

**2020 ANNUAL REPORT  
MARYSVILLE MUNICIPAL COURT**

**JUDGE MICHAEL J. GRIGSBY**

SUBMITTED TO:

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Union County Prosecutor

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## INTRODUCTION

Though known as the Marysville Municipal Court, this Court serves all of Union County. The fines, costs, and deposits collected by this Court are disbursed to governmental entities throughout Union County and the State of Ohio.

In 2020, the court collected and disbursed \$1,086,105.65 in criminal and traffic fines, costs and deposits, and civil action costs, judgment payments, and deposits. A comparison of annual disbursements is below. The spreadsheet at the end of this report details these transactions.

This report describes the activity in the Court in 2020 and summarizes programs administered by the Court. Interested readers are encouraged to submit questions and comments to Judge Michael J. Grigsby.

<b>Year</b>	<b>Comparison of Total Funds Distributed</b>
2020	\$1,086,105.65
2019	\$1,509,202.09
2018	\$1,577,524.45
2017	\$1,848,291.02
2016	\$1,848,291.02
2015	\$1,801,203.81
2014	\$1,448,896.80

<b>Comparison of Criminal and Traffic Charges filed*</b>			
<b>Year</b>	<b>Traffic</b>	<b>Criminal</b>	<b>Total</b>
2020	5020	628	5,648
2019	7934	946	8,880
2018	6954	1186	8,140
2017	7184	1032	9,432
2016	9281	853	10,134
2015	8889	772	9,661

\*These figures do not reflect the subcases filed with the original case

## **JUDGE MICHAEL J. GRIGSBY**

Judge Grigsby is a lifelong resident of Union County, maintained a private law practice in Marysville, and was elected Judge in November 1999, and re-elected in 2005, 2011 and 2019. Judge Grigsby is a member of the Ohio Municipal and County Court Judge's Association. He belongs to the Ohio and Union County Bar Associations and is admitted to practice before the United States and Ohio Supreme Courts and the US District Courts for the Northern and Southern Districts of Ohio. He was also admitted to practice before the Supreme Court of Minnesota and the US District Court for the District of Minnesota.

From 1981 to 1985 Judge Grigsby served on Marysville City Council as Councilman at Large and as President of Council in 1982, 1983, and 1984. He was the Law Director or attorney for Marysville from January 1, 1986 to December 31, 1999.

He served as a trustee of the Union County Board of the American Red Cross, the Union County Community Improvement Corporation and with the approval of the Union County Commissioners and other local entities was instrumental in re-organizing the Union County Community Corrections Planning Board, serving as its Chairman from 2000 to 2012.

He has been an associate member of the County Township Clerks and Trustees Association and has been a member of the Union County Republican Party's Century Club for thirty years.

Judge Grigsby belongs to Our Lady of Lourdes Catholic Church in Marysville. He is a member of the Marysville Moose and Eagles Lodges, and the Veterans of Foreign Wars Men's Auxiliary. He is a Life Member of the local Elks Lodge #1130 and has been named the Local Elk of the Year as well as a member of the Ohio Elks Hall of Fame. He is also a member of the local Knights of Columbus Council #5534 (Third and Fourth degrees) and the National Rifle Association.

### **HISTORY AND DESCRIPTION OF THE COURT**

Municipal courts are created by the Ohio General Assembly pursuant to provisions in the Ohio Constitution. The General Assembly created the Marysville Municipal Court in 1963.

Under Ohio law, the Clerk of the Marysville Municipal Court is appointed by and serves at the discretion of the judge. (Clerks are appointed where the population of a municipal court's territory is less than 100,000.) Ohio law also authorizes the municipal court judge to appoint probation officers, bailiffs, magistrates, and other support staff. The Clerk of the Court is responsible for operation of the Clerk's Office and the Traffic Violations Bureau.

### **JURISDICTION**

#### Criminal and Traffic Jurisdiction

The Ohio General Assembly establishes the geographic and subject matter jurisdiction of the state's municipal courts. "Geographic jurisdiction" is a term used to describe the physical territory in which a court has power to act. "Subject matter jurisdiction" is a term used to describe the power of a court to hear and decide certain kinds of cases. As noted in the Introduction to this report, the Marysville Municipal Court has county-wide geographic jurisdiction. In other words, the Court has the power to hear and decide criminal, traffic, and civil cases that arise anywhere in Union County and that are within its subject matter jurisdiction.

The Court has subject matter jurisdiction of adult misdemeanor criminal and traffic violations.

In general, a misdemeanor offense is one for which the maximum penalty is a fine of \$1,000 and incarceration for up to one year, or both. The Court operates a Traffic Violations Bureau pursuant to Ohio Traffic Rule 13. The Traffic Violations Bureau processes minor traffic violations. Offenders charged with certain traffic offenses may avoid a court appearance by timely submitting a written guilty plea with a predetermined payment of fine and costs. These offense violations are typically referred to as waiverable offenses or waivers. Most of the offenses processed by the Traffic Violations Bureau are speeding, traffic control device, and seat belt offenses. The Court also has a waiver process for minor criminal offenses under Criminal Rule 4.1. Under this process, offenders charged with certain minor offenses may plead guilty and pay a predetermined amount for fine and costs. The most common offenses are disorderly conduct and open container.

The Court also has jurisdiction over pre-indictment and post-arrest proceedings in felony cases. For example, the Court handles the pre-indictment arraignments, bail hearings, and probable cause hearings of persons charged with a felony. Further, the Court is often called upon to issue search warrants, and regularly holds bail hearings where an adult is held in jail pursuant to an arrest or pursuant to an in-state or out-of-state warrant.

### Civil Jurisdiction

The Court also exercises civil jurisdiction. A civil case is a law suit between private parties where one party sues the other for money damages or in which a party files a special appeal or application. The Court has jurisdiction of civil actions where the amount of money damages sought is \$15,000 or less.

Civil cases filed with the Court include contract disputes, personal injury and property damage claims, and landlord/tenant disputes including evictions. In many cases, routine civil matters can be processed more quickly in municipal courts than in the common pleas courts which handle fewer, but more complex lawsuits. Civil cases also include special appeals and applications. For example, a driver may appeal the Ohio Bureau of Motor Vehicles twelve-point suspension, or BMV automatic suspension where a driver refuses to take a test to determine alcohol and/or drug content of blood, breath or urine. Similarly, the Court handles petitions for work or education-related driving privileges, proceedings to enforce judgments, and other civil collection proceedings.

The Court also has a Small Claims Division. The Small Claims Division handles civil claims where the amount of money damages sought is \$6,000 or less. The procedure in small claims is informal and, in general, the parties present their claims and defenses without lawyers.

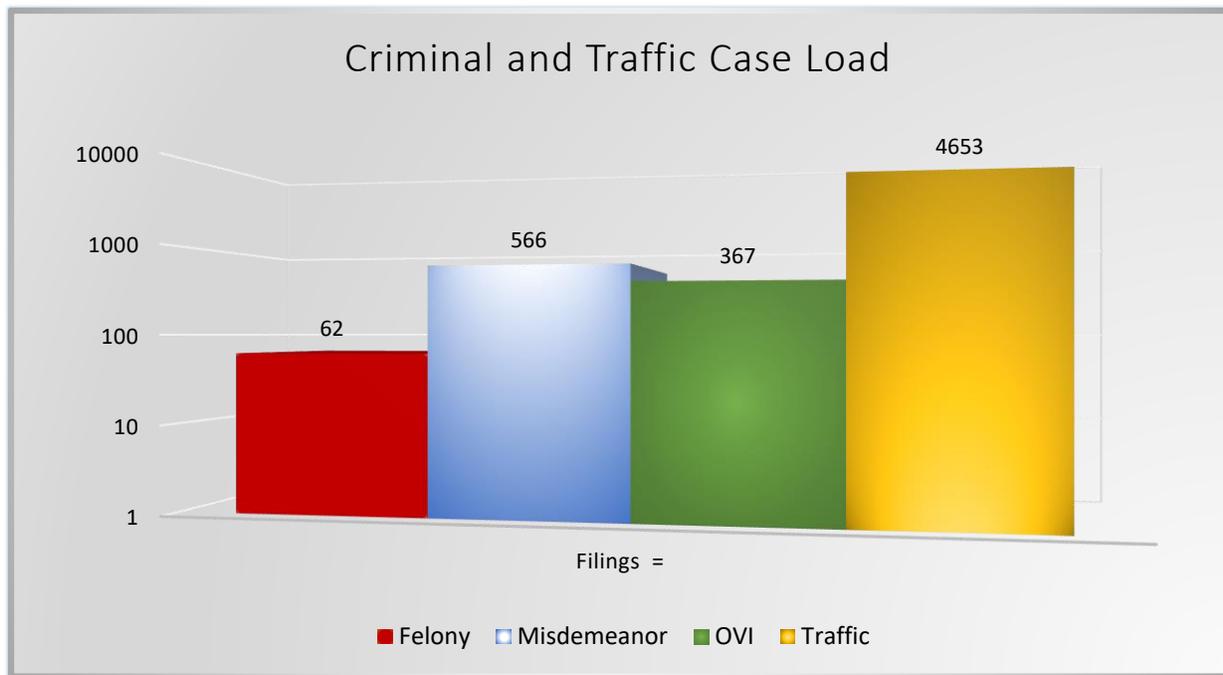
Municipal court judges also have other civil powers and duties. For example, they can perform marriages, administer oaths, take acknowledgments, and review and approve the bonds of both township trustees and township clerks.

## **SUMMARY OF 2020 FINANCIAL AND CASE ACTIVITY**

The following material summarizes the case activity, and the receipts and disbursements of the Criminal, Traffic, and Civil Divisions of this Court.

### Criminal and Traffic Division: Case Load, Case Activity

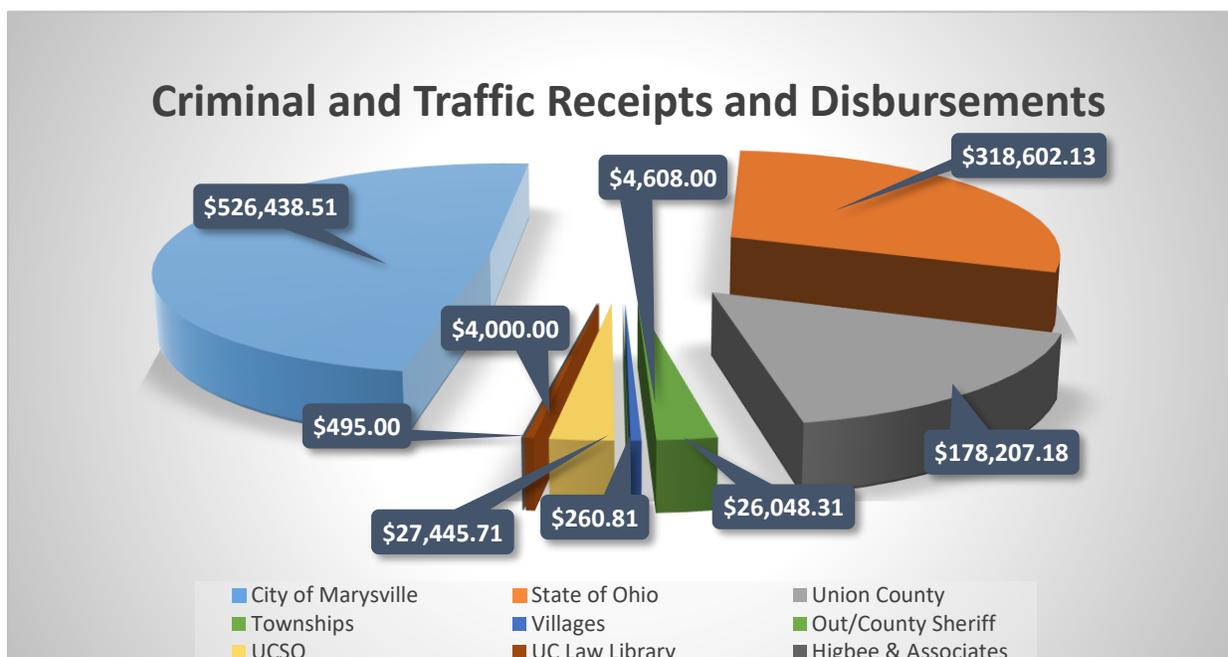
The following Criminal and Traffic filings and dispositions were made in the Marysville Municipal Court in 2020.



The numbers above include “secondary” cases where an individual is charged with multiple offenses. The numbers reflect the primary case under which such an individual is charged as well as the secondary cases. They do not include probation violation charges or contempt of court proceedings.

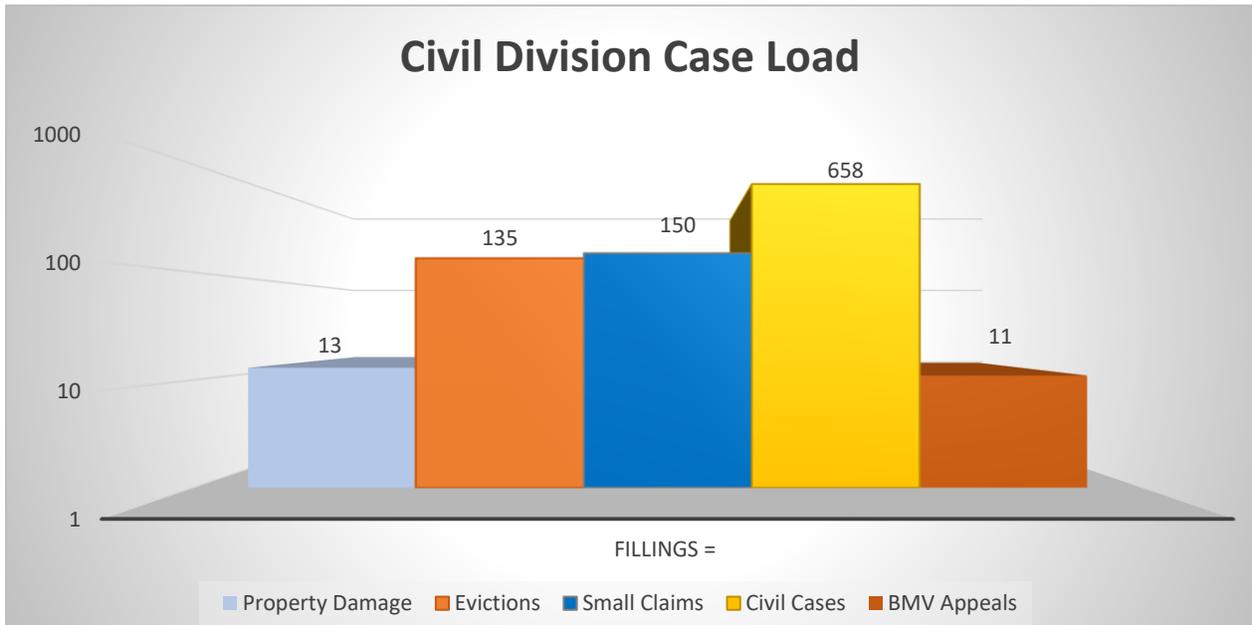
Criminal and Traffic Division: Receipts and Disbursements

In 2020, the Criminal and Traffic Division of the Marysville Municipal Court disbursed \$1,086,105.65. Disbursements were made to the listed governmental entities.



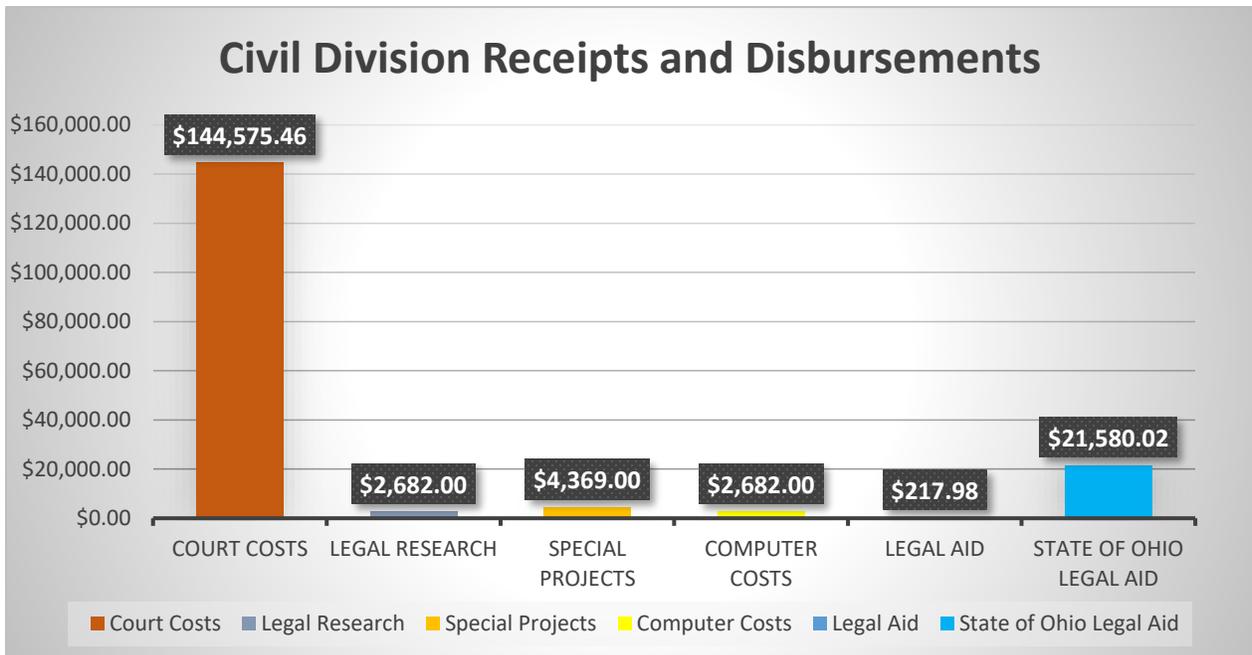
### Civil Division: Case Load, Case Activity

The following Civil filings and dispositions were made in Marysville Municipal Court in 2020.



### Civil Division: Receipts and Disbursements

In 2020, the Civil Division disbursed \$176,106.46 to the City of Marysville and the State of Ohio. The disbursements were made to the listed accounts/funds.



The \$21,580.02 by the State for legal aid funding is pursuant to R.C. 1901.26, 1907.24 and 2303.201.

Under the Supreme Court of Ohio’s reporting requirements, the above numbers for filings and dispositions, and the numbers for receipts and disbursements do not reflect all the activity of the Civil Division. For example, the filing figures do not reflect garnishment filings nor re-opening cases for motions. Similarly, the receipts and disbursements figures do not reflect garnishment collections and disbursements to judgment creditors.

## PROBATION DEPARTMENT

According to Black's Law Dictionary, probation is defined as: *a court-imposed sentence that, subject to stated conditions, releases a convicted person into the community instead of sending the criminal to jail or prison.*

Once a probationer has complied with all requirements of probation the Court may terminate probation. Unless the term of probation is extended by the Court, probation terminates automatically at the end of the original period set by the Court. If a probationer does not timely comply with the requirements of probation, the Court, after notice to the probationer, may re-impose any jail time and or fines that were suspended as part of the probation.

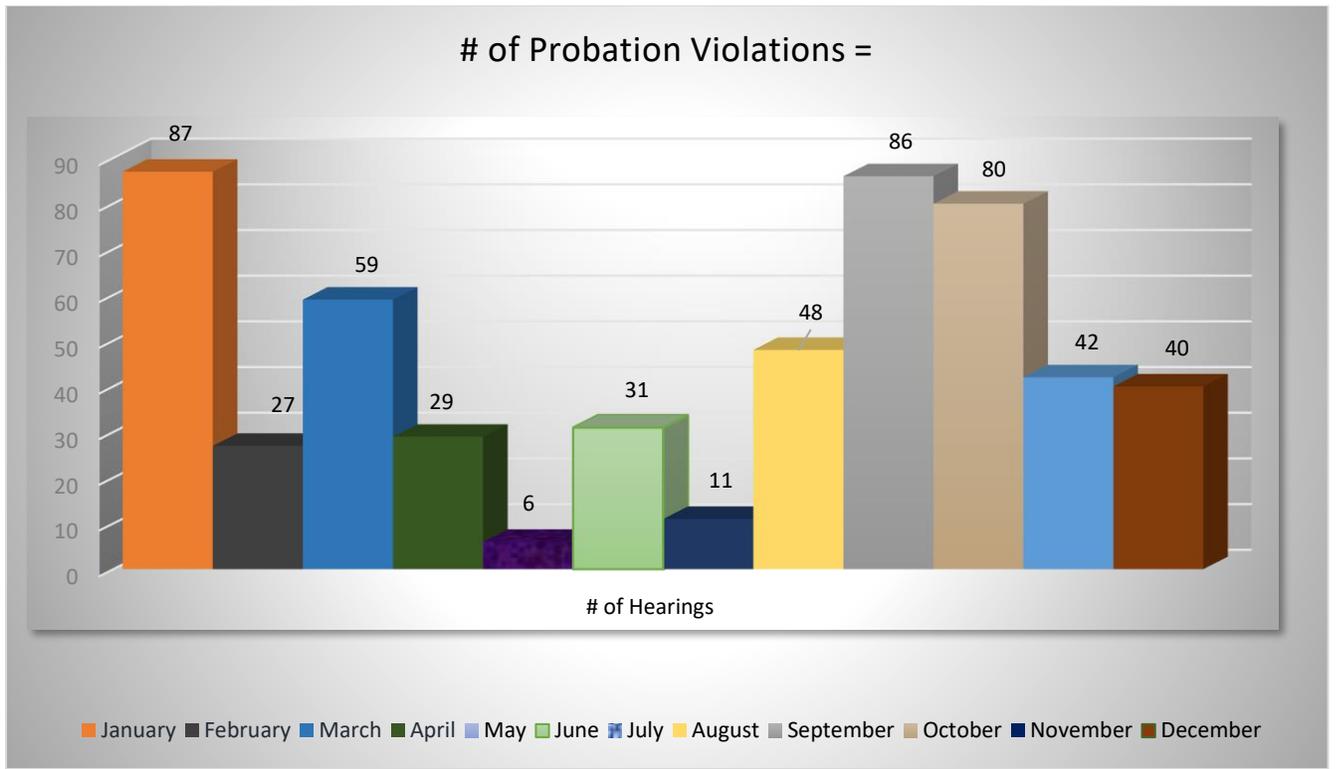
The majority of the offenders placed on probation by the Marysville Municipal Court are on non-reporting probation. That is, they do not have to regularly come to the Probation Department and see the probation officer. Generally, these offenders must, within specific time limits, pay fines and costs, pay restitution, obtain or regain a valid Ohio operator's license, or fulfill a requirement that can be proven with paper documentation. The Probation Department and the Clerk's Office monitor offenders' compliance by regularly checking, among other things, payment records, court filings, and Ohio BMV records. It should be noted that while probationers on non-reporting probation are not required to regularly come to the Probation Department or Court over an extended period of time, they do come to Court/Probation Department to pay fines and costs, pay restitution, show that they possess a valid operator's license or show they have complied with a specific requirement or requirements of probation.

Generally, offenders on reporting probation must comply with specific counseling requirements, complete community service or meet some other long-duration requirement. For example, offenders on reporting probation may be required to: perform community service; attend and complete a driver's intervention program, a drug/alcohol evaluation, an anger management counseling or domestic violence counseling program; or comply with the recommendations of a counseling program. The majority of offenders on reporting probation must also continue to pay fines and costs, and comply with other requirements such as paying of restitution or obtaining a valid driver's license. It is Court policy that probationers are responsible for enrolling in counseling and community service programs and for proving completion of such programs and compliance with the requirements of such programs.

### Probation Activity

In 2020, 474 offenders were placed on probation; 213 in criminal cases and 261 in traffic cases. The probation officer or his assistant personally interviewed each offender placed on probation and informed the offender of the requirements of the offender's sentence and probation. Each person placed on probation is required to pay a one-time \$25.00 probation fee. In 2020, the probation department collected \$11,850.00 in probation fees.

As a result of enforcement actions by the Probation Department and Clerk's Office, the Court conducted 546 probation violations.



### Electronic Monitoring

In October 2008, the Marysville Municipal Court added Electronic Monitored Home Confinement through GPS tracking (EMHC) as a probation service and as an alternative to actual incarceration for selected, generally nonviolent, offenders.

The Court provides EMHC via a contract with CDA, Inc. (CDA). The Probation Department serves as the general administrator of EMHC, e.g., Electronic Monitoring, schedules all tracking equipment installations, establishes offender's work schedules, and, where necessary, disconnects and stores equipment. The "tracking equipment" is an ankle cuff worn by the offender while on EMHC and a charging unit.

CDA installs and disconnects the tracking equipment, collects payments, monitors and verifies offender's location every ten seconds, and provides reports to the Court as needed. At enrollment the Defendant pays court costs directly to the court and CDA's portion directly to CDA.

As noted above, EMHC is a condition of probation and a jail alternative. However, it can have many other uses. For example, it can be used as a condition of bail, no contact orders, pre-sentence release, and medical and other jail furloughs. While on EMHC, an eligible offender may, for example, go to work, attend school, or attend counseling.

## Domestic Violence Counseling Program

Most victims and perpetrators of domestic violence are family members or live together. Further, most victims are more interested in the perpetrator's rehabilitation than retribution. Similarly, most offenders are themselves interested in rehabilitation. The Domestic Violence Program is an intensive twelve-week program that helps offenders understand and avoid the cycle of violence found in troubled households and relationships. The program was in place for over ten years and has been successful in reducing repeat offenses and helping families to stay together.

## Alcohol Offender Program

Alcohol and drug abuse are a factor in many of the cases filed in this Court. The Court utilizes a number of programs to help offenders deal with alcohol abuse. The most frequently utilized is the Drivers Intervention Program (DIP), a program for first time OVI offenders. (This program is also sometimes referred to as an Alcohol Education Program or AEP.)

DIP is a state certified, three-day residential program. Under state law, first time OVI offenders may avoid the mandatory three-day jail sentence by successfully completing the program. In 2020, 120 Defendants were ordered to complete the DIP.

The Court frequently requires offenders to undergo alcohol/drug evaluations and to follow the recommendations made in their evaluations. In 2020, the Court ordered 63 offenders to complete an alcohol/drug evaluation. In most cases offenders must pay for DIP programs and alcohol/drug evaluations themselves. It is important to note that the DIP Program, and most other counseling programs, evaluate participants for alcohol and drug problems and make recommendations that address both alcohol and drug problems.

## **TRAFFIC SAFETY DIVERSION PROGRAM**

The Traffic Safety Diversion Program (TSDP) allows persons charged with minor traffic offenses to avoid conviction and many of the consequences of a traffic conviction. The potential consequences of a conviction include, for example, an Ohio BMV record and the assessment of points by the Ohio BMV. Eligible offenders may file an Application for Traffic Safety Diversion Program, pay a specified amount (generally \$143.00), and complete a traffic safety course. Only certain offenders are eligible for the TSDP. First, a person who possess a CDL is not eligible. Second, the offense must be a minor offense that can be processed by the Court's Traffic Violations Bureau; e.g., a first speeding offense within a twelve-month period, or a failure to comply with a stop sign. Third, the offender may not have had a prior moving violation within the prior twelve months. Fourth, the offender must not have participated in the program within the prior two years. Fifth, the offender must show that he or she had insurance at the time the offense was charged. Sixth, if the charge is a speeding violation, the offender must not have been travelling over 20 miles over the speed limit.

Offenders who enroll in the program pay the standard waiver amount to the Court. In addition, they pay the cost of tuition for the course directly to the sponsor of the course. When an offender completes the course, it is the offender's responsibility to timely show the Court proof of completion of the course. Upon timely submission of proof, the Court dismisses the case and no record is sent to BMV. If an offender does not provide timely proof of completion, the application that the offender filed with his or her payment is processed as a regular waiver. That is, a conviction is entered; notice of the conviction is sent to the BMV; the offender has a record with BMV; and BMV places points on the offender's driving record.

In 2020, 362 offenders successfully completed the Program and timely filed their Certificate of Completion.

## **MARRIAGES**

In addition to presiding over Criminal, Traffic and Civil litigation, municipal judges in Ohio are authorized to officially witness marriage ceremonies. Judge Grigsby performed 25 marriages in 2020

## **ATTACHED SPREADSHEET**

The following spreadsheet details the fiscal activity of the Marysville Municipal Court in 2020.