately 6.9% in 2019.

With a total of **5,378 total cases filed** from the above listed categories, Eaton PD filed 910 cases, PCSO filed 906 cases, OSP filed cases 3,089, HWSP filed 32 cases, OD WaterCraft filed 1 case, ODNR filed 26 cases, ODPS filed 2 cases, Camden filed 150 cases, Lewisburg filed 111 cases, New Paris filed 97 cases, West Alex filed 47 cases, Gratis filed 5 cases, College Corner filed 1 case and Kettering Hospital Security filed 1 case.

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

B. RECEIPTS and EXPENDITURES of the CRIMINAL and TRAFFIC DIVISION

In 2019, the Eaton Municipal court disbursed \$1,020,646.12 in its Criminal and Traffic Division. The Criminal and Traffic bank accounts earned \$149.41 in interest. There is a total of \$45,983.00 in open items. In 2018 the Court disbursed \$1,096,585.24 In its Criminal and Traffic Division. Interest earned during the calendar year of 2018 was \$54.51. This is a decrease of \$75,939.12 in total paid out funds from 2018, or an approximate 6.9% decrease in total revenue.

In 2019 the Eaton Municipal Court made the following disbursements to the following local and governmental agencies:

City of Eaton	\$ 427,822.96
City of Eaton – unclaimed funds	\$ 397.53
City of Eaton - Computer fund	\$ 50,242.60
City of Eaton – Capital Improvement fund	\$ 125,149.95
City of Eaton – Interest Earned	\$ 149.41
Eaton Police Department	\$ 2,628.00
Preble County Treasurer	\$ 93,652.12
Preble County Law Library	\$ 4,000.00
Preble County Sheriff	\$ 7,154.15
Indigent Attorney Application Fee	\$ 6,905.00
Other Sheriff Departments	\$ 199.00
Capital Recovery (collection agency)	\$ 37,894.75
Villages	\$ 6,142.75
Treasurer of State of Ohio	\$ 258,502.90
<b>TOTAL DISRIBUTED IN 2019</b>	<b>\$1,020,646.12</b>

**IV. COURT STATISTICS**

	2015	2016	2017	2018	2019
<b>TRAFFIC</b>	4,032	4,329	4,607	4,141	4,006
<b>OVI'S</b>	191	169	369	171	149
<b>CRIMINAL</b>	793	1,083	1,541	1,219	938
<b>FELONIES</b>	163	257	296	280	285
<b>CIVIL</b>	479	623	628	699	857
<b>SMALL CLAIMS</b>	172	86	141	63	132
<b>NEW GARNISH- MENTS</b>	328	306	324	260	306
<b>TOTALS =</b>	<b>6,158</b>	<b>6,853</b>	<b>7,906</b>	<b>6,836</b>	<b>6,675</b>

8.

**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 Defendants	\$120,618.38
2006	311 Defendants	\$79,343.10
2007	276 Defendants	\$66,941.10
2008	272 Defendants	\$72,081.20
2009	224 Defendants	\$58,633.75
2010	309 Defendants	\$56,825.02
2011	309 Defendants	\$80,502.68
2012	290 Defendants	\$67,914.14
2013	291 Defendants	\$76,454.78
2014	308 Defendants	\$81,501.31
2015	240 Defendants	\$58,435.15
2016	262 Defendants	\$61,757.12
2017	324 Defendants	\$84,526.00
2018	337 Defendants	\$78,419.00
2019	342 Defendants	\$80,305.00

Total money recovered by the Eaton Municipal Court for Court Appointed Attorney Fees  
in 2019 - \$6,905.00. In 2018 the Court recovered - \$8,377.00.

**CERTIFICATE**

I, Sharon L. McKee, Interim Clerk of the Eaton Municipal Court during the period of January 1, 2019 to present, do hereby certify that the foregoing Financial Statements and Distributions made thereof as provided by law for the calendar year of 2019 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 24<sup>th</sup> day of January, 2020

*Sharon L. McKee*

Sharon L. McKee – Interim Clerk  
Eaton Municipal Court  
1199 Preble Drive  
Eaton, Ohio 45320

## **COST OF OPERATION**

In 2019, the actual total of monies expended on Court operations by the City of Eaton, was \$676,33.04 less \$97,363.40 reimbursement from Preble County from the General fund. This is a decrease of \$32,628.34 from 2018 when the cost of operating the Municipal Court was \$709,011.38 this is an approximate decrease of 4.6%.

In 2019, the actual total monies expended on Computerization by the City of Eaton was \$38,416.30. This is a decrease in expenditures of \$24,901.32 from 2018 when the total expenditures for computerization was \$63,367.62. The current balance as of December 31, 2019 is \$50,634.28. 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 2019, the actual total monies expended on Special Projects was \$78,266.02 of this amount \$9,949.67 was spent on facility maintenance and \$68,316.35 was spent on equipment. The current balance as of December 31<sup>st</sup>, 2019 in this fund is \$160,229.19. 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 \$77,719.91 and the Indigent Alcohol Fund in the amount of \$132,008.40. There were no expenditures for the Indigent Alcohol Fund or the Driver Interlock Fund for 2019. Both of these accounts can only be used per Judge Henry's authorization on a case by case basis.

The current estimated budget for 2020 for the City of Eaton is \$895,00.00. The City appropriated \$63,500.00 for computer costs and \$105,000.00 for special projects.

11.

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 2019 the actual monies expended on Court operations by **Preble County** was \$105,908.32 from the General fund plus \$80,230.00 for indigent attorney fees for a total of \$186,138.32.

The total amount expended by **Preble County** for 2018 was \$191,753.83 which included \$78,419.00 for the indigent attorney fees.

In addition, the budget for 2020, **Preble County's portion** of operations is \$115,931.00 from the General fund plus \$85,000.00 for indigent attorney fees for a total of \$200,931.00.

12.

I take this opportunity to submit this statistical summary of the activities of the Eaton Municipal Court for the 2019 calendar year. The Court handled 6,675 cases this past year. This is an approximately 2% decrease from 2018 when 6,836 cases were filed with the Court. That numbers reflect both new and re-activated Cases.

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 court and to authorize alternative electronic methods and techniques. Implementation of rule and Sup. R. 26.01 to 26.05 is a judicial, governmental function. The Court undertook the process of digital imaging all cases filed 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 be kept 50 years after the date of final order. All 1<sup>st</sup> thru 4<sup>th</sup> degree misdemeanor traffic & criminal cases shall be retained for 25 years and all minor Traffic and minor criminal cases shall be retained for five years.

In 2019 Eaton Municipal Court received a Grant of \$198,528.00 from The Supreme Court of Ohio which is allowing the Court to implement a new CMS (Case Management System). The Court will "Go Live" with the new CMS from Henschen & Associates, Inc. on March 2, 2020.

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, Finance Director Stephanie Hurd and all other persons at the City for their attention to the Court.

13.