

# 89<sup>th</sup> District Court 2010 Annual Report



Cheboygan County  
Maria I. Barton, District Judge  
870 South Main Street  
Cheboygan, MI 49721

### Mission

To serve the public in an informed, efficient manner, with equal treatment for all, according to the law. Employees strive to work as a team with a common goal of public service.

Judge & Staff.....	3-4
Overview of Significant Events of 2010.....	5
Revenue/Expenses.....	6
Criminal Division.....	7
Traffic Division.....	8
Civil Division.....	9
Probation Department.....	10
Special Programs.....	11-12

## Judge & Staff

**Judge Maria I. Barton** – Judge Maria I. Barton was elected to the 89<sup>th</sup> District Court in 2008 and took office in 2009. Prior to her election, Judge Barton served as the Straits Area Narcotics Enforcement Prosecutor for 16 years. After graduating from Ohio University with a Bachelor's Degree in Business Administration, she completed her law degree at the University of Toledo, College of Law.

**Court Administrator/Judicial Secretary /Court Clerk Jodi Barrette** – Jodi Barrette was hired in March 1989 as Criminal Clerk for the 89<sup>th</sup> District Court. In 1993 she became a State of Michigan Certified Electronic Operator and received her State of Michigan Certificate for Electronic Recording in April of 2001. She was appointed Court Administrator/Judicial Secretary in June of 2005. In May 2009, Ms. Barrette graduated from Michigan State University with a certificate in Judicial Administration. She is a State of Michigan Certified Notary. She is a member of the Michigan Electronic Court Reporters Association and the Michigan Court Administrators Association.

**Deputy Clerk Deborah Keller** – Deborah Keller was hired part-time in December of 1989 and became a full-time Traffic Clerk in June of 1990. In February of 1994, she was assigned to the position of Criminal Clerk. Ms. Keller also serves as the Jury Clerk for the 89<sup>th</sup> District Court. In April 2001, Ms. Keller received her State of Michigan Certified Electronic Operator certificate. She is also a State of Michigan Certified Notary. Ms. Keller graduated from North Central Michigan College with an Associate's Degree in Business.

**Civil Clerk Tracy Lindsay** – Tracy Lindsay began employment in February 1994. In April 2001, Ms. Lindsay received her State of Michigan Certified Electronic Operator certificate and was appointed Deputy Court Recorder in June 2005. In February 2006, Ms. Lindsay received her State of Michigan Certificate for Electronic Recording. Recently, she was appointed to the Civil Clerk position. Ms. Lindsay graduated from Marquette University with a Bachelor's Degree in Journalism

**Court Recorder/Deputy Clerk Christine Hartman** –Christine Hartman began employment in October 2001 as the Criminal Clerk for the 89<sup>th</sup> District Court. She was recently appointed to the Deputy Recorder Clerk. She is a State of Michigan Notary Public. In October of 2003, Ms. Hartman received her State of Michigan Certified Electronic Operator certificate and her State of Michigan Certificate for Electronic Recording in 2006.

**Magistrate Liz Pilon**–Liz Pilon began employment with the 89<sup>th</sup> District Court in January 2009 as Deputy Civil/Traffic Clerk for the 89<sup>th</sup> District Court. Prior to her employment in District Court, she had served as the Officer Manager for the Cheboygan County Prosecutor's Office for 5 years. In July 2009 she was appointed as full-time Magistrate. Ms. Pilon is a member of the Michigan Association of District Court Magistrates. Ms. Pilon is also a Certified Electronic Operator in the State of Michigan.

**Probation Officer Kim Godi** – Kim Godi began employment with the 89<sup>th</sup> District Court in January 2009 as Probation Officer. Ms. Godi has become certified through Redwood Toxicology Laboratory for collections of specimens for drug testing purposes and is also PBT Certified. Prior to her employment in the District Court, Mrs. Godi was the Victims Advocate for the Cheboygan County Prosecutor for 5 years. In May of 2011, Ms. Godi received her State of Michigan Certified Electronic Operator certificate. Ms. Godi is a member of the Michigan Association of District Court Probation Officers.

**Deputy Clerk Mellisa LaLonde** – Mellisa LaLonde began employment in September 2009 as a part-time Traffic/Civil Deputy Clerk. She is currently the Deputy Clerk in the Criminal Division working full-time.

**Part-Time Court Officer/Bailiff & Assistant Magistrate Dale Selin** – Dale Selin began employment in October 2010. His duties include the transportation of inmates to/from the jail for court hearings, Law Enforcement Information Network (LEIN) coordinator/trainer for the court, as well as working with the Sheriff's Department to provide court security. In December 2010, Mr. Selin was appointed as Assistant Magistrate completing all training in March 2011. In May of 2011, Mr. Selin received his State of Michigan Certified Electronic Operator certificate. Mr. Selin served as Lt. Commander of the Cheboygan Post and SANE drug team before retiring from the Michigan State Police after 32 years of service.

**Part-Time Office Assistant Aimee Faggion** – Aimee Faggion joined the staff in October of 1993 through the Lamplighters Activity Center. She works seven hours per week. Ms. Faggion is responsible for copying, filing and assisting court staff as needed.

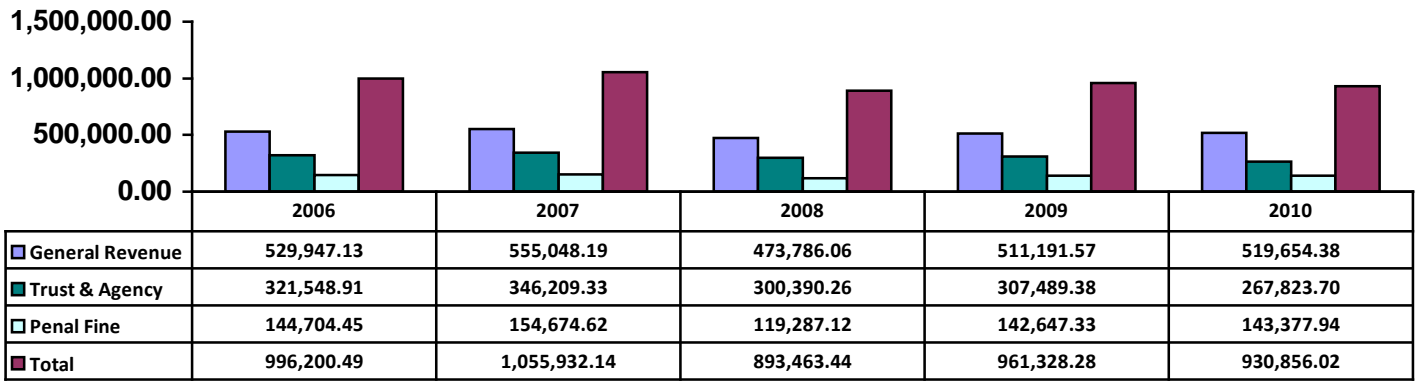
## **Overview of Significant Events through 2010**

- May 2010 – In an effort to cut the fees associated with accepting credit cards, the 89<sup>th</sup> District Court switched to Point and Pay thereby saving approximately \$5000.00 budgeted per year to cover these fees. The court now accepts MasterCard, VISA, American Express and Discover.
- June 2010 – By sharing resources with Circuit Court, District Court was able to cancel our subscription to Michigan Lawyer's Weekly thereby saving the county \$320.00 annually.
- July 2010 – The District Court also cancelled two subscriptions to Thomson-West for a savings to the county of \$267.00 annually.
- September 2010 – Additionally, the District Court in conjunction with Cheboygan County efforts cancelled our contracts with Culligan Water, saving \$425.00 annually and with Michigan Confidential Document Destruction, saving \$1,768.00 annually.
- September 2010 - The 89<sup>th</sup> District Court's website, which was established in 2000, was enhanced adding the option to pay fines, costs and fees online at [www.89thdistrictcourt.org](http://www.89thdistrictcourt.org). In addition, the court will be adding the option to report to the probation officer via the internet. The site provides general information to the public about the district court and basic procedural guidelines to assist the public in understanding how the district court operates. Included on the site is the court calendar and related links. Since 1994 the District Court has collected \$1,276,648.19 in credit card payments.
- October 2010 – The 89<sup>th</sup> District Court added another step to the collection process by issuing 132 State of Michigan tax garnishments to collect unpaid fines, costs and fees for files that are at a bench warrant status. To date District Court has collected \$4,164.20 in fines and costs.
- October 2010 – For all cases where the defendant is appointed Public Defender or a court appointed attorney and the disposition was that the case was dismissed, the court is assessing a \$250.00 court appointed attorney fee. If a defendant is appointed an attorney and the case is dismissed he/she still has the benefit of the attorney therefore the court is assessing the fee. To date the court has collected \$1518.30. In addition, \$441.70 was worked off in community service hours.
- The 89<sup>th</sup> District Court continues to address the issues of trials and preliminary hearings in an effort to improve the timeliness of cases and to reduce the time, effort and cost in subpoenaing police officers and other witnesses (prosecutor expenses). These efforts result in more cases being settled before the day of trial reducing witness fees for the Prosecutor's Office, overtime costs to the police agencies and jury costs in District Court. Additionally, the new jury selection procedures which were implemented in August of 2009 have resulted in the following savings to Cheboygan County:
  - 2009 jury costs were \$6,566.57
  - 2010 jury costs were \$2,264.37

The savings in jury fees from 2009 to 2010 is \$4,302.20.

- The court continues to pursue the collection of fines and costs at the time of sentencing. In 2009, the District Court focused on improving our collections by ordering that fines, costs and fees are due in full at time of sentencing per Michigan Court Rules. The court notifies the defendant of the amount of the fine at the time of plea. Additionally, the notice of sentence contains information regarding the amount of the fine. A phone call is also placed to a defendant several days prior to sentencing reminding him/her about the amount due. As a result, more defendants are paying fines at the time of sentencing thereby reducing staff time required to pursue collection after sentencing.
- In conjunction with Northern Michigan Substance Abuse Services, the court is collecting information from individuals who are being sentenced in the District Court. The survey, provided by Northern Michigan Substance Abuse Services, is to locate individuals that need gambling addiction treatment. This program is funded through a grant received by Northern Michigan Substance Abuse Services and provides \$5.00 back to the court for each completed survey. Since October of 2009 the court has collected \$2900.00.

## Revenue



In 2010, the 89<sup>th</sup> District Court's revenue was \$930,856.02 down \$30,472.26 from 2009. The reduction in the revenue is due to several factors. First, civil infractions and traffic misdemeanors are down by 119 and 112 cases respectively. The fines and costs average around \$100.00 per case which equates to approximately \$23,100.00 annually. The decrease in the number of civil infractions and traffic misdemeanors is due to the reduction in officers policing Cheboygan County. Of the \$930,856.02 collected, \$519,654.38 was given to the Cheboygan County general fund which is an increase of \$ 8,462.81 from 2009.

Pursuant to statute and local ordinance, \$267,823.70 from the Trust and Agency account was distributed to the Road Commission, Police Agencies, DNR Fish/Game Fund, and Secretary of State, Crime Victim Fund, State Court Fund, Convicted OUIL Assessment, Juror Compensation, Civil Filing Fee Fund, Justice System Fund and Victim Restitution. Money assessed by the courts for penal fines are dispersed to public libraries per statute. In 2010, \$143,377.94 was dispersed to Cheboygan, Indian River, Mackinaw City, Presque Isle, Topinabee and Wolverine libraries. This is approximately \$750.00 more than 2009 and about \$24,000.00 more than 2008.

## Expenses

District Court's budget was \$558,726.00 for 2010. District Court was under budget by 7.52% in 2010.

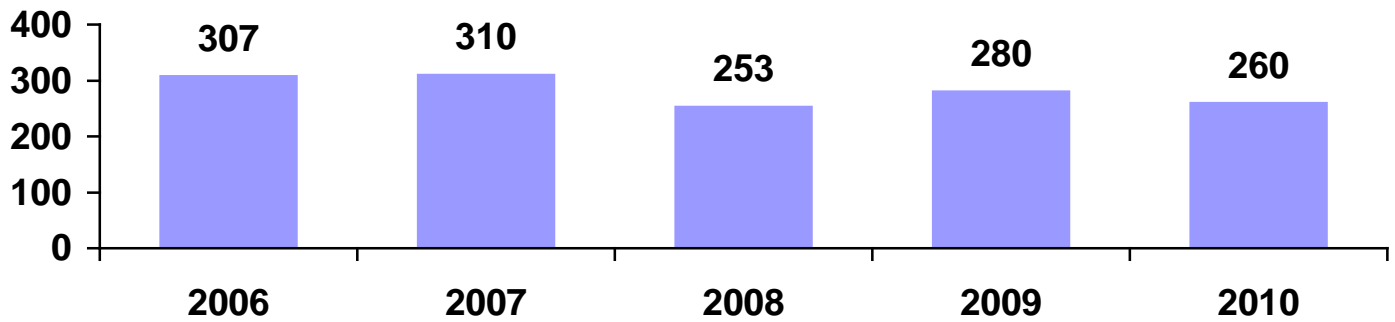
Description	2010 Budget	YTD Balance	Available Balance
Judge Standard Payment	40,039.00	40,039.00	0.00
County Supplement Judges Salary	5,685.00	5,685.00	0.00
Fringe	161,354.00	153,477.76	7,876.24
Full Time	237,991.00	237,829.60	161.40
Part Time	42,057.00	35,683.82	6,373.18
Year End Salary Adjustment	0.00	1,816.21	(1,816.21)
On Call/Reimbursement	6,500.00	5,172.25	1,327.75
Office Supplies	8,220.35	5,626.84	2,593.51
Uniforms	200.00	49.80	150.20
Transcripts	1,000.00	494.65	505.35
Jury Fees	11,000.00	2,264.37	8,735.63
Contractual Services	3,711.00	1,681.61	2,029.39
Legal-Court Appointed Attorneys	2,000.00	400.00	1,600.00
Visiting Judges	300.00	0.00	300.00
Membership & Subscriptions	2,339.65	2,339.65	0.00
Telephone	1,500.00	1,214.36	285.64
Cell Phone	540.00	540.00	0.00
Travel/Lodging/Meals etc.	2,000.00	751.31	1,248.69
Employee Training	1,000.00	300.00	700.00
Caseflow Assistant Grant	5,262.90	0.00	5,262.90
MC/VISA Fees	5,000.00	2,578.73	2,421.27
Tether/Drug Testing Fees	2,000.00	1,983.40	16.60
Fees	792.00	792.00	0.00
Office Equipment & Furniture	2,000.00	1,260.05	739.95
Computer-Hardware/Software/Maintenance	16,234.10	14,750.58	1,483.52
<b>Total Expenditures</b>	<b>\$558,726.00</b>	<b>\$516,730.99</b>	<b>\$41,995.01</b>

## Criminal Division

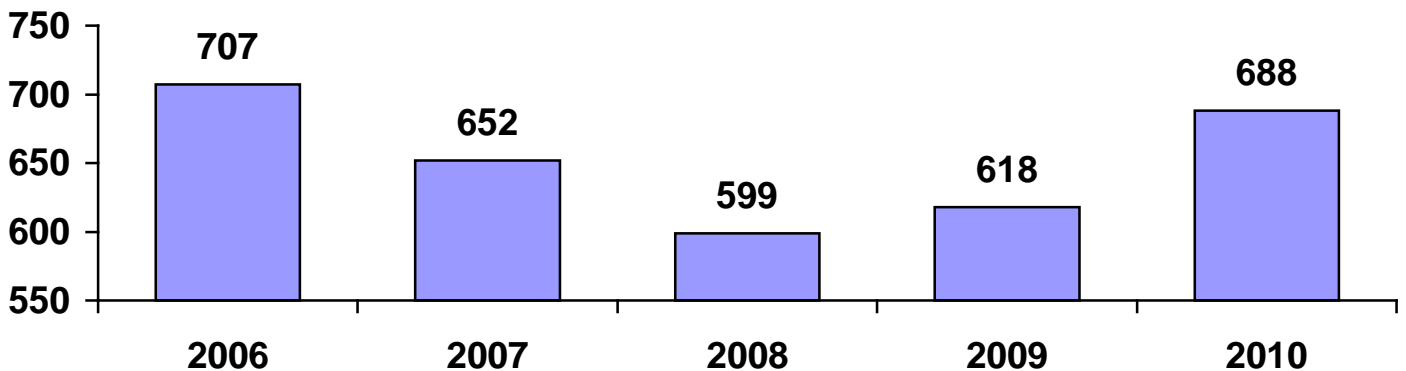
The 89<sup>th</sup> District Court is divided into three divisions – criminal, civil and traffic. All criminal cases, whether misdemeanor or felony, begin in District Court. The criminal division of the District Court handles a wide range of criminal proceedings including misdemeanor offenses for which the maximum possible sentence is one year or less. Examples of District Court misdemeanor offenses include drunk driving, use or possession of marijuana, shoplifting, domestic violence, assault and battery and driving while license suspended. In misdemeanor cases, Judge Barton arraigns the defendant, sets bond, takes pleas, conducts the trial and sentences the defendant.

In addition to issuing misdemeanor complaints, the District Court also issues all felony complaints, sets bond and conducts preliminary hearings for felony cases. If at the preliminary hearing, the prosecutor establishes by probable cause that a crime has been committed and the defendant committed the crime, the case is transferred to Circuit Court for trial. The criminal division of the court is also responsible for issuing search warrants, scheduling all hearings and trials for misdemeanors, receipting and maintaining all criminal bonds, keeping records of all criminal matters, reporting information to state agencies including Secretary of State for motor vehicle violations and notifying Michigan State Police of criminal convictions.

### Felony Cases Filed



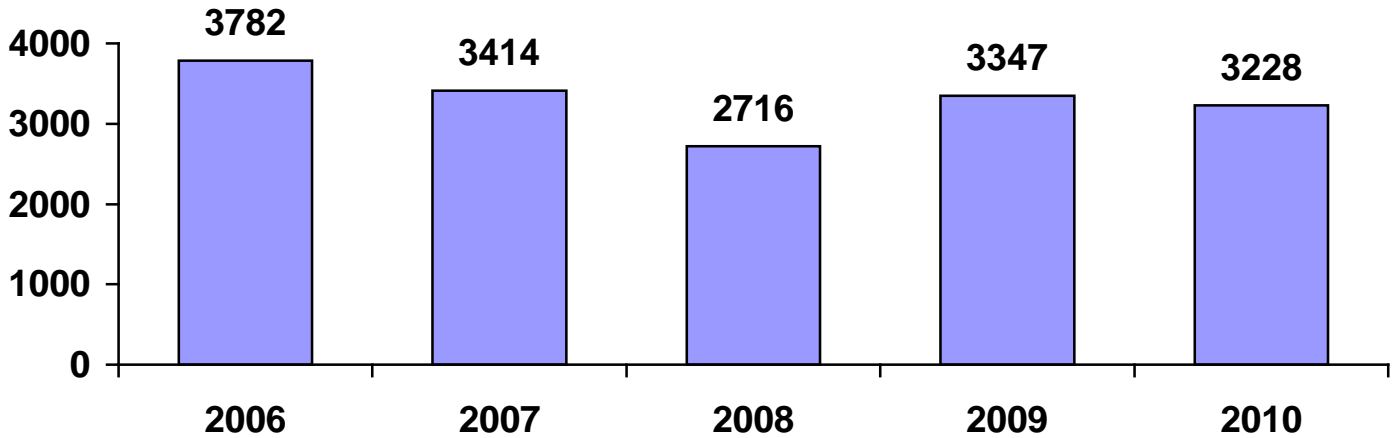
### Misdemeanor Cases Filed



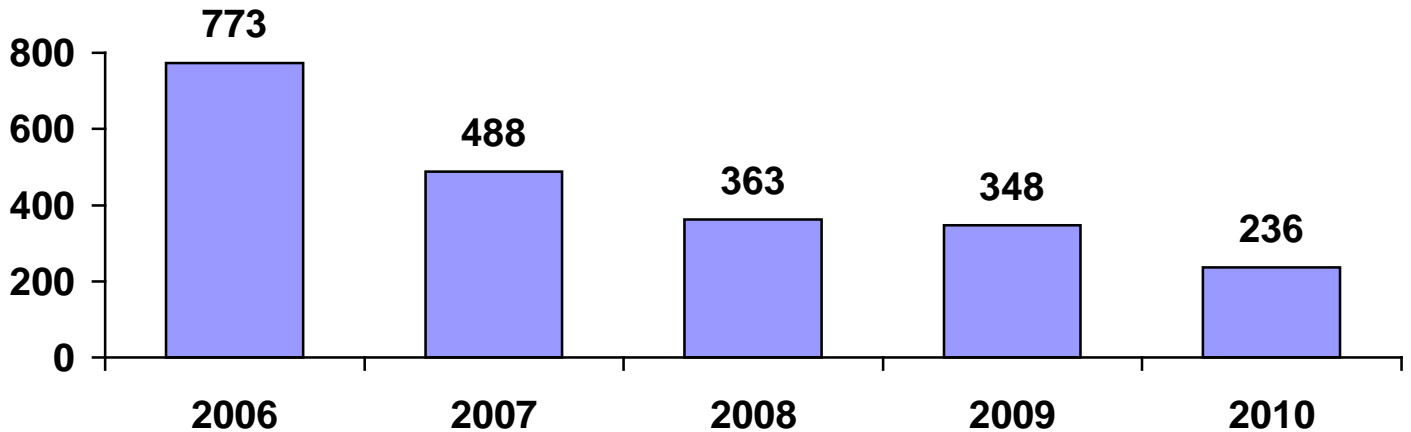
## Traffic Division

The Traffic Division processes all civil infractions, which include minor traffic matters, some Department of Natural Resource matters and certain misdemeanor cases. Speeding tickets, registration/plate violations, careless driving, parking, seatbelt violations, no proof of insurance, defective equipment and failure to stop or yield are examples of civil infractions handled by District Court. These civil infractions make up the majority of activity in the traffic division. Other cases handled in this division are misdemeanors such as failure to display valid operator's license on person, expired plate violations, violation of restricted license as well as various hunting, camping, boating and fishing violations.

### Civil Infraction Cases Filed



### Traffic Misdemeanors Cases Filed



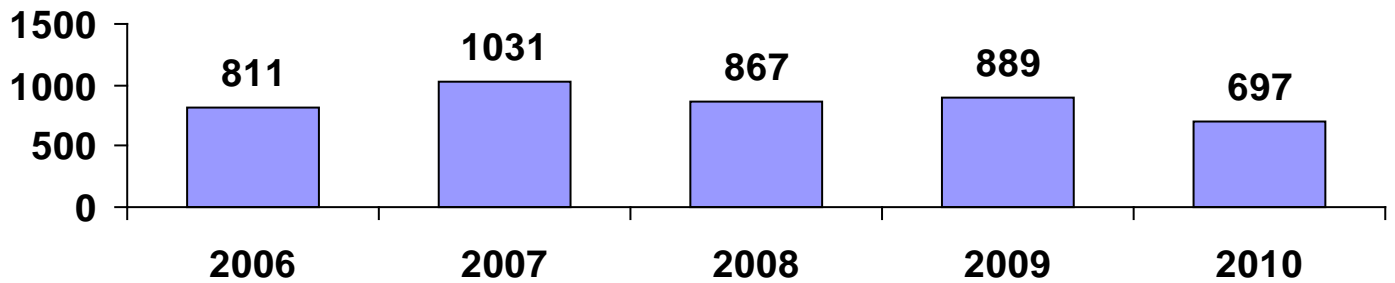
## Civil Division

The civil division of the court has jurisdiction over all civil disputes where the amount in controversy is less than \$25,000, small claims and landlord tenant cases.

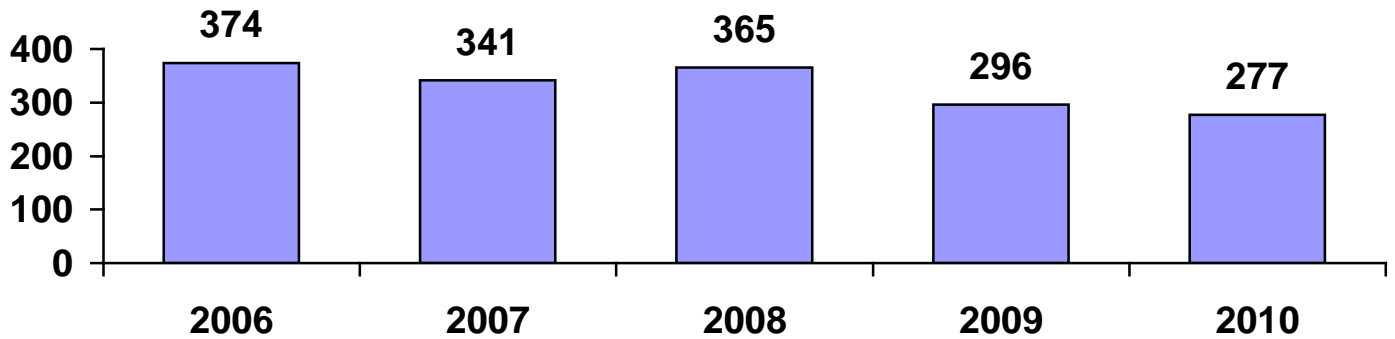
In small claims cases, the amount in controversy is \$3000 or less. Litigants waive the right to be represented by an attorney, waive the right to a jury trial and the right to appeal the district judge's decision.

Landlord tenant cases are filed by landlords or land contract vendors when tenants or land contract vendee are not complying with the terms of the lease or contract.

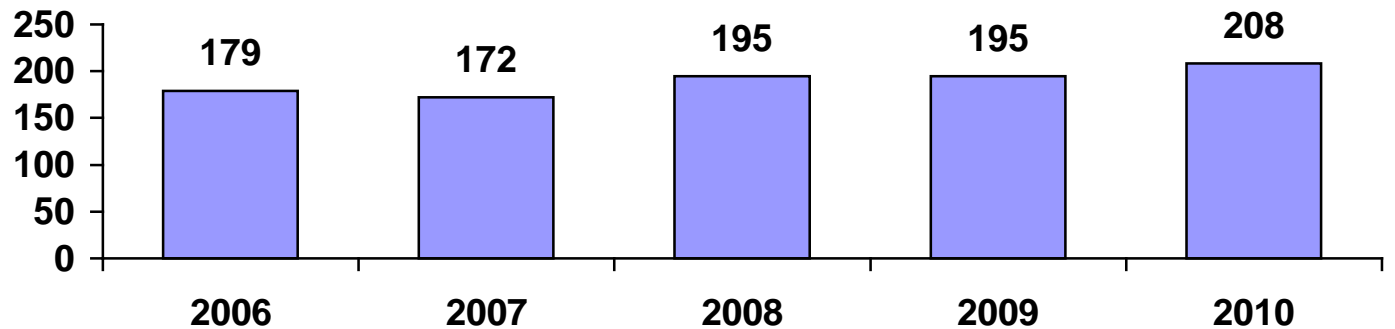
### General Civil



### Small Claim Cases



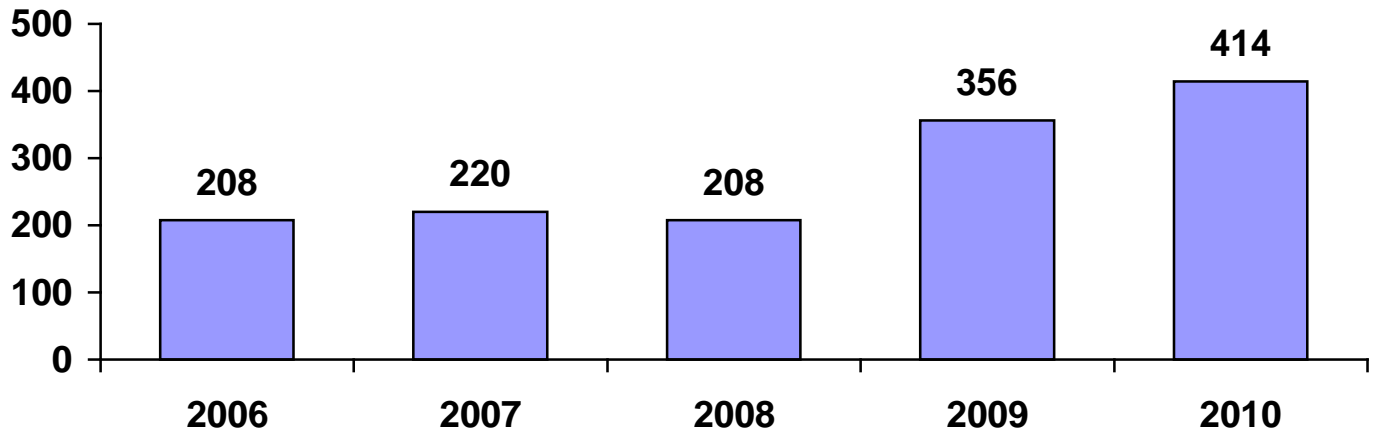
### Landlord/Tenant Cases



## Probation Department

The Probation Department provides services to the judge, victims and probationers. The probation agent is responsible for the preparation of pre-sentence investigation reports and the supervision and referral to appropriate programs/services for defendants placed on probation. Monitoring probationers is necessary to restore victims and communities, protect the public, promote probationer accountability and create a climate for probationers' rehabilitation. This includes the supervision of community service placements and those individuals referred to community corrections as alternatives to incarceration.

### Probation Caseload



## Special Programs Utilized by District Court

### Community Service Program

This sentencing alternative provides the Court with the opportunity to allow certain indigent offenders to perform volunteer work as part of their sentence as credit against payment of fines and costs. Placements are located in government or community not-for-profit agencies and supervised by the Probation Officer. Paperwork must be completed on each referral, a suitable location selected, and supervision or oversight required.

4,292 hours of community service were completed by Defendants assigned to the Community Service program in 2010. The community service hours resulted in \$31,759.61 being credited toward eligible fines, costs and fees.

### Community Corrections Program

The Community Corrections program provides the District Court with sentencing alternatives for low risk, non-assaultive offenders. Defendants placed into the Community Corrections program assist nonprofit agencies and allow *incarcerated* offenders the opportunity to make a positive contribution to the community.

In addition to performing community service, offenders are given the opportunity to participate in rehabilitative programs such as residential substance abuse treatment, intensive outpatient counseling, anger management and obtaining a high school diploma. Defendants are given days off their sentence for successful completion of the rehabilitative services which results in a saving to the county.

The following figures represent jail beds saved and the savings to Cheboygan County for community service performed, completion of rehabilitation services and residential programs as well as the Weekend Work hours performed and other community service.

#### Incarcerated Offenders

<u>Programs</u>	<u># Jail Bed Days Saved</u>	<u>Savings</u>
Community Service/Earned Release	602 @ \$48.00 per day	\$28,896
Rehab.Services: MRT, GED, Anger Mgmt, T.House, etc.	1305 @ \$48.00 per day	\$62,640
Residential Services: ATS, Sunrise Centre, Harbor Hall	392 @ \$48.00 per day	\$18,816
<b>Total</b>	<b>2,299</b>	<b>\$110,352</b>

#### Non-Incarcerated Offenders

<u>Community Service Program</u>	<u># Jail Bed Days Saved</u>	<u>Savings</u>
Saturday Work Program & Other Community Service	1225 @ \$48.00 per day	\$58,800
<b>Total</b>	<b>1225</b>	<b>\$58,800</b>

\*The Community Corrections Department does not keep this information separately for District and Circuit Courts therefore this number reflects the total savings for both courts.

### **Weekend Work Program**

Defendants who are sentenced under this program must complete community service work to benefit our community. This program, run by the Community Corrections Department, is typically held on a Saturday and requires the individual to work 8 hours per day for each day ordered. By participating in the program, the individual avoids additional jail time.

### **Impact Weekend**

The Impact Weekend program educates defendants convicted of alcohol related driving offenses about the dangers of driving while under the influence of drugs and alcohol. It is a weekend residential program of intensive pre-treatment, education, and intervention. Defendants are sentenced to Impact Weekend as an alternative to incarceration.

### **William's House/Evangeline House**

The William's House and Evangeline House are structured transitional houses for recovering alcoholics/addicts. The William's House is for men 18 or older and the Evangeline House is for women 18 or older. The goal of the transition houses is to help people recover and maintain sobriety in a structured, drug-free environment so they can return to their families and jobs.

### **Other Programs**

The District Court also utilizes other programs such as Alcohol Highway Safety Education, Outpatient Counseling, Inpatient Treatment, Shoplifter's Alternative, Anger Management and Domestic Violence Counseling.