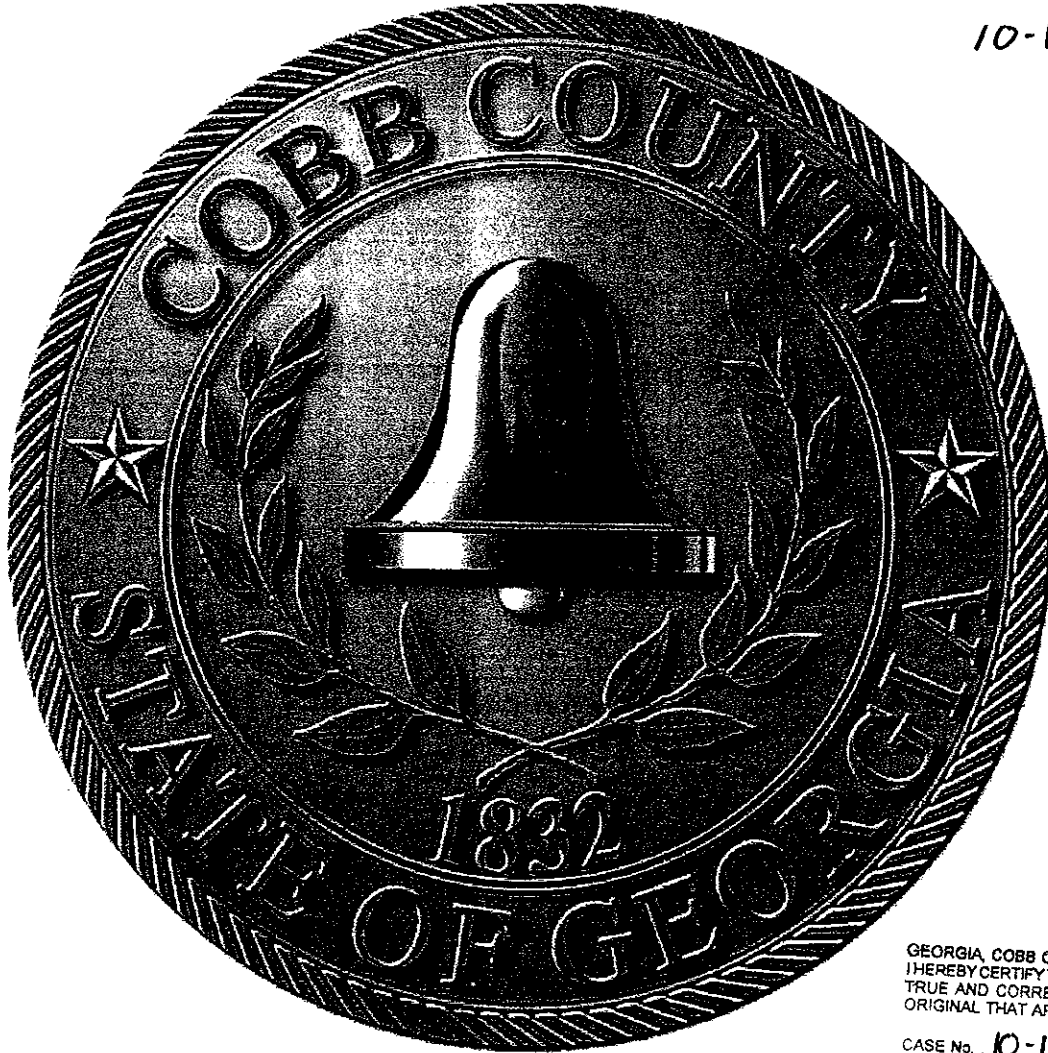


10-1-5469



GEORGIA, COBB COUNTY
I HEREBY CERTIFY THE WITHIN AND FOREGOING TO BE A
TRUE AND CORRECT AND COMPLETE COPY OF THE
ORIGINAL THAT APPEARS OF RECORD

CASE No. 10-1-5469 IN THIS OFFICE

THIS 9th DAY OF Sept 20 10

K Deborah Graves
DEPUTY CLERK, COBB COUNTY
COURT, COBB COUNTY, GEORGIA

**GENERAL PRESENTMENTS
of the
JULY/AUGUST 2010
GRAND JURY
IN THE SUPERIOR COURT
COBB COUNTY, GEORGIA**

**STANLEY A. HOLLANDER, FOREPERSON
ALLYSON C. KINNON, ASSISTANT FOREPERSON
JULIE C. ZIMMERMAN, CLERK**

Filed In Office Sep-09-2010 16:54:00
ID# 2010-0150174-CV
Page 1
Jay C. Stephenson
Jay C. Stephenson
Clerk of Superior Court Cobb County

July/August 2010
Cobb County Grand Jury

Consisted of the Following Panel Members:

Catherine J. McKenzie
Cecelia O. Hendrickson
Joan Ann Ghalili
Christina Ann Carlile
Gary M. Scott
Kathryn Jean Borella
Patricia Huber Hurst
Nancy Begin Taylor
Trevis J. Litherland
Pete V. Coppola
Billie Sue Clark

Teresa A. Geiger
Jeffrey J. Hinton
Tina Chorost Share
Michael Wayne Henderson
Dierdre Gillham Christian
Ettienne A. Lambert, Jr.
Lauren Walker Isaacs
Michael David Thompson
James Andrew Brennan
Charlene Ada Zimmerman
Thomas M. Tarquinio

Grand Jury Presentments

We, the Grand Jury, selected and sworn for the July/August 2010 Term respectfully make the following presentments:

This Grand Jury has acted on **359 Indictments**, returning **354 True Bills** and **5 No Bills** during the term.

Findings from the inspections of:

Cobb County Adult Detention Center

The Grand Jury conducted its mandated inspection of the Cobb County Adult Detention Center on Friday, July 23, 2010.

Opening remarks at the 12:30 pm luncheon were delivered by Sheriff Neil Warren, with a formal presentation of the jail's operations falling to Deputy Chief Lynda Coker, highlights of which include the following:

- FY 2010 budget of \$67.4 million (\$20.2 million: operations; \$47.2 million: detention)
- 795 employees (496 sworn, 299 civilian)
- 26,834 Arrest Warrants received in 2009
- 57,577 Civil Process received in 2009 (evictions, divorce, etc.)
- Total cost of \$53/day per inmate
- Total medical costs: \$6.6 million (Y2009)
- 2.07 million meals served (Y2009) at \$1.33 per meal
- Inmate population as of July 22: 2469- 1933 males and 297 females at pre-trial facility, 46 G-Pod (female) inmates, 36 work release (male) inmates, and 167 deployed inmate workers (male). The pre-trial facility's capacity is only 1925 beds.

Deputy Chief Sheriff Coker also addressed concerns raised by the previous Grand Jury's presentments, noting that:

- 1) The State of Georgia pays nothing to Cobb County for only the first 15 days for its inmates under sentence, and thereafter pays \$22 per day (with Cobb County subsidizing the balance of \$31 per day) until the State Prison System finds space to house the inmates.
- 2) The jail's medical staff performs monthly inspections for mold, etc.

Following the presentation, a tour of the pre-trial facility was conducted by Lt. Col. Janet Prince, Maj. Michael Skelton, Maj. Richard Hammond and Maj. Scott Greer.

The tour began in the jail's infirmary, which at present seems to the jury to be rather over-crowded. The 12-month construction for a new infirmary is; however, set to begin in August 2010. The infirmary currently monitors 18 pregnant

females and 20-24 inmates with serious medical conditions. Its staff is contracted through WellStar and treats 40,000 visits per year, with Cobb-Douglas Mental Health Care being used for follow-up on mental health for some released inmates.

The Grand Jury was next taken to the newest part of the pre-trial facility, beginning in its intake and booking areas. PDA fingerprinting technology connected to state databases for quick clarification of detainee's identities is used in the intake area, where inmates are also provided full access to phones. ICE ties also exist to identify certain immigration violators.

The jury was next shown one of the transition pods in the maximum-security cellblock, each of which consists of 32 cells with two inmates per cell. Each pod includes a common TV and video visitation terminal, as well as areas for meals and open-air exercise.

Among the minor concerns noted were the excessive noise levels caused by poor acoustics of the pods, as well as possible difficulties some inmates might have in reaching the upper bunks due to the absence of ladders.

Following the tour of the pre-trial facility, the Grand Jury was taken to the Work Deployment Facility by Lt. Col. Janet Prince, Lt. Jeff Bracket, and Maj. Scott Greer. Three types of inmates are housed in the WDF:

- 1) Inmate workers (deployed to county and return to facility in the evening)
- 2) Work-release program participants (work outside jobs, which are spot-checked for compliance, and return to the facility in the evening)
- 3) ICE detainees (pending to ICE; picked up by ICE, typically 10-20 at a time)

The jury inspected the dormitory of the WDF area from its elevated walkway and found the building to be quite warm but not uncomfortable in the summer heat. The jury was told that very few altercations (3-4 per year) occur in the WDF, as its inmates do not want to lose privileges.

The tour concluded at the new Visitor's Center, where Lt. Temetrius Atkins greeted the jury. The Visitor's Center is housed in a separate building, located at the entrance to the jail complex. The nature of the video link to the pods' common area prevents contraband and inappropriate behavior by visitors, while allowing children to visit. Inmates are allowed two 30-minute visits per week. Lt. Atkins indicated that pre-scheduling of visits eliminates problems with the old first-come, first-served protocols and that fingerprint enrollment of visitors expedites visitation. Fingerprint records are not purged. Attorneys enjoy unlimited visitation privileges and unrecorded visits, but non-attorney visits can be recorded; visitors are informed of this at each visit. Finally, a paperless electronic signature process is now used for bonding.

Cobb County 911

On 23 July 2010, the Grand Jury arrived for a tour of the Cobb County 911 Facility given by Assistant Director, Ann Flynn. Cobb County citizens continue to enjoy a state-of-the-art 911 system. Response times average six (6) to seven (7) minutes for police, fire, and medical calls for Cobb County, the cities of Marietta and Powder Springs and fire response for Kennesaw and Acworth. The jurors were given a demonstration of how an emergency fire call is handled in the Center and an opportunity to observe operations.

Questions were readily answered and staffing of the Center was discussed. Currently, there are one hundred thirty-six (136) employees and twelve (12) vacancies, but trainees are in orientation for these positions.

Future plans for the Center include the possibility of accepting text messaging and video messaging calls into the Center and having DOT camera availability and large screen satellite weather monitoring in the Center. The 911 Center has held the highest accreditation possible for the past six (6) years.

Cobb County Public Safety Training Facility

The July/August Grand Jury visited the Cobb County Department of Public Safety Training Facility on July 23, 2010.

Major James Schaffer provided a tour of the facility and answered our questions.

This facility is responsible for all police training. This includes all rookies. In addition, incumbent officers have required 3 times per year weapons training for a total of 16 hours plus 40 hours of additional training.

The Training Facility has a staff of 13 plus specialized detectives.

The Grand Jury visited the driver training area and firearms simulation area and witnessed demonstrations at each location. In addition the Grand Jury visited the Defensive tactics room and talked to a K-9 Officer.

We have no recommendations at this time.

Penal Committee

The Penal Committee conducted an inspection of the City of Smyrna Jail on July 30, 2010 at 9:30 a.m.

The tour of the facilities, which includes both the police station and jail proper, was given by Chief of Police, Stanley Hook. The entire complex is 13 years old and appears to be in good condition.

The tour began in the administrative wing of the police station, whose force of 88 officers (5 females) and 130 total employees is headed by four (4) captains and includes two (2) probation officers, fourteen (14) detectives, and a full-time internal affairs officer, among others. The station operates on a four-shift-per-day basis with each officer receiving 40-100 hours of training per year.

As the city's 911 Call Center is also housed at the police station, the committee was also able to observe it in operation as well. Two separate fiber-optic feeds help to maintain the robustness of the system, which is staffed by five (5) employees.

Besides the tour of the general office space, the committee was also able to observe the briefing rooms, locker rooms, and the forensics unit, which possesses the following capabilities: covert GPS tracking, approximately twelve (12) remote surveillance cameras, blood verification technology, and computer forensics.

Chief Hook noted that each officer has his or her own patrol car, which he or she may take home. These cost the city approximately \$50,000 each to properly outfit. Chief Hook also noted that, as Chief of Police he has discretion in disbursing approximately \$90,000 in monies recovered during drug raids and forfeited by court order.

Following the tour of the police station, the committee was taken to the adjacent jail itself, which is staffed by sixteen (16) employees (6 females). The jail houses no felons and has no long-term inmates, although some 30-day DUI convicts serve their sentences therein. From what the committee was able to observe, the inmates' cells seemed to be neat and clean. Prisoners themselves are responsible for their laundry.

The committee specifically observed the intake/booking area, as well as the kitchen, which prepared 26,000 meals in 2009. Capt. Randy Black indicated that the cost per meal had been reduced from \$1.46/meal to \$0.86/meal in recent months. While this significant drop in cost was attributed primarily to a shift towards wholesale purchases, it gave the committee sufficient pause to later request a detailed menu of meals served over a two-week period. The committee received such a menu on August 12, 2010.

The tour of the jail concluded at the video monitoring station, whose DVR recordings hold five (5) weeks worth of data and helpful in documenting inmates' belongings during arrival. Shift officers are required to review the DVR tapes two or three times per month.

Recommendations

- 1) Subsequent committees should insist on a tour of the jail itself first, as approximately 45 minutes elapsed from arrival until the tour of the jail commenced.
- 2) The health inspection report in the kitchen (currently bearing an A) should be more prominently displayed.
- 3) While the menu relayed to the committee allayed most of our nutritional concerns, the committee recommends that subsequent committees monitor the types and quantities of food served.
- 4) While the committee did not investigate the range of religious services available to inmates, it recommends that future committees look into this important aspect of the jail's operations.

COBB COUNTY ANIMAL CONTROL

On July 30, 2010 a committee from the July/August Grand Jury visited and inspected the Cobb County Animal Control Center. There we met Operations Manager Tom Flynn. Mr. Flynn led a tour of the entire facility and answered our questions.

Animal Control is divided into two (2) distinct operations:

- 1) The Kennel
- 2) Field Personnel

After touring the Kennel, Clinic Areas, and Outside Areas, the Grand Jury agreed that the facility is very clean and all animals are receiving excellent care. The Grand Jury also had the opportunity to meet with a Field Officer and ask questions.

Currently the Shelter is getting veterinary services on an outsource basis and all animals are adopted with the legal understanding that they must be spayed or neutered. However, the cost of monitoring this situation makes it uncontrollable.

In the immediate future the shelter is expecting some changes.

- 1) Field personnel will begin using the same technology for their vehicles as the police are currently utilizing.
- 2) The shelter will be employing a veterinarian and as a result all spaying and neutering will be done before an animal is adopted. While this will increase the costs of adoptions, it will ensure that the procedure was performed. This should help control the animal population and also be a service to the community since it will be less expensive than having the procedure performed by a private veterinarian.

Recommendations

- 1) The animal crematorium is currently offered to anyone in the county as a free service to dispose of deceased pets. The Grand Jury committee suggests that a small fee be charged- approximately \$25 and those funds be earmarked for new air conditioning and ventilation system for the Shelter.
- 2) Once the county employed veterinarian is in place, the Grand Jury felt that the welfare of county animals would be greatly increased if one day a week were set-up as a clinic to offer shots, spaying and neutering to county residents at a greatly reduced rate. Again money collected should be earmarked for new air conditioning and ventilation system for the shelter.

COBB COUNTY BOARD OF EDUCATION

A committee was formed during this Grand Jury session to address recent concerns relating to the question of open meetings, the laws pertaining to those meetings and the Cobb County Board of Education. The first person called to testify before the committee was Cobb County Board of Education Attorney Glenn Brock who appeared before the committee on Friday, August 6, 2010 at 9:30 a.m. Mr. Brock's input was most valuable in understanding from a legal perspective the issue of open meetings in the State of Georgia. Essentially the elements that Mr. Brock addressed were that any public agency must operate in the public and that a quorum must exist. As it applies to the Board of Education, four of the seven members must be present. In addition, the public agency must give public notice and must publish when and where the meeting will take place. The notice for the Board of Education is published in a variety of ways including a notice in the Marietta Daily Journal, online and in the front window of the Central Office. The question of public comments allowed by the Board of Education arose and Mr. Brock stated that no law exists that public comments are required and the Board of Education has instituted this and imposed a time limit to allow for public comments to take place.

The last and final person called to testify before the committee was the current Chairperson of the Board of Education Ms. Lynda Crowder-Eagle. The meeting took place on August 6, 2010. Ms. Eagle was eager to share with the committee her commitment to increased communication between the Board of Education and the general public. Several ideas were discussed including the continued option for public comment at the Board of Education meetings. Another, option that Ms. Eagle proposed would be an online public option on the Board of Education website. In an effort to bolster communication and to counteract the sometimes negative publicity that the Board of Education receives it is her desire to post corrections or clarifications on the BOE website. It was evident from her testimony and from her past experience that Ms. Eagle is deeply committed to the welfare of the students in the Cobb County School System. The committee

members expressed their appreciation for the job that Ms. Eagle, the other board members and the entire staff of the School System performs every day.

Recommendations

The committee members believe that the best recommendation that can be issued was expressed by Ms. Eagle "I want to commit on behalf of myself and the board to do a better job of communicating and less time defending our actions". The committee members believe that time spent on increasing communication in any and every positive way and operating with the students' and public's interests as guideposts will result in less time having to defend an action in hindsight might have been avoided.

- 1) To improve community relations, we recommend each board member to have Town Hall meetings three (3) times per year. These meetings will be held on public property in the board members geographic area that will be rotated so the public will have easy proximity. It will be an open agenda.
- 2) All board members should be required to attend the free education provided by Brock and Clay Law Firm regarding the conduct of Board of Education meetings.
- 3) The agenda can only be changed or added to at the last minute for emergency reasons.

COBB COUNTY COURT REPORTER PAY COMMITTEE

In response to the May/June 2010 Grand Jury presentments, members of this Grand Jury formed a committee to investigate the concerns raised by the Clerk of Superior Court of Cobb County, Mr. Jay Stephenson. Unfortunately, by the time Mr. Stephenson gave his testimony to the previous Grand Jury, committees had already been formed and there simply wasn't enough time to complete a thorough investigation. On Friday morning July 30, 2010 at 11:00 A.M. members of this committee heard from Mr. Stephenson regarding his aforementioned concerns. Several months prior to this meeting, Mr. Stephenson's office had requested a copy of a transcript that had gone missing. A request was presented to the court reporter that had originally prepared the transcript and the copy was delivered along with a bill for \$436.39. At the time Mr. Stephenson elected to pay the bill, albeit with some reservation. Mr. Stephenson began to look into the history of court reporter pay and discovered that it is common practice for the Courts, the District Attorneys Office and for attorneys in private practice to pay for copies of transcripts and to pay the individual court reporters for those transcripts. This information of course was a surprise to members of this committee unfamiliar with the inner workings of the court system.

Mr. Stephenson indicated that the normal turnaround time for a transcript to be filed with his office is between 30-180 days. Various factors have an impact on this, such as, the size and scope of the trial, (i.e. capital murder cases are

obviously more involved and are of greater length than other felonies) and how full the court calendar is with other cases. Generally speaking all Superior Court criminal matters require a court reporter in attendance to record the testimony. Most judges require a certified copy from the court reporter who originally recorded the testimony as opposed to a copy. In the interest of fairness and due diligence the committee members embarked upon the task of receiving testimony from several individuals and weighing all sides of the issue of court reporter pay.

Following the testimony of Jay Stephenson, Clerk of Superior Court, at 12:00 P.M. Friday July 30, 2010 committee members heard testimony from Ms. Dorothy Bishop of the Cobb County Attorneys Office. Ms. Bishop's testimony was welcomed in that she had previously rendered an opinion regarding court reporter pay in an email to Clerk Jay Stephenson and Judge Tain Kell dated May 24, 2010. Ms. Bishop's conclusions were based upon the Georgia Legislative Statutes that govern court reporter pay. The Judicial Council of Georgia Board of Court Reporting was created by the Georgia State Legislature to oversee the various aspects of court reporters for the state of Georgia. Ms. Bishop's conclusions were as follows:

1. Court reporters must file actual complete transcripts of all civil and criminal trials which they report and transcribe.
2. It is appropriate for counties to employ court reporters and, by agreement, to provide salary, equipment and office supplies in lieu of all or a portion of fees which would otherwise be payable by the county to the court reporters. The fees earned by the court reporters from both public and private entities are the property of the court reporters even when such fees are earned for work performed on county time.

Ms. Bishop cited OCGA 5-6-41 (e) and OCGA 15-14-23 (a) and (b) as authorities on this issue.

After meeting with Dorothy Bishop from the Cobb County Attorneys Office the committee then met with Rene Weatherford at 1:00 P.M. on Friday July 30, 2010. Ms. Weatherford is the Senior Court Reporter for the Cobb County Superior Court. Ms. Weatherford supervises the court reporter floaters that are not assigned to judges. Ms. Weatherford provided much needed insight into the profession of court reporting in general and specifically addressed the day to day responsibilities of court reporters in Cobb County. Let it be said from the outset that the court reporters employed by Cobb County are of the highest quality and are a credit to their profession. The investigation into the pay structure should in no way reflect negatively on these very capable individuals who were well represented by Ms. Weatherford. Court reporters are the life blood of the judicial system and those employed by Cobb County provide stability to the court system in that they are available for the various proceedings as county employees. Some counties nationwide and indeed some in the metropolitan Atlanta area hire court reporters

as independent contractors. There are of course advantages and disadvantages to both, but as county employees one of the major advantages is the fact that the lack of availability of a court reporter in an independent contractor setting could delay proceedings. That is not the case with Cobb County. The county employs 24 court reporters with 5 being court reporter floaters (with 2 floater positions presently frozen) and the remaining court reporters being assigned to the various judges. Assigned court reporters are on a rotational schedule with two weeks in court and one week out of court for transcription and various other appointments (i.e. vacation, doctors' appointments etc). The court reporter floaters are scheduled to cover for the assigned court reporters if a judge should need them. The floaters are also used by various judges who have chosen not to employ a court reporter directly. In relating the duties of court reporters Ms. Weatherford indicated that for every hour of recording three hours of transcription is required.

Court reporters have historically and continue today to incur start up and ongoing expenses that are not covered by the county. The various expenses include but may not be limited to:

1. Court reporting machines ranging from a low of \$1000.00 dollars to machines costing \$5500.00 and more. The more expensive machines having more advanced features and digital backup.
2. Court reporter software that averages upwards of \$6000.00.
3. Software upgrades and ongoing maintenance for the court reporting machines.
4. Yearly licensing renewals that average \$95.00 a year as well as national licensing renewals for those that are certified as such that cost on average \$230.00 a year.
5. Ongoing costs related to additional training to remain certified.
6. Some court reporters hire proofreaders who typically charge \$.30-\$.70 cents per page.
7. Some court reporters hire scopists who are employed to pickup errors that computer software might otherwise miss at a rate of \$1.25-\$1.75 per page.
8. Some court reporters have separate liability and even hand insurance policies.
9. Most court reporters have two laptops- one primary and one as a back-up and a desktop computer along with external hard drives.
10. Some court reporters have fax machines and printers as well.
11. Storage fees related to transcribed copies, notes and equipment.

In looking into the court reporter profession and the pay structure in particular for Cobb County court reporters, the committee members were provided by Ms. Weatherford a copy of a national survey conducted by the National Court Reporters Association and published in the January 2010 edition of the Journal for

the Reporting and Captioning profession. Several highlights were gleaned from this survey and they are summarized as follows:

1. 84.9 percent of official reporters surveyed nationwide noted that they are paid per page for their transcripts.
2. 70 percent of official reporters surveyed reported that they are not reimbursed for regular expenses such as those listed in this report.
3. Of particular concern to those surveyed was the trend toward increased digitalization in the form of electronic documents and electronic filing. More than 75 percent prefer paper for transcription submission although they concede that electronic filing is easier.

It would appear that, although some concerns exist with the current pay structure, it is by no means out of the ordinary across the country.

The Court Administrator for Cobb County, Mr. Tom Charron, requested to testify before the committee and we met with him on August 5, 2010 at 3:30 P.M. Mr. Charron oversees many aspects of court administration and in particular the court reporters. There has been a concerted effort in court administration to reduce costs in light of the current economic climate and Mr. Charron detailed several ways in which that has been accomplished. Of special interest to the committee was the office of Cobb County Alternative Dispute Resolution for the Superior Court of Cobb County. As all criminal matters of a felonious nature and some civil matters require takedown and transcription, the ADR office has reduced costs by requiring all civil matters to go to mediation first which often results in approximately fifty percent of all civil cases being resolved early and requiring no transcription. Mr. Charron believes that within the next few years the latest digital systems of recording and transcription will be the norm and with the completion of the new courthouse, court reporters should have a place to store and archive takedowns. Mr. Charron ended his time with the committee by stating that he is very proud of the work that the court reporters do and that we are fortunate to have them employed by Cobb County.

The final person to appear before the committee was Judge Tain Kell who appeared before the committee on August 5, 2010 at approximately 4:30 P.M. It was decided that the committee needed a "view from the bench" as it relates to the issue of court reporter pay and Judge Kell was gracious enough to appear and give his views on this matter. As it turns out, Judge Kell had some experience regarding this very issue. Some months prior the Clerk of Superior Court, Jay Stephenson, had appeared before a meeting of the Superior Court Judges of Cobb County to express his concerns regarding court reporter pay as outlined in this report. The judges reviewed the matter and it was believed that, although they saw no impropriety in the current arrangement, they asked Judge Kell to look into the matter more closely and he and Jay Stephenson asked the county attorney Dorothy Bishop for her opinion. That opinion was summarized earlier in this report.

Summary

The members of the committee understand the concerns of the Clerk of Superior Court Jay Stephenson as it relates to court reporter pay. In light of all the testimony heard it would appear that legally, the court reporters pay is above board and conforms to the laws of the state of Georgia. Furthermore, the pay structure in place of receiving a salary and benefits from the county, and also collecting fees from various sources both public and private is the same structure that is in place in much of the country, although some jurisdictions employ independent contractors. The question comes down to work product and again the majority of the systems in place echo that of the state of Georgia. Most systems and indeed most court reporters view that product being owned by them. This of course raises some concerns relating to retrieval and security of the testimony taken in various trials.

Recommendations

- 1) The statute governing Court Reporters pay stipulates that their total compensation as county employees may not be less than what they would have earned as independent contractors. Taking into account their county salary and comparing it to the fixed independent contractor per diem rate (assuming they worked 5 days per week- which is not guaranteed), they are about equal. The fees they charge the County and third parties are controlled and set so what they get as county employees is the same as what they would get as independent contractors. The key difference is their benefits package, the value of which ranges from a low of \$15,048 to a high of \$31,338 and averages \$22,413. Their total compensation package is higher than they would have earned as independent contractors by the value of their benefit package.

We believe, given the major austerity programs being implemented in Cobb County, it is appropriate to examine the Court Reporters compensation given that their total compensation is greater than what they would earn as independent contractors. One option would be to charge the County "discounted" fees to offset some or all of the cost of the benefits. Another would be to have the transcript provided to the Circuit Defender and the District Attorney be free until a certain dollar value is realized. We are not proposing that there be any change to what the Court Reporters charge third parties for their services.

- 2) It is our opinion that the software that the Court Reporters use be standardized. Currently, each Court Reporter decides what software package they want to use.

- 3) We recommend that there be a central repository for all transcripts. There have been issues in the past with Court Reporters moving to other states and the County having a difficult time getting copies of the transcripts they possess. This can certainly be done digitally and would ensure access to what is the life blood of the court system.


It may be necessary for any changes to be reviewed at the state legislative level. A petition from the County to the Judicial Council or direct negotiations with the Court Reporters may resolve some of the issues raised.

LETTER FROM CONCERNED CITIZEN

The July/August 2010 Term Grand Jury received a letter regarding property tax assessments. The Grand Jury reviewed this information, and due to the time needed to conduct this investigation and the amount of time remaining in their term and after discussion are respectfully requesting that this information be forwarded to the September/October 2010 Term Grand Jury for review.

GENERAL REPORTS

The July/August 2010 Grand Jury has inspected the reports, receipts and disbursements of the Clerk of Superior Court, the County Treasurer, Probate Court and the Sheriff of Cobb County and found them to be in order.



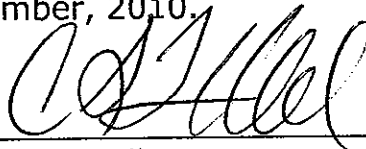
Allyson C. Kinnon, Assistant Foreperson

Georgia, Cobb County
Cobb County Superior Court
Cobb Judicial Circuit

ORDER

Read and Considered, Let the Same Be Filed.
It is hereby ordered; that the within Presentments be published in the
official organ of Cobb County within fifteen (15) days from the date.

So Ordered, this the 9th day of September, 2010.



LaTain Kell
Judge, Superior Court
Cobb Judicial Circuit

STATE OF GEORGIA
COUNTY OF COBB


RETURN TO THE COBB COUNTY
GRAND JURY FOR JULY - AUGUST 2010

DATE:

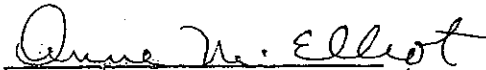
In compliance with the provision of Georgia Code 36-1-7, I submit for your examination the following true and just statement of the funds which I have collected and paid into the county General Fund on behalf of Cobb County for the period of May 1, 2010 through June 30, 2010.

To the Honorable Members of the Grand Jury for the period of May 1, 2010 through June 30, 2010:

FINES AND FORFEITURES Collected and paid into the Superior and State Courts of Cobb County	\$425.00
FEES COLLECTED RECORDS AND ID Fees for processing applicant fingerprints and sale of photos paid into the Cobb County General Fund	\$14,558.00
CIVIL COSTS Collected and paid into the Cobb County General Fund	\$63,845.50
MISCELLANEOUS REVENUES Collected and paid into the Cobb County General Fund	\$7,984.87
BOND FORFEITURES Collected and paid into the Cobb County General Fund	\$75,211.70
JAIL BOND SURCHARGES Collected and paid into the Cobb County General Fund	\$7,541.30
BOND DOCUMENT FEE Collected and paid into the Cobb County General Fund	\$40,102.00
JAIL SUBSIDY Collected and paid into the Cobb County General Fund	\$181,477.00
WORK RELEASE PER DIEM Collected and paid into the Cobb County General Fund	\$27,203.54
TOTAL	<u><u>\$418,348.91</u></u>


Neil Warren, SHERIFF
COBB COUNTY, GEORGIA

Personally appeared before me, Neil Warren, Sheriff of Cobb County, Georgia, who on oath deposed and says that the above is true and correct statement to the best of his knowledge.


Notary Public, State of Georgia, Georgia
Notary Public, Cherokee County, Georgia
My Commission Expires May 23, 2014

FINES AND FORFEITURES
JUNE 30, 2010
FOR STATE COURT (DEPTS 160 & 200) ONLY

<u>RECEIPTS:</u>	BUDGET FOR OCT - SEPT	ACTUALS FOR OCT - JUNE	VARIANCE
Other Fines/Forfeiture	\$ 10,855,000.00	\$ 5,762,608.04	\$ (5,092,391.96)
Victim Assistance Prog. Fine	<u>235,828.00</u>	<u>266,834.38</u>	<u>31,006.38</u>
TOTAL RECEIPTS	<u>\$ 11,090,828.00</u>	<u>\$ 6,029,442.42</u>	<u>\$ (5,061,385.58)</u>

<u>DISBURSEMENTS:</u>	BUDGET FOR OCT - SEPT	ACTUALS FOR OCT - JUNE	VARIANCE
Personal Services			
Salaries	\$ 4,054,138.00	\$ 2,891,317.73	\$ 1,162,820.27
Fringes	<u>1,709,852.00</u>	<u>1,259,999.65</u>	<u>449,852.35</u>
Total Personal Services	5,763,990.00	4,151,317.38	1,612,672.62
Operating	\$ 233,903.88	\$ 166,318.65	\$ 67,585.23
Capital	<u>\$ 32,045.00</u>	<u>\$ 20,403.24</u>	<u>\$ 11,641.76</u>
TOTAL DISBURSEMENTS	<u>\$ 6,029,938.88</u>	<u>\$ 4,338,039.27</u>	<u>\$ 1,691,899.61</u>



 James Pehrson, Finance Director/Comptroller

**STATE, SUPERIOR, JUVENILE, MAGISTRATE
DEPARTMENTS 040, 160, 165, 185, 190, 200 & 220
FINES AND FORFEITURES
JUNE 30, 2010**

<u>RECEIPTS:</u>	BUDGET FOR OCT - SEPT	ACTUALS FOR OCT-JUNE	VARIANCE
Bond Forfeiture	\$ 266,773.00	\$ 190,327.87	\$ (76,445.13)
Drug Treatment/Ed.	310,000.00	248,547.86	(61,452.14)
Court Fines	1,365,000.00	855,509.55	(509,490.45)
County Jail Fund	0.00	499.38	499.38
Other Fines/Forfeiture	10,855,000.00	5,770,680.33	(5,084,319.67)
Criminal Court Surcharge	0.00	6,704.00	6,704.00
Victim Assistance Prog. Fine	316,348.00	352,865.04	36,517.04
TOTAL RECEIPTS	\$ 13,113,121.00	\$ 7,425,134.03	\$ (5,687,986.97)

<u>DISBURSEMENTS:</u>	BUDGET FOR OCT - SEPT	ACTUALS FOR OCT-JUNE	VARIANCE
Personal Services			
Salaries	\$ 16,977,814.30	\$ 12,584,238.23	\$ 4,393,576.07
Fringes	7,179,773.71	5,289,853.20	1,889,920.51
Total Personal Services	24,157,588.01	17,874,091.43	6,283,496.58
Operating			
Office Materials/Supplies	\$ 257,508.01	\$ 166,053.10	\$ 91,454.91
Legal/Professional Fees	533,159.58	361,437.22	171,722.36
Juror-Witness	232,850.00	169,650.00	63,200.00
Court Reporting	64,190.08	43,955.95	20,234.13
Other	481,092.14	267,623.57	213,468.57
Total Operating	1,568,799.81	1,008,719.84	560,079.97
Capital	\$ 374,129.00	\$ 20,403.24	\$ 353,725.76
TOTAL DISBURSEMENTS	\$ 26,100,516.82	\$ 18,903,214.51	\$ 7,197,302.31



 James Fehrson, Finance Director/Comptroller

COBB COUNTY PROBATE COURT
COBB JUDICIAL CIRCUIT
FINANCIAL REPORT

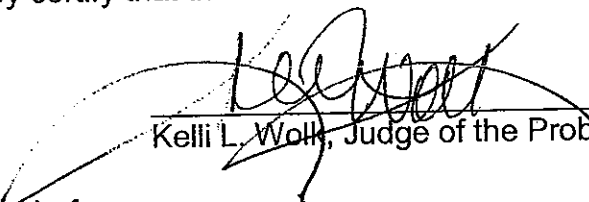
MONTH OF JUNE, 2010- GENERAL FUND RECEIPTS

<u>DEPOSITS</u>	<u>AMOUNT</u>
Deposit 6/07/10	\$ 19,801.50
Deposit 6/10/10	\$ 14,194.50
Deposit 6/15/10	\$ 18,040.50
Deposit 6/17/10	\$ 19,172.50
Deposit 6/24/10	\$ 22,267.50
Deposit 6/25/10	\$ 16,794.00
Deposit 6/30/10	\$ 17,348.75
TOTAL RECEIPTS	\$127,619.25

MONTH OF JUNE, 2010- GENERAL FUND EXPENDITURES

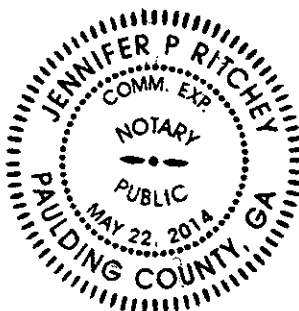
<u>DESCRIPTION</u>	<u>AMOUNT</u>
Law Library	\$ 1,069.00
Judge's Retirement Fund	\$ 4,208.60
Cobb County General Fund	\$112,486.65
Superior Ct Clerk's Authority	\$ 9,855.00
TOTAL EXPENDITURES	\$127,619.25

I do hereby certify that the above information is true and correct.


Kelli L. Wolk, Judge of the Probate Court

Sworn to and subscribed before me,
this 10th day of July, 2010.


Notary Public



COBB COUNTY PROBATE COURT
COBB JUDICIAL CIRCUIT
FINANCIAL REPORT

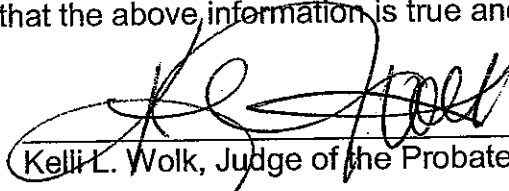
MONTH OF JULY, 2010- GENERAL FUND RECEIPTS

<u>DEPOSITS</u>	<u>AMOUNT</u>
Deposit 7/06/2010	\$ 11,771.00
Deposit 7/09/2010	\$ 18,709.50
Deposit 7/15/2010	\$ 19,263.00
Deposit 7/20/2010	\$ 11,343.00
Deposit 7/22/2010	\$ 20,084.00
Deposit 7/26/2010	\$ 10,244.50
Deposit 7/28/2010	\$ 18,442.00
Deposit 7/30/2010	\$ 7,403.50
TOTAL RECEIPTS	\$117,260.50

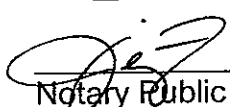
MONTH OF JULY, 2010- GENERAL FUND EXPENDITURES

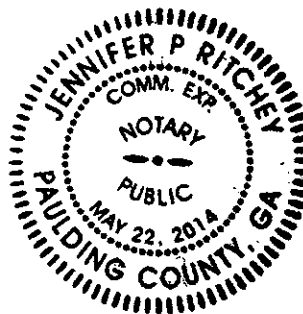
<u>DESCRIPTION</u>	<u>AMOUNT</u>
Law Library	\$ 1,176.00
Judge's Retirement Fund	\$ 3,741.40
Cobb County General Fund	\$103,163.10
Superior Ct Clerk's Authority	\$ 9,180.00
TOTAL EXPENDITURES	\$117,260.50

I do hereby certify that the above information is true and correct.


Kelli L. Wolk, Judge of the Probate Court

Sworn to and subscribed before me,
this 4th day of August, 2010.


Notary Public



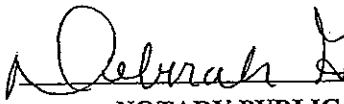
**CLERK OF SUPERIOR COURT
COBB JUDICIAL CIRCUIT
FINANCIAL REPORT
MONTH OF MAY - 2010 GENERAL FUND RECEIPTS**

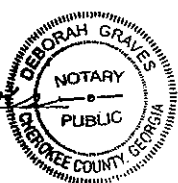
<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>	<u>RECEIPTS</u>
4544	CIVIL COURT COST	\$ <u>90,300.50</u>
4579	ADR FILING	\$ <u>3,906.50</u>
4858	MICROFILM ARCHIVAL PROJECT (GSCCCA & Iron Data)	\$ <u>6,829.50</u>
4632	PROPERTY RECORDING FEES	\$ <u>153,975.00</u>
	Deeds	\$ <u>144,001.00</u>
	UCC	\$ <u>5,196.00</u>
	Business	\$ <u>4,728.00</u>
	Plats	\$ <u>50.00</u>
4638	MISCELLANEOUS RECORDING/FILING	\$ <u>54,994.25</u>
	Notary Commission	\$ <u>16,746.00</u>
	Copies/certifications/subpoenas/ Clerks' Authority internet copies	\$ <u>38,248.25</u>
4590	DRUG COURT	\$ <u>13,852.00</u>
4596	DRUG COURT LAB FEES	\$ <u>11,904.00</u>
4806	LIBRARY FUND	\$ <u>4,205.00</u>
4858	HISTORIC DEED PROJECT (Iron Data & GSCCCA)	\$ <u>-0-</u>
	CASH BOND	\$ <u>718.50</u>
4538	10% FEE	\$ <u>718.50</u>
4802	FORFEITURE	\$ <u>-0-</u>
4803	DRUG TREATMENT/EDUCATION	\$ <u>19,275.50</u>
4804	COURT FINES	\$ <u>118,403.35</u>
	Fines	\$ <u>86,277.13</u>
	P.O.F.	\$ <u>5,751.15</u>
	P.O.P.I.D.F	\$ <u>8,887.71</u>
	D.U.I.	\$ <u>-0-</u>
	Brian & Spinal	\$ <u>258.00</u>
	WD/BF	\$ <u>234.25</u>
	Victim	\$ <u>101.75</u>
	Crime Lab (Felony)	\$ <u>4,997.66</u>
	Crime Lab (Misdemeanor)	\$ <u>100.00</u>
	Defendant Application Fee	\$ <u>3,599.18</u>
	Divers Education	\$ <u>-0-</u>
	Retirement Funds	\$ <u>7,670.52</u>
	Court Cost	\$ <u>526.00</u>
4811	VICTIMS ASSISTANCE PROGRAM	\$ <u>4,151.50</u>
4925	ATTORNEY FEES	\$ <u>32,691.27</u>
4805	10% JAIL FUND	\$ <u>10,094.00</u>
4235	TRANSFER TAX	\$ <u>214,139.90</u>
4634	INTANGIBLE TAX	\$ <u>997,312.04</u>
4854	INTEREST EARNED INTANGIBLE TAX	\$ <u>8.77</u>
4854	INTEREST EARNED FROM GENERAL FUND	\$ <u>322.44</u>
5020	RESTITUTION	\$ <u>113,365.96</u>
	<u>TOTAL RECEIPTS</u>	<u>\$1,850,449.98</u>

**CLERK OF SUPERIOR COURT
COBB JUDICIAL CIRCUIT
FINANCIAL REPORT
MONTH OF MAY - 2010 -GENERAL FUND PAYABLES**

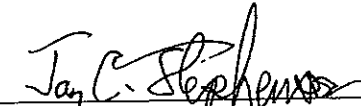
ACCOUNT	DESCRIPTION	AMOUNT
	PEACE OFFICERS/PROS/IND DEF FUND – CIVIL	\$ <u>12,615.00</u>
	PEACE OFFICERS/PROS/IND DEF FUND – CRIMINAL	\$ <u>8,987.71</u>
	PEACE OFFICERS' ANNUITY & BENEFIT FUND	\$ <u>7,169.02</u>
	SHERIFFS' RETIREMENT FUND	\$ <u>1,098.25</u>
	CLERKS' RETIREMENT FUND	\$ <u>5,626.75</u>
	CLERKS' COOPERATIVE AUTHORITY – (UCC'S)	\$ <u>2,295.00</u>
	CLERKS' COOPERATIVE AUTHORITY – (DEEDS)	\$ <u>34,980.00</u>
	CLERKS' COOPERATIVE AUTHORITY – NOTARIES	\$ <u>430.00</u>
	STATE CHILDREN'S TRUST FUND	\$ <u>1,130.00</u>
	CLERKS' COOPERATIVE AUTHORITY – P.O.F.	\$ <u>5,851.15</u>
	VICTIMS EMERGENCY FUND	\$ <u>101.75</u>
	BRAIN AND SPINAL TRUST FUND	\$ <u>258.00</u>
	DRIVERS EDUCATION COMMISSION	\$ <u>-0-</u>
	RESTITUTION	\$ <u>113,365.96</u>
	INTANGIBLE TAX TO STATE AND ENTITIES	\$ <u>674,344.18</u>
	TRANSFER TAX TO STATE AND ENTITIES	\$ <u>213,722.40</u>
	INTANGIBLE TAX TO COBB COUNTY	\$ <u>322,976.63</u>
	CRIME LAB FEES/FELONY & MISDEMEANOR	\$ <u>5,097.66</u>
	JUDICIAL OPERATION FEE	\$ <u>15,625.00</u>
4809	CRIMINAL COURT COST	\$ <u>526.00</u>
4858	HISTORIC DEED IMAGE PROJECT (Iron Data & GSCCCA)	\$ <u>-0-</u>
4592	DEFENDANTS APPLICATION FEE	\$ <u>3,599.18</u>
4811	VICTIMS ASSISTANCE PROGRAM	\$ <u>4,151.50</u>
4235	TRANSFER TAX TO COBB COUNTY	\$ <u>417.50</u>
4806	LAW LIBRARY FUND	\$ <u>4,205.00</u>
4806	SENTENCE INSOLVENT	\$ <u>1,730.00</u>
4590	DRUG COURT	\$ <u>13,852.00</u>
4596	DRUG COURT LAB FEES	\$ <u>11,904.00</u>
4579	A.A.D.R.P. FUND OF COBB COUNTY	\$ <u>3,906.50</u>
4854	INTEREST EARNED FROM GENERAL FUND	\$ <u>296.92</u>
4854	INTEREST EARNED FROM TRANSFER TAX	\$ <u>25.52</u>
4858	MICROFILM ARCHIVAL PROJECT (GSCCCA & Iron Data)	\$ <u>6,829.50</u>
	TOTAL PAY OUT	\$ <u>1,477,118.08</u>
	NET PAY OUT	\$ <u>373,331.90</u>
4638	<u>OVER</u> / SHORT	\$ <u>+19.91</u>
4544	CIVIL REFUNDS	\$ <u><408.50></u>
4804	FINE REFUNDS— <u>DRUG COURT (4590)</u>	\$ <u><1,121.00></u>
4544	UN-COLLECTABLE (NSF)	\$ <u>-0-</u>
	AMOUNT PAID TO COBB COUNTY-COMPTROLLER	\$ <u>371,822.31</u>

Sworn to and subscribed before me on
This 10TH day of JUNE 2010.


NOTARY PUBLIC



My Commission Expires
February 25, 2014


JAY C. STEPHENSON, CLERK SUPERIOR COURT
OR
ELVA P. DORNBUSCH, CHIEF DEPUTY CLERK

**CLERK OF SUPERIOR COURT
COBB JUDICIAL CIRCUIT
FINANCIAL REPORT
MONTH OF JUNE- 2010 GENERAL FUND RECEIPTS**

<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>	<u>RECEIPTS</u>
4544	CIVIL COURT COST	\$ 152,546.75
4579	ADR FILING	\$ 4,686.50
4858	MICROFILM ARCHIVAL PROJECT (GSCCCA & Iron Data)	\$ -0-
4632	PROPERTY RECORDING FEES	\$ 165,396.50
	Deeds	\$147,638.50
	UCC	\$ 6,528.00
	Business	\$ 11,076.00
	Plats	\$ 154.00
4638	MISCELLANEOUS RECORDING/FILING	\$ 100,631.73
	Notary Commission	\$ 30,613.00
	Copies/certifications/subpoenas/ Clerks' Authority internet copies	\$ 70,018.73
4590	DRUG COURT	\$ 17,207.00
4596	DRUG COURT LAB FEES	\$ 13,130.00
4806	LIBRARY FUND	\$ 4,595.00
4858	HISTORIC DEED PROJECT (Iron Data & GSCCCA)	\$ -0-
	CASH BOND	\$ 1,618.00
4538	10% FEE	\$ 1,618.00
4802	FORFEITURE	\$ -0-
4803	DRUG TREATMENT/EDUCATION	\$ 23,918.68
4804	COURT FINES	\$ 148,699.63
	Fines	\$ 109,354.99
	P.O.F.	\$ 7,267.94
	P.O.P.I.D.F	\$ 11,724.21
	D.U.I.	\$ -0-
	Brian & Spinal	\$ 148.00
	WD/BF	\$ 647.00
	Victim	\$ 104.00
	Crime Lab (Felony)	\$ 6,305.10
	Crime Lab (Misdemeanor)	\$ 125.00
	Defendant Application Fee	\$ 3,745.39
	Divers Education	\$ 100.00
	Retirement Funds	\$ 8,518.00
	Court Cost	\$ 660.00
4811	VICTIMS ASSISTANCE PROGRAM	\$ 4,701.00
4925	ATTORNEY FEES	\$ 38,683.75
4805	10% JAIL FUND	\$ 10,347.60
4235	TRANSFER TAX	\$ 227,281.00
4634	INTANGIBLE TAX	\$ 954,318.58
4854	INTEREST EARNED INTANGIBLE TAX	\$ 9.64
4854	INTEREST EARNED FROM GENERAL FUND	\$ 301.39
5020	RESTITUTION	\$ 107,828.97
	<u>TOTAL RECEIPTS</u>	<u>\$1,975,901.72</u>

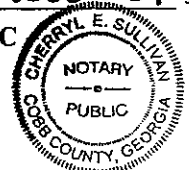
**CLERK OF SUPERIOR COURT
COBB JUDICIAL CIRCUIT
FINANCIAL REPORT
MONTH OF JUNE - 2010 -GENERAL FUND PAYABLES**

ACCOUNT	DESCRIPTION	AMOUNT
	PEACE OFFICERS/PROS/IND DEF FUND – CIVIL	\$ <u>13,785.00</u>
	PEACE OFFICERS/PROS/IND DEF FUND – CRIMINAL	\$ <u>11,999.21</u>
	PEACE OFFICERS' ANNUITY & BENEFIT FUND	\$ <u>7,869.00</u>
	SHERIFFS' RETIREMENT FUND	\$ <u>1,251.00</u>
	CLERKS' RETIREMENT FUND(INC. PAST UNCOLLECTED FEES)	\$ <u>19,536.50</u>
	CLERKS' COOPERATIVE AUTHORITY – (UCC'S)	\$ <u>2,980.00</u>
	CLERKS' COOPERATIVE AUTHORITY – (DEEDS)	\$ <u>36,760.00</u>
	CLERKS' COOPERATIVE AUTHORITY – NOTARIES	\$ <u>398.00</u>
	STATE CHILDREN'S TRUST FUND	\$ <u>1,215.00</u>
	CLERKS' COOPERATIVE AUTHORITY – P.O.F.	\$ <u>7,542.94</u>
	VICTIMS EMERGENCY FUND	\$ <u>104.00</u>
	BRAIN AND SPINAL TRUST FUND	\$ <u>148.00</u>
	DRIVERS EDUCATION COMMISSION	\$ <u>100.00</u>
	RESTITUTION	\$ <u>107,828.97</u>
	INTANGIBLE TAX TO STATE AND ENTITIES	\$ <u>639,272.72</u>
	TRANSFER TAX TO STATE AND ENTITIES	\$ <u>226,817.00</u>
	INTANGIBLE TAX TO COBB COUNTY	\$ <u>315,055.50</u>
	CRIME LAB FEES/FELONY & MISDEMEANOR	\$ <u>6,430.10</u>
	JUDICIAL OPERATION FEE	\$ <u>114,375.00</u>
4809	CRIMINAL COURT COST	\$ <u>660.00</u>
4858	HISTORIC DEED IMAGE PROJECT (Iron Data & GSCCCA)	\$ <u>-0-</u>
4592	DEFENDANTS APPLICATION FEE	\$ <u>3,745.39</u>
4811	VICTIMS ASSISTANCE PROGRAM	\$ <u>4,701.00</u>
4235	TRANSFER TAX TO COBB COUNTY	\$ <u>464.00</u>
4806	LAW LIBRARY FUND	\$ <u>4,595.00</u>
4806	SENTENCE INSOLVENT	\$ <u>1,386.00</u>
4590	DRUG COURT	\$ <u>17,207.00</u>
4596	DRUG COURT LAB FEES	\$ <u>13,130.00</u>
4579	A.A.D.R.P. FUND OF COBB COUNTY	\$ <u>4,686.50</u>
4854	INTEREST EARNED FROM GENERAL FUND	\$ <u>275.15</u>
4854	INTEREST EARNED FROM TRANSFER TAX	\$ <u>26.24</u>
4858	MICROFILM ARCHIVAL PROJECT (GSCCCA & Iron Data)	\$ <u>-0-</u>
	TOTAL PAY OUT	\$ <u>1,564,344.22</u>
	NET PAY OUT	\$ <u>411,557.50</u>
4638	OVER / SHORT	\$ <u><177.50></u>
4544	CIVIL REFUNDS	\$ <u><215.00></u>
4804	<u>FINE REFUNDS</u> —DRUG COURT (4590)	\$ <u><326.57></u>
4544	UN-COLLECTABLE (NSF)	\$ <u>-0-</u>
	AMOUNT PAID TO COBB COUNTY-COMPTROLLER	\$ <u>410,838.43</u>

Sworn to and subscribed before me on
This 9TH day of JULY 2010.

Cheryl E. Sullivan

NOTARY PUBLIC



My Commission Expires
February 25, 2012

Elva P. Dornbusch

JAY C. STEPHENSON, CLERK SUPERIOR COURT
or
ELVA P. DORNBUSCH, CHIEF DEPUTY CLERK

ID# 2010-0150174-CV
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