

89TH DISTRICT COURT

2012 Annual Report

*Cheboygan County
Maria I. Barton
District Court Judge
P.O. Box 70
County Building
Cheboygan, MI 49721*

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Mission Statement

The 89th Judicial District Court will 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 Maria I. Barton – Judge Maria I. Barton was elected to the 89th 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. Judge Barton received the Prosecutors Service Award in 2008 in recognition of her 15 years of public service. In 2008, Senator Carl Levin recognized her as “Crime Fighting Mom of the Year” for her service to fighting crime in Northern Michigan. 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. Judge Barton lives in Indian River with her husband David and daughter Cassie.

Court Administrator/Judicial Secretary /Court Clerk Jodi Barrette – Jodi Barrette was hired in March 1989 as Criminal Clerk for the 89th 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 89th 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 89th District Court. She was appointed 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 Stankewitz–Liz Stankewitz began employment with the 89th District Court in January 2009 as Deputy Civil/Traffic Clerk for the 89th District Court. Prior to her employment in District Court, she had served as the Officer Manager for the Cheboygan County Prosecutor’s Office for five years. In July 2009 she was appointed as full-time Magistrate/Traffic Clerk. Ms. Stankewitz is a member of the Michigan Association of District Court Magistrates. Ms. Stankewitz is also a Certified Electronic Operator in the State of Michigan.

Probation Officer Kim Godi – Kim Godi began employment with the 89th 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 five years. Ms. Godi is a member of the Michigan Association of District Court Probation Officers. In May of 2011, Ms. Godi received her State of Michigan Certified Electronic Operator certificate.

Deputy Clerk Mellisa LaLonde – Mellisa LaLonde began employment in September 2009 as a part-time Traffic/Civil Deputy Clerk. In October of 2011, Ms. LaLonde received her State of Michigan Certified Electronic Operator certificate. She is a State of Michigan Certified Notary. 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.

The 89th District Court achieved many accomplishments in 2012 as summarized below. The court's overall operations, as well as its service to the public, have been enhanced by these accomplishments.

Commitment to Efficient Use of Public Resources

- The 89th District Court recognizes its responsibility to be fiscally responsible with the use of public resources. In 2012, District Court's court budget was \$512,668.00 which was reduced by \$583.79 from the 2011 budget. In 2012, the 89th District Court total expenditures were \$9,051.10 less than budgeted. District Court has come in under budget in 2009, 2010, 2011 and 2012 for a total savings of \$130,411.96 to the county.

Operational and Procedural Improvements

Judge Barton and staff have focused on maintaining a high standard of public service by increasing productivity through internal operational and procedural improvements.

- The 89th 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
 - 2011 jury costs were \$ 0.00
 - 2012 jury costs were \$ 2,923.68
- 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 sentencing contains information regarding the amount of the fine. As a result, more defendants are paying fines at the time of sentencing, thereby reducing staff time required to pursue collection after sentencing.

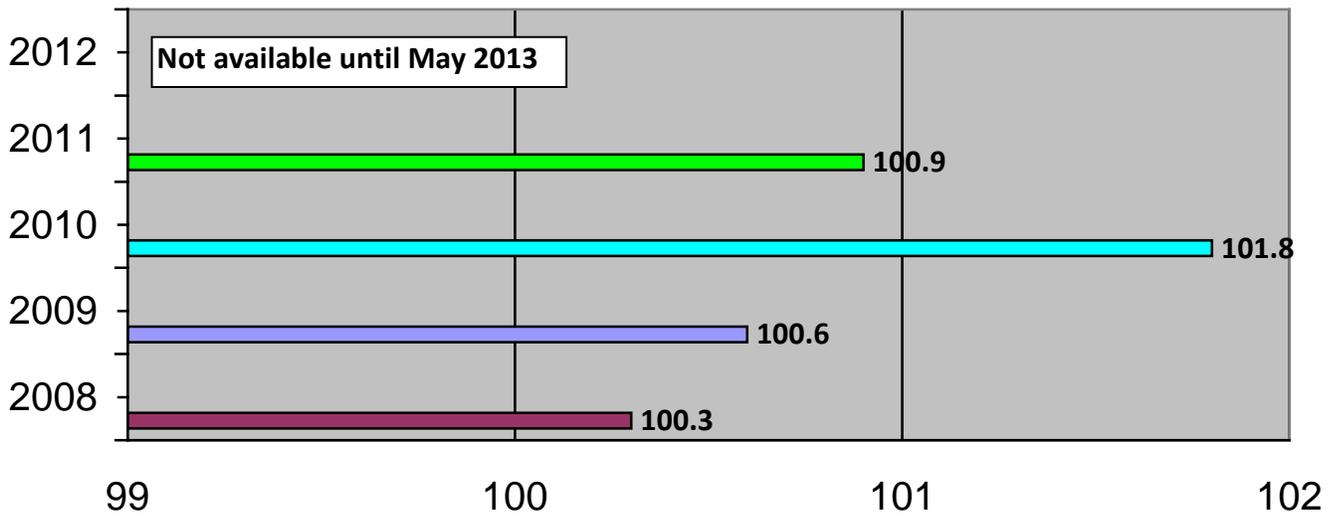
Polycom (State of Michigan Courts Video Project)

- In September 2012, the State of Michigan installed approximately \$50,000.00 worth of electronic video equipment into all three courtrooms in Cheboygan. This project was spearheaded by Jodi Barrette, District Court Administrator in conjunction with the State of Michigan Courts Video Project. When defendants are lodged in other counties or in prison, the court can resolve the case via a video Polycom proceeding thereby saving the costs of transportation and/or overtime to have the defendant brought to Cheboygan. This will reduce prisoner transportation costs for local police agencies and Department of Corrections, increase public safety, reduce costs for Michigan State Police Forensics and increase productivity. The District Court utilizes this equipment whenever possible in order to make the most efficient use of time for the court, staff, police agencies, Department of Corrections and assigned judges. We believe this equipment will prove to be a very effective cost saving project as well as provide further safety to the citizens of Cheboygan County. Since the time of installation, the District Court has saved \$940.25 in prisoner transportation and visiting judge costs.

Caseflow Management

Efficient Case Processing – Clearance rates are a way to measure caseflow management and efficiency of a court. Clearance rates indicate the extent to which a court is keeping up with incoming caseload. A rate of 100% indicates that the number of cases disposed of during the year is equal to the number of cases filed. The higher the percentage, the more efficient the court is in handling its caseload.

In 2011, the 89th District Court’s clearance rate was 100.9% with 5527 cases new or reopened and 5582 disposed cases. Over the past three years, the 89th District Court has had a clearance rate of 100% or greater.



Sobriety Court

The 89th District Sobriety Court was started in August of 2012 after the team attended the 2012 DWI Court training with the National Highway Safety Administration in late June. The Sobriety Court team includes:

Honorable Maria I. Barton, District Judge
Jodi Barrette, DWI Coordinator
Kim Godi, Probation Officer
Dale Selin, Research Expert
Aaron Gauthier, Assistant Prosecutor
Ronald Varga, Defense Counsel
Matt Riley, Treatment Provider – Harbor Hall
Tim Cook, Lieutenant – Cheboygan County Sheriff Department

In addition to the above team, Kathy Mason from Catholic Human Services and Marie Frick from the Community Corrections Department play a significant role in our program.

The mission of Sobriety Court is to help substance abusers achieve sobriety by providing a structural framework within which to be successful and to help facilitate change in addictive behaviors. The Sobriety Court focuses on holding individuals accountable through the team approach.

The 89th District Court revised workload and job responsibilities within the court to be able to operate the Sobriety Court without additional personnel or costs to the county. Participants in the program are responsible for paying their fines and costs, a participation fee of \$20.00 per month for each month in sobriety court, fees for drug testing, fees for alcohol monitoring systems, and counseling. The Sobriety Court budget is comprised of funds the 89th District Court receives annually from the State of Michigan for Drunk Driving and Drug cases filed. The court receives an average of \$9,000.00 to \$12,000.00 annually.

In 2012, the Sobriety Court accepted a total of eight participants into the program. Due to non-compliance one of these individuals was discharged by the team in 2012.

Jail Savings

In 2012, the Sobriety Court accepted eight individuals into the program. Of the eight participants, seven are still involved in the program. Based upon the charges of the seven individuals and possible jail sentence, the Sobriety Court program saved approximately \$19,900.00 in jail costs for Cheboygan County. This figure is based on \$20.00 a day per inmate.

Sobriety Court Budget

The Sobriety Court budget was \$12,000.00 for 2012.

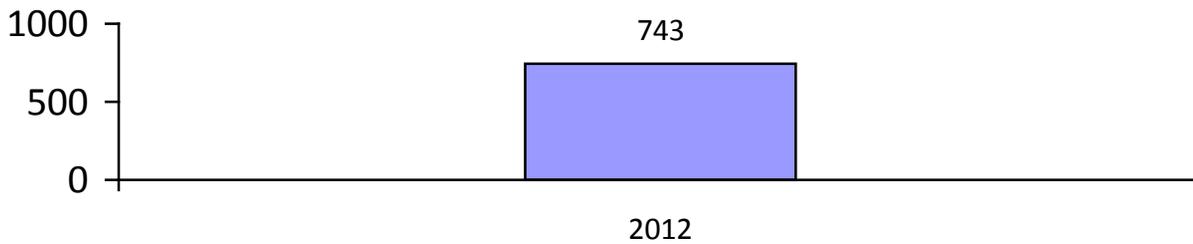
Expenditures:

Description	2012 Amended Budget	Ending Balance 2012	Available Balance
Expenditure Control	3,950.00	0.00	3,950.00
Other Supplies	3,500.00	815.20	2,684.80
Contractual Services	2,000.00	0.00	2,000.00
Consul/Ind Provider	1,000.00	0.00	1,000.00
Incentives/Supplies	650.00	108.40	541.60
Travel/Lodging/Meals etc.	900.00	592.01	307.99
Total Expenditures	12,000.00	1,515.61	10,484.39

Revenue:

Since the programs inception in August 2012, the Court collected \$743.00 in Sobriety Court fees in 2012.

Sobriety Court Revenue



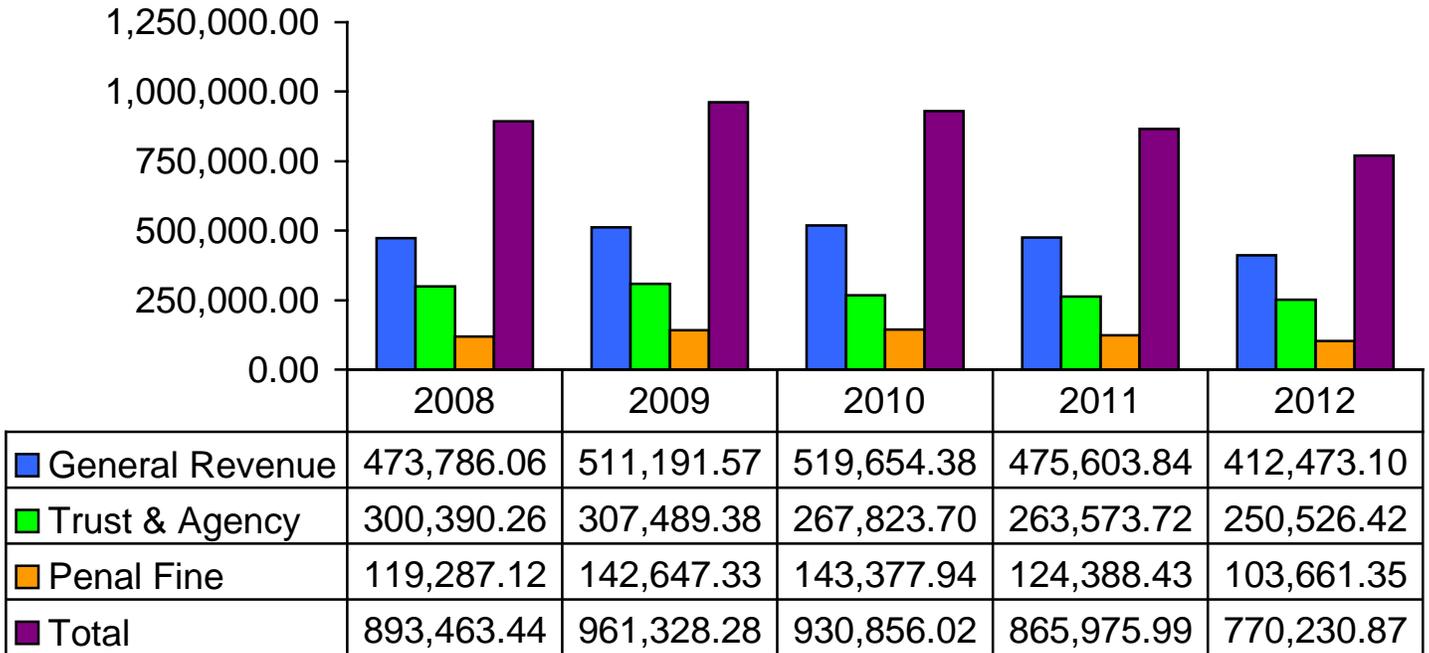
Timely Case Disposition

The 89th District Court is meeting or exceeding most of the guidelines specified by the Michigan Supreme Court.

89th District Court	Michigan Supreme Court Time Guidelines
99%	90% of General Civil cases adjudicated within 273 days from case filing
100%	100% of General Civil cases adjudicated within 455 days of filing
99%	100% of Summary Civil cases without jury demand adjudicated within 126 days from case filing
100%	100% of Summary Civil cases with jury demand adjudicated within 154 days from case filing
98%	90% of Civil Infraction cases adjudicated within 35 days from case filing
100%	100% of Civil Infraction cases adjudicated within 84 days from case filing
91%	90% of Misdemeanor cases adjudicated within 63 days of first appearance
100%	100% of Misdemeanor cases adjudicated within 126 days of first appearance
57%	80% of preliminary examinations held within 14 days of arraignment. *
88%	100% of preliminary examinations held within 28 days of arraignment. *

* Preliminary Examination guidelines do not take into consideration that approximately 35% of defendants waive the 14 Day Rule because the parties need additional time to resolve cases and do not have necessary lab reports from the Michigan State Police Crime Lab.

Revenue



In 2012, the 89th District Court’s revenue was \$770,973.87, down \$95,002.12 from 2011. The reduction in revenue is due to decreasing civil infraction and misdemeanor cases in the Traffic Division of the court. Civil infractions are down by 627 cases. Fines and costs in these cases average around \$100.00 per case which equates to approximately \$62,700.00 annually. The decrease in the number of civil infractions and traffic misdemeanors is believed to be due to the reduction in officers policing Cheboygan County. Of the \$770,973.87 collected, \$412,473.10 was given to the Cheboygan County general fund.

Pursuant to statute and local ordinance, \$250,526.42 from the Trust and Agency account was distributed to the 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 is dispersed to public libraries per statute. In 2012, \$103,661.35 was dispersed to Cheboygan, Indian River, and Mackinaw City, Presque Isle, Topinabee and Wolverine libraries.

*In 2012, the District Court had additional revenue that was collected but not earned of \$2,500.00. This revenue was a surety bond that was forfeited when a defendant failed to appear in court. The bonding agency has one year to find defendant and turn him/her over to the court. If the bonding agency is unable to locate the defendant, this revenue will be turned over to the Cheboygan County general fund. Also, revenue collected for other departments used for a specific purpose, includes \$525.00 to the road commission and \$525.00 to the Sheriff Department per a local ordinance and \$20.00 to the courthouse preservation fund.

*These amounts are not included in the figures in the above chart.

Expenses

District Court's budget was \$512,668.00 for 2012. District Court was under budget by 1.77% in 2012.

Description	2012 Amended Budget	Ending Balance 2012	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	149,378.00	148,581.69	796.31
Full Time	252,897.00	252,862.53	34.47
Part Time	26,829.00	26,824.13	4.87
Year End Salary Adjustment	0.00	1,589.67	(1,589.67)
On Call/Reimbursement	6,500.00	6,154.83	345.17
Office Supplies	4,534.76	3,257.66	1,277.10
Uniforms	70.00	0.00	70.00
Transcripts	1,385.00	616.80	768.20
Jury Fees	2,925.00	2,923.68	1.32
Contractual Services	600.00	479.80	120.20
Legal-Court Appointed Attorneys	1,755.00	1,755.00	0.00
Visiting Judges	365.24	317.52	47.72
Membership & Subscriptions	2,200.00	2,012.63	187.37
Telephone	1,500.00	1,366.53	133.47
Cell Phone	765.00	765.00	0.00
Travel/Lodging/Meals etc.	1,600.00	1,034.89	565.11
Employee Training	700.00	75.00	625.00
Caseflow Assistant Grant	3,000.00	0.00	3,000.00
Tether/Drug Testing Fees	2,400.00	949.06	1,450.94
Fees	800.00	744.00	56.00
Office Equipment & Furniture	510.00	0.00	510.00
Computer-Hardware/Software/Maintenance	6,230.00	5,582.48	647.52
Total Expenditures	\$512,668.00	\$503,616.90	\$9,051.10

2011 Budget	\$522,084.90	\$499,407.14	\$22,677.76
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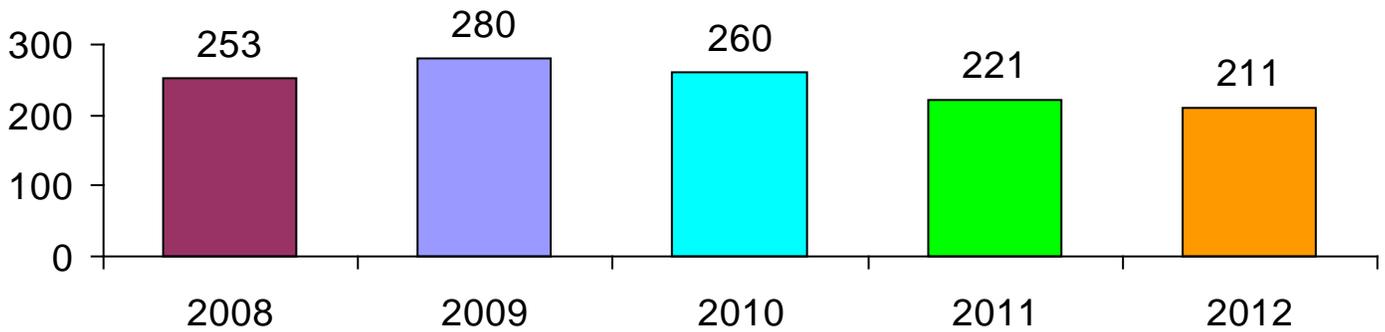
2010 Budget	\$558,726.00	\$516,730.99	\$41,995.01
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2009 Budget	\$570,325.40	\$513,637.31	\$56,688.09
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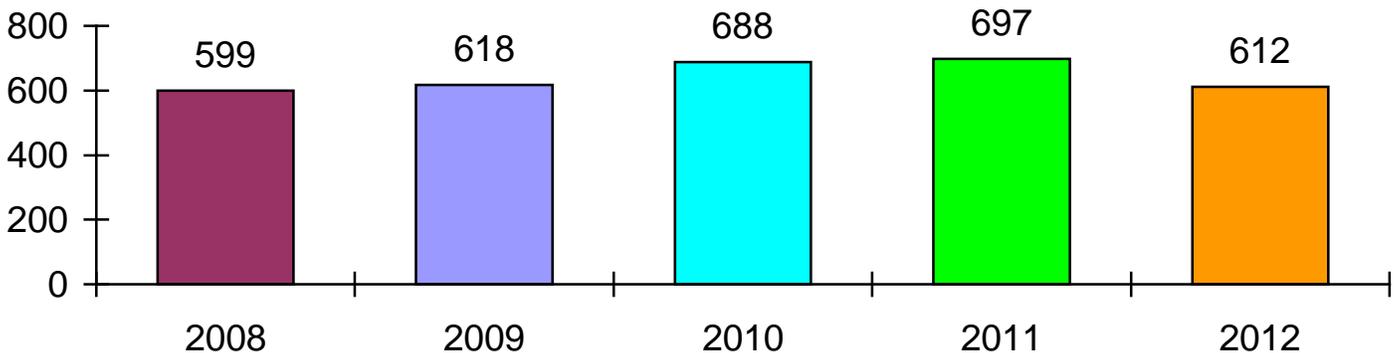
The 89th District Court is divided into three divisions – criminal, civil and traffic. All criminal cases whether misdemeanor or felony, begin in District Court. The Criminal Division of the District Court handles a wide range of criminal proceedings including misdemeanor offenses for which the maximum 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

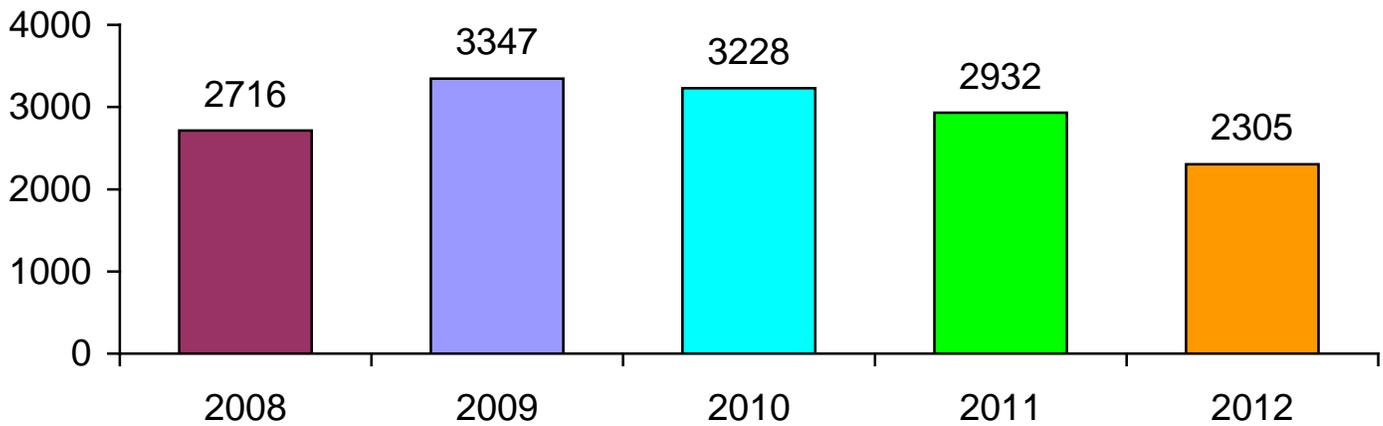


Misdemeanor Cases Filed

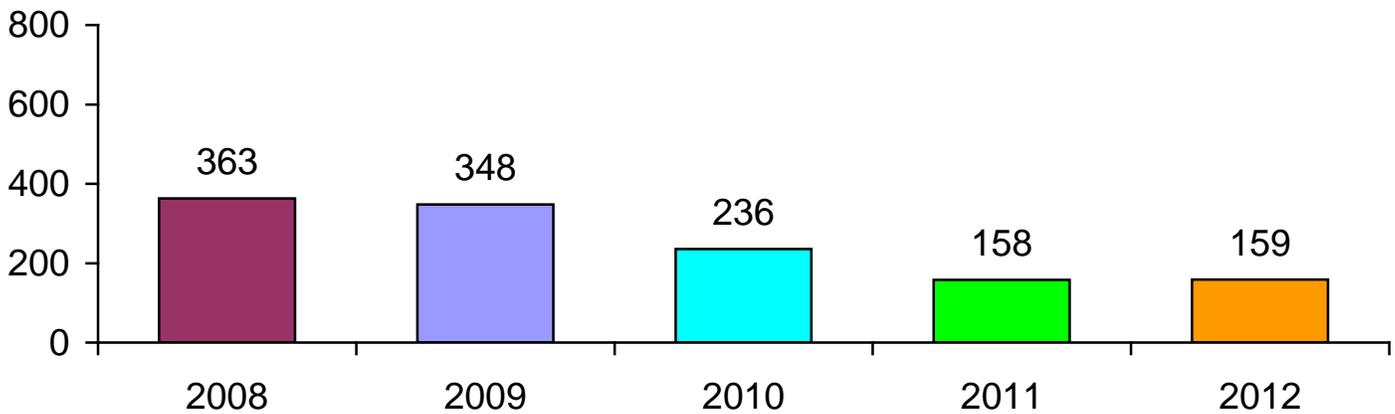


The Traffic Division processes all civil infractions, which include minor traffic matters, some Department of Natural Resource matters and certain misdemeanor cases. Speeding tickets, registration/plate violations, careless driving, parking, seatbelt violations, no proof of insurance, defective equipment 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

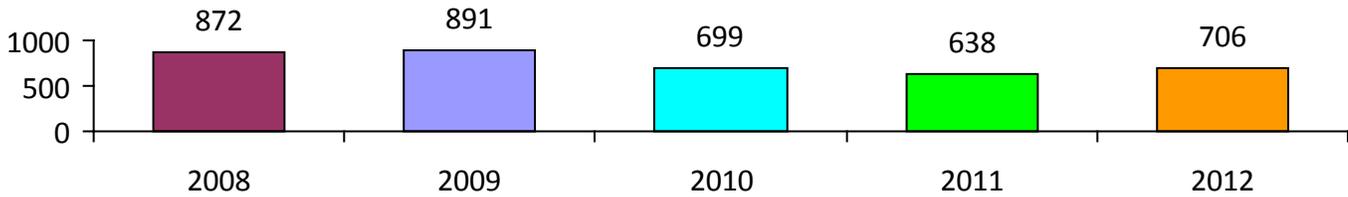


The Civil Division of the court has jurisdiction over all civil disputes where the amount in controversy is less than \$25,000, small claims and landlord tenant cases. General civil also includes cases for claim and delivery.

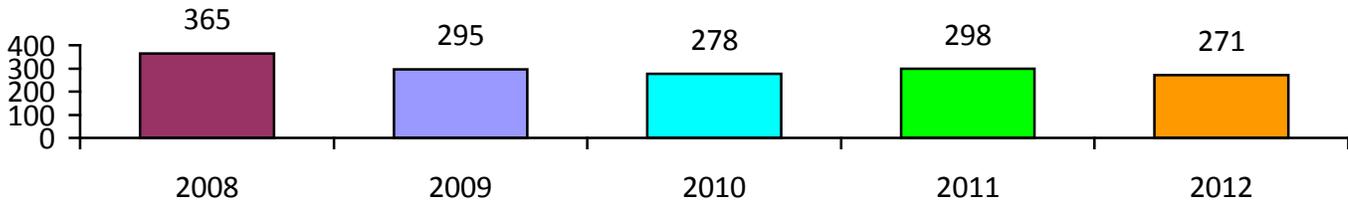
In small claims cases, the amount in controversy is \$5000 or less. Litigants waive the right to be represented by an attorney, waive the right to a jury trial and the right to appeal the district judge's decision.

Landlord tenant cases are filed by landlords or land contract vendors when tenants or land contract vendees are not complying with the terms of the lease or contract. This area also includes summary proceeding matters.

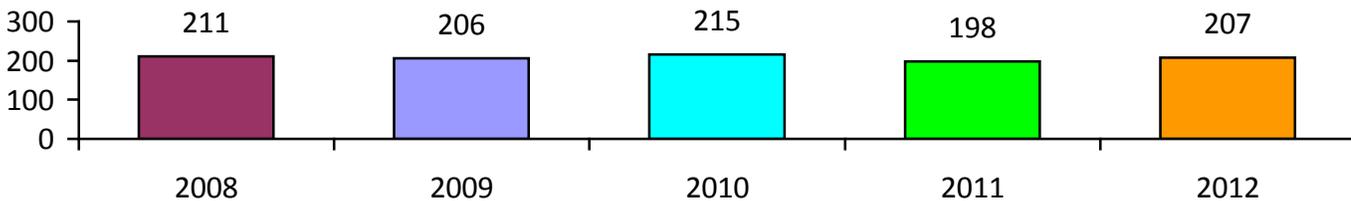
General Civil Cases



Small Claim Cases

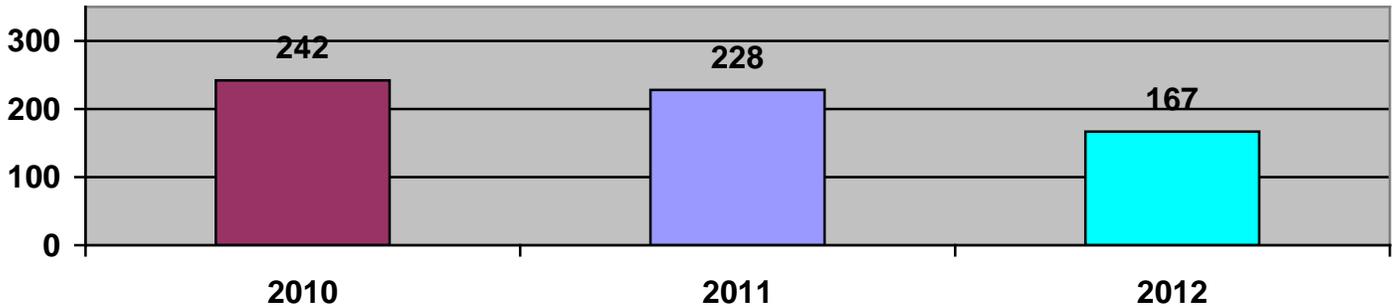


Landlord/Tenant Cases

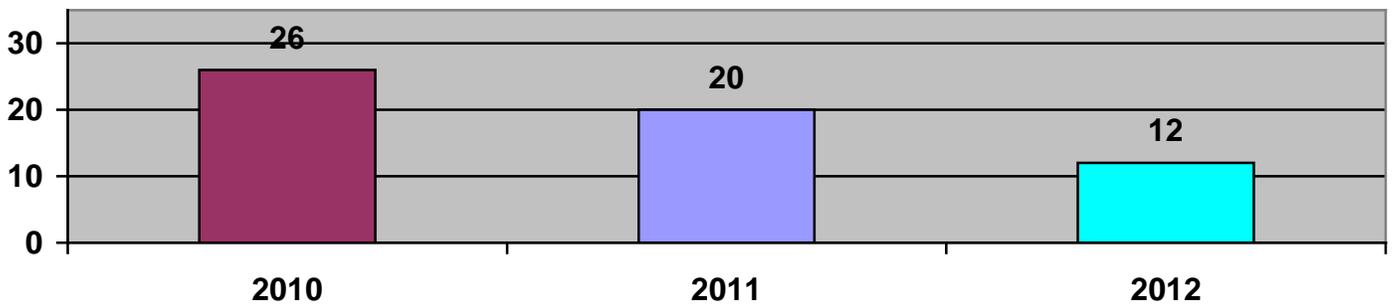


The District Court submits dispositions annually to the State Court Administrative Office to include the number of dismissals. These are cases dismissed by the County Prosecutor, City Attorney and Court.

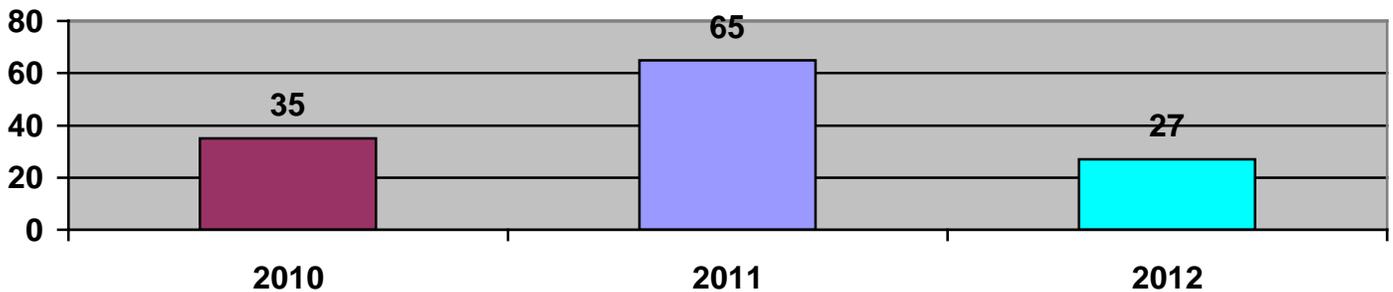
Cases Dismissed by County Prosecutor



Cases Dismissed by City Prosecutor



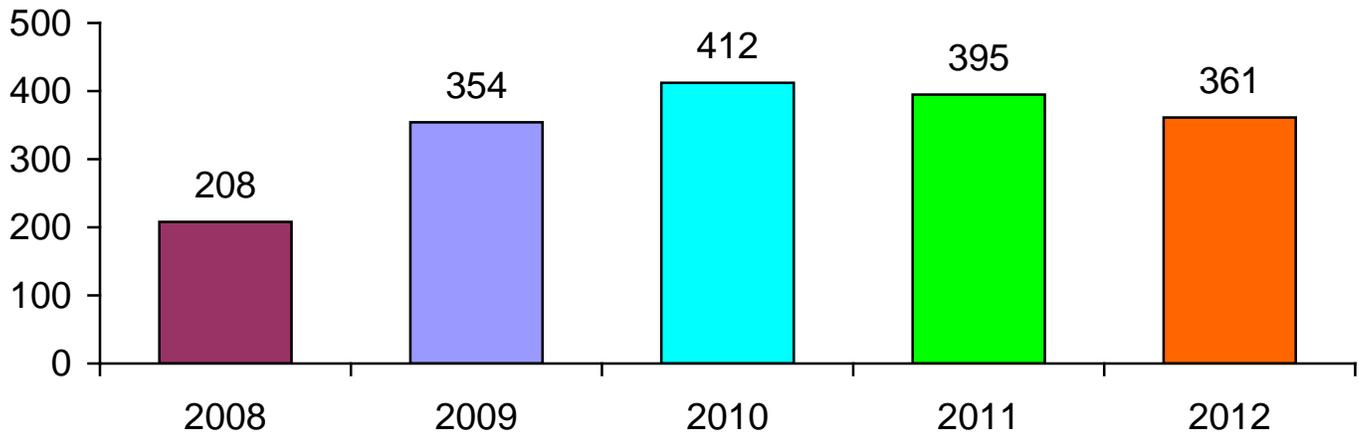
Cases Dismissed by Court *



*Court dismissals include cases dismissed by judge after preliminary examination, during trial or after trial, when a plaintiff, officer or witness fails to appear at the hearing and when a case is dismissed due to non-service, no progress, for no cause of action after conclusion of plaintiff's case and when plaintiff fails to appear. **The majority of the dismissals are due to no progress in a civil action.**

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



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.

In 2012, 5,038 hours of community service were completed by defendants assigned to the Community Service program. Community service hours resulted in \$37,284.07 being credited toward eligible fines, costs and fees.

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 eight hours per day for each day ordered. By participating in the program, the individual avoids additional jail time.

Smart Start/Rancilio Home Confinement Services

Defendants who are sentenced to be on an alcohol monitor/tether are referred to either one of these agencies. These programs are utilized by the court to help monitor an individual's alcohol intake and/or keep the defendant confined to his/her home and provide accountability to the un-incarcerated defendant. Other types of technology are also available to allow the court to monitor at different levels of security based on the seriousness of the offense.

Williams House/Evangeline House

The Williams House and Evangeline House are structured transitional houses for recovering alcoholics/addicts. The Williams 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.

Community Mediation Services

The court utilizes this mediation program to assist the court and public in resolving small claim cases. Mediation allows parties an opportunity to resolve their cases in a non-adversarial manner while working with a trained mediator.

Year	2008	2009	2010	2011	2012
# of Referrals	3	1	5	8	6
# Cases Mediated	3	1	4	8	6
# Cases Mediated to agreement	1	1	4	8	5
# Cases Mediated without agreement	2	0	0	0	1
Overall Mediated to Agreement Rate	33%	100%	100%	100%	83%

Court Website

The 89th District Court's website provides information about the court and its services. 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 website is information about location and hours of operation, court calendar, payment options, court dispositions, fines and costs, filing fees and other helpful links as well as information with regard to criminal, civil and traffic cases. Since 1994 through 2012, the District Court has collected \$1,487,119.62 in credit card payments. Our website address is www.89thdistrictcourt.org.

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.

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. Additionally, two new programs, Life Skills and Prime for Life, will also be utilized starting in 2013.

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	527 @ \$48.00 per day	\$25,296
Rehab.Services:		
MRT, GED, T.Houses	1078 @ \$48.00 per day	\$51,744
Residential Services: ATS, Sunrise Centre, Harbor Hall	366 @ \$48.00 per day	\$17,568
Total	1,971 Jail Beds Saved	\$94,608

Non-Incarcerated Offenders

<u>Community Service Program</u>	<u># Jail Bed Days Saved</u>	<u>Savings</u>
Saturday Work Program & Other Community Service	833 @ \$48.00 per day	\$39,984
Total	833 Jail Beds Saved	\$39,984
Grand Total Savings:		\$135,462

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.