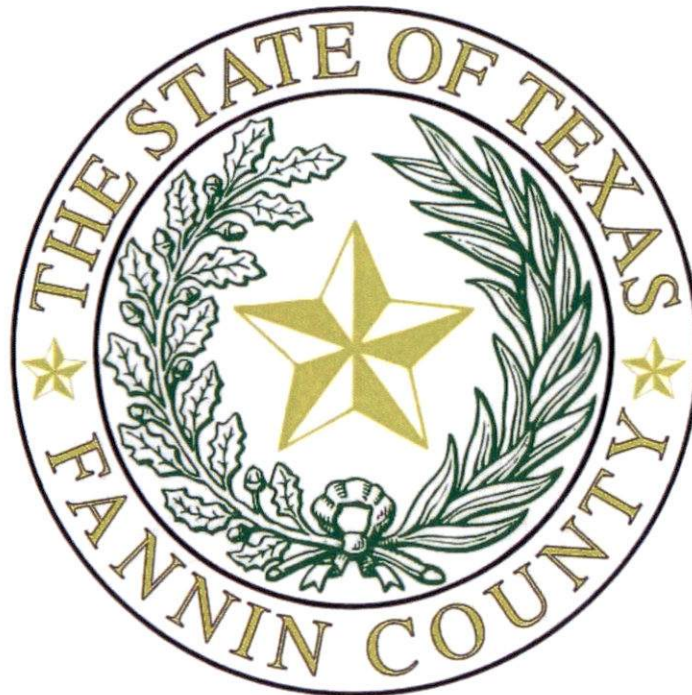


# **COUNTY INTERNAL AUDITOR'S REPORT**

## **FANNIN COUNTY CLERK'S CRIMINAL DIVISION**

October 1, 2023 - September 30, 2024



**April 23, 2025**

**Alicia Whipple**

**Fannin County Auditor**

**Toni McGehee**

**Fannin County Assistant Auditor**

**Internal Audits**



**OFFICE OF THE**  
**COUNTY AUDITOR**

101 E Sam Rayburn Dr. Suite 301

Bonham, TX 75418

(903) 583-7451

April 28, 2025

Honorable Jenny Garner, Fannin County Clerk  
Honorable Judge Christina Tillett, District Judge  
Honorable Commissioners Court of Fannin County, Texas

Re: Internal Auditor's Report – Review of Financial and System Controls, County Clerk Criminal Division

**INTRODUCTION**

The main goals of the audit are to offer an acceptable level of assurance regarding:

1. The accuracy and consistency of the data
2. Asset protection
3. Adherence to legal and regulatory requirements

Data analysis, observations, and interviews with important process owners are all part of the auditing methodology. Odyssey (otherwise known as Enterprise Justice) was the system reviewed.

The scope of the internal audit includes the financial records and administrative procedures of the County Clerk's Criminal Office. The County Clerk's Criminal Office books, accounts reports, and records were among the items examined in the internal audit, although they were not exclusive.

As part of the internal audit, transactions were examined on a test basis, and selecting these tests required judgment. Due to the fact that not every transaction was thoroughly examined during the internal audit, there is a possibility that errors or fraud were overlooked. As a result, the official is responsible for ensuring that the financial data is complete and accurate.

**BACKGROUND**

The Criminal Clerk's role as supporter of the criminal courts is vital. The Clerk's duties in criminal cases are varied and include filing cases, issuing processes, maintaining minutes of proceedings, collecting costs and fines, arranging for commitments and appeals.

In Fannin County, there is a County Criminal court that adjudicates Class A and B misdemeanor cases. Additionally, there is a criminal court of appeals that reviews appeals from city municipal courts and three justice of the peace courts. Approximately 600 cases are handled annually by the criminal division of the county clerk's office, which also has approximately 200 cases pending.

According to the Texas Penal Code, the consequences and penalties for Class A and B Misdemeanors are as follows:

**Class A misdemeanor** carries the following penalties:

- **Fines:** Misdemeanor or convictions in Texas can result in fines of up to \$4,000 for a Class A misdemeanor
- **Jail Sentence:** Class A misdemeanor conviction can result in a period of incarceration in a county jail. Ranging from a few days to up to one year.
- **Probation:** In some cases, a judge may sentence a defendant to a period of probation during which they must comply with certain conditions.
- **Criminal Record:** A misdemeanor conviction will result in a criminal record. This can make it more difficult to obtain employment, housing, and certain licenses.
- **Loss of certain rights:** Depending on the offense, a misdemeanor conviction can result in the loss of certain rights, such as the right to possess firearms or to vote.

**Class B misdemeanor** carries the following penalties:

- **Fines:** Misdemeanor or convictions in Texas can result in fines of up to \$2,000.
- **Jail Sentence:** Class B misdemeanor conviction can result in a period of incarceration up to 180 days in a county jail.
- **Probation:** In some cases, a judge may sentence a defendant to a period of probation during which they must comply with certain conditions.
- **Criminal Record:** Class B misdemeanor conviction will result in a criminal record. This can make it more difficult to obtain employment, housing, and certain licenses.
- **Loss of certain rights:** Depending on the offense, a misdemeanor conviction can result in the loss of certain rights, such as the right to possess firearms or to vote.

The County Criminal Clerk works in the Fannin County Clerk's Office and helps with court proceedings, issues court documents, collects fees and penalties, and keeps track of criminal court records, especially those pertaining to minor crimes this is all done through a case management system. Fannin County has chosen Odyssey as their case management software system. Odyssey is widely used throughout Texas counties, particularly in the courts and justice systems. It is a web-based system designed to streamline court processes, manage cases, and facilitate information sharing among different agencies. Odyssey allows for tracking cases from filing to disposition, managing documents and setting time standards. Odyssey enables seamless sharing of data between courts, prosecutors, law enforcement, and jails. Many Texas counties utilize Odyssey to provide an online public portal for searching case and hearing information. By centralizing information and facilitating electronic processes, Odyssey aims to reduce redundancy, error, and paperwork, leading to cost savings and increased efficiency.

Below is a more detailed breakdown of the Criminal Clerk's responsibilities:

**Maintaining and Managing Records:**

- **Preserving court records:** All criminal case documentation, including filings, court orders, and case dispositions, must be kept on file by county criminal clerks.

- Criminal clerks are responsible for updating Odyssey with the disposition of each and every court case as the cases progress.
- Record organization and indexing: Criminal Clerks guarantee that court documents are appropriately arranged, indexed, and available for public review.
- Keeping dockets and calendars up to date: Criminal Clerks make sure that all court deadlines are met by creating and keeping dockets or calendars of cases that need to be summoned.
- Collecting court fees, fines, and expenses: Criminal Clerks are in charge of gathering criminal case-related court fees, fines, costs, assessments, and forfeitures.
- Issuing legal documents: In connection with criminal procedures, Criminal Clerks issue writs, orders, summonses, and subpoenas.

**The following is a report that illustrates the amount of money that is collected by the Criminal Clerk's office during a 12-month fiscal year for court costs, restitution, and other fees.**

TOTAL FOR ALL TILLS					
Till Methods		Check	Cash	Money Order	Credit Card
Payment Method Totals	\$113,984.62	\$83,416.91	\$8,222.99	\$875.00	\$21,469.72
(short) / Over	0	0	0	0	0
Overpayment Totals	\$	\$1983.00	\$1.00	\$	\$7.86
Tender Transaction Totals	1474	730	210	44	490
TOTALS FOR ALL CASHIERS AND ADJUSTMENTS					
Transaction Totals		\$113,984.62			
Adjustment Totals		(\$78.00)			
Final Till Total		\$113,906.62			

## **OBSERVATIONS AND RECOMMENDATIONS**

**Processes that require improvement in the supervision and handling of financial transactions.**

1. Segregation of duties is not feasible in an office with one person. However, the Criminal Clerk works very diligently to keep up with all her duties and does her best not to fall behind. The Clerk has a great set of procedures set up in the event she is out sick and someone needs to come in and perform her job duties in her absence.

### **COMMENT:**

**I made a copy of these job duties and provided the County Clerk a binder to keep in her office in the event this should happen.**

2. There were cases discovered during this audit that did not have the Odyssey's case aging clock halted. The term "aging clock" refers to the time period for a specific type of case, such as a criminal case, to be either resolved or, if inactive, moved to an inactive "pending" status. This caused some concern and led us to think that the OCA case numbers could potentially have been reported incorrectly on the most recent annual report. Following additional research, and consultation, it appears that the number of hours billed to the court for the work performed by the appointee or the appointee's employees will be tracked and reported to OCA going forward. Random audits were conducted to ensure that all court costs and fines were collected or written off correctly, and that each case was verified as accurate.

**RECOMMENDATION:**

**Due to the aging clock not being stopped at the time the final disposition was entered, 90 cases for the fiscal year will require correction. In these cases, defendants continued to make restitution payments following the verdict. In this situation, the clock should have been stopped, and the case should be considered closed until it is reopened. The Criminal Clerk will be given a report on the cases that require correction for the fiscal year.**

3. Regarding the daily document management, legal, court proceedings, fee collecting, courtroom help, and other money management litigations, the Criminal Clerk offered great, precise procedures. The Clerk helps with the documentation and collecting of restitution and court fees. Every time a restitution check is issued, the Criminal Clerk drafts a letter in Word and scans it into Odyssey, which she has provided me a copy to review. After reading the letter, I believe that more specific information should be included before sending out to the victim or merchant.

**RECOMMENDATION:**

**Each time a restitution payment is initiated, Odyssey can be preprogrammed to automatically generate pre-written letters that include the defendant's name, the case number, the date of the incident, and any other relevant information required for accurate payment identification. Consequently, a clerk would not need to add another step to their routine activities because Odyssey would always have a paper trail. This would also guarantee that the notification and check number of the payment issued had a paper trail in the Odyssey system.**

- 4 The restitution payments are collected by the County Criminal Clerk. The Clerk doesn't start each month with petty cash in her office. The defendants are informed ahead of time that they need to bring precise cash, credit card, check, etc. Once in receipt of the first payment of the month, a till is opened Odyssey where payments will be accepted. On the last day of the month, she will close out the till in Odyssey, complete a deposit slip, and take the deposit to the bank. The Criminal Clerk will close out the till report in Odyssey, print it out, then gives the deposit slip and till balance report to the Head Assistant Auditor in the Audit Department.

**RECOMMENDATION:**

**Upon examining the County Clerk's monthly deposits, it is my recommendation that the County Clerk close the tills at least twice a month, if not on a weekly basis, as the County Clerk office does. The deposits can be collected by the County Treasurer and transported to the bank. The potential for loss exists when an excessive quantity of unsecured funds remain in an unsecured location for an extended period.**

