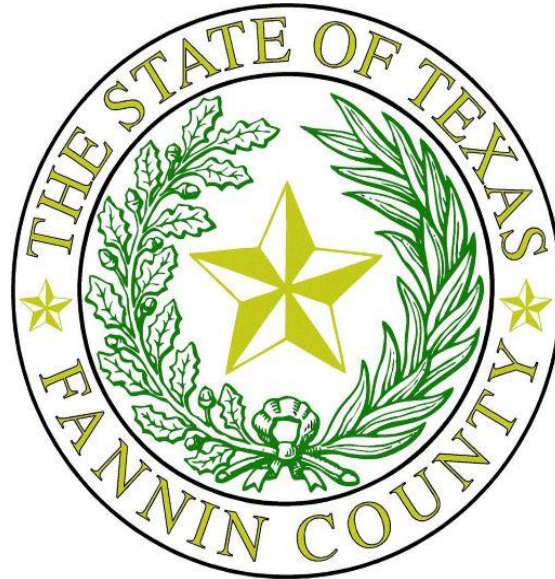


FANNIN COUNTY INTERNAL AUDITOR'S REPORT

DISTRICT CLERK'S OFFICE - CRIMINAL

January 1st, 2025 – September 30th, 2025



December 3rd, 2025

Alicia Whipple

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Internal Audits



OFFICE OF THE
COUNTY AUDITOR

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December 3rd, 2025

Honorable April Gibbs

District Clerk

Bonham, Texas

Attached is the Internal Auditor's final report labeled District Clerk Criminal 1.25-9.25 Final Report. In order to reduce paper usage, a hard copy will not be sent through in-house mail except to the auditee.

If you prefer that released reports, be emailed to a different (or additional) recipient, please inform me of the name and the change will be made.

Respectfully,

Michael Barker

Fannin County Assistant Auditor

Internal Audits

INTRODUCTION

Fannin County Auditor's Office mission is to provide responsible, progressive leadership by accomplishing the following:

- Comply with applicable law and regulations
- Safeguard and monitor the assets of the County utilizing sound fiscal policies
- Assess risk and establish and administer adequate internal controls
- Accurately record and report financial transactions of the County
- Ensure accurate and timely processing of amounts due to County employees and vendors
- Set an example of honesty, fairness, and professionalism for Fannin County government
- Provide services with integrity
- Work in partnership with all departments to resolve all issues of the County
- Strive to utilize the latest efficient and effective technology in the performance of tasks
- Provide technical support and training in the development, implementation, and maintenance of information systems
- Hold ourselves accountable to the citizens of the County at all times
- Be responsive to the elected officials and department heads of Fannin County

The objectives of this audit are to:

1. Ensure compliance with statutory requirements
2. Evaluate internal controls
3. Verification of accuracy and completeness of reporting
4. Review controls over safeguarding of assets
5. Evaluate the accuracy of court costs and fees charged in criminal cases.

The scope of the internal audit encompassed the financial records and administrative procedures related to the District Clerk's Office.

As part of the procedures we:

- Reviewed the District Clerk's Bond to ensure compliance with GC 51.302
- Selected a sample of cases from Odyssey reports to ensure the Bill of Cost were compliant with Texas Criminal Procedure Code Article 103.001
- Selected a sample of cases from Odyssey reports to ensure fees charged were compliant with pertinent statutes.
- Observed the office and interviewed staff members for proper internal controls.
- Interview staff members to get an understanding of office's work environment.

BACKGROUND

The office of the District Clerk was created by the Texas Constitution, Article V, Section 9. The District Clerk is an elected official with a four-year term of office. The District Clerk's office is responsible for coordinating the notification, swearing in and impaneling of jurors, securing records, maintaining court dockets and collecting various fees.

The District Clerk provides support for the district courts in the county. The District Clerk is the custodian of all court pleadings and papers that are part of any cause of action, civil or criminal, in the district courts served by the Clerk. 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.

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

- Preserving court records: All criminal case documentation, including filings, court orders, and case dispositions must be kept on file by the criminal clerks.
- Criminal court clerks use the Odyssey case management system to document the disposition of cases as they progress through the legal system
- Record organization and indexing: Criminal Clerks guarantee that court documents are appropriately arranged, indexed, and available for public review.
- Criminal Clerks are responsible for collecting fees, fines, court costs, assessments and forfeitures.
- Issuing legal documents: In connection with criminal procedures, Criminal Clerks issue writs, orders, summonses and subpoenas.

April Gibbs started her first term as Fannin County's District Clerk January of 2023, but has previous experience in the District Clerk's office and other positions with Fannin County. Jenifer Ballard is the Chief Deputy Clerk and has over 16 years of experience in the District Clerk's office. The rest of the staff is a mixture of long-term employees and new employees.

In Fannin County, The District Clerks office is responsible for felony criminal cases. There were 331 felony criminal cases that required action taken from District Clerk's office from 1/1/2025 to 9/30/2025.

EXAMINATION METHODOLOGY

Our work was based on applying sampling procedures to the office records and on verbal and written representations from the District Clerk's Office. Sampling relates to the examining, on a test basis, evidence supporting the amounts and disclosures in the in the financial records and statements. The use of sampling techniques would not necessarily disclose all matters in the office's financial statements, financial records, and financial controls that might be material weakness or misstatements. In regard to the written and verbal representations made by

personnel from the District Clerk's office, unless otherwise noted in this report, office management maintains that the assertions we relied upon in the examination were correct to the best of their knowledge.

OBSERVATIONS AND RECOMMENDATIONS

A review of the District Clerk's office – Criminal matters from January 1, 2025 through September, 2025 revealed the observations listed below with recommendations/comments:

Record of Criminal Actions

1. Article 33.07 Record of Criminal Actions states each clerk of a court of record having criminal jurisdiction shall keep a record in which shall be set down the style and file number of each criminal action, the nature of the offense, the names of counsel, the proceedings had therein, and the date of each proceeding. This is to ensure an accurate account of cases in progress and serves as a master reference guide to all aspects of a case. There were 205 felony cases that were disposed in the 336th district court from 1/1/2025 to 9/30/2025. We reviewed 30% (62 cases) of these cases for compliance with **Article 33.07**.

Comment:

The cases examined revealed that the District Clerks is doing an excellent job complying with all requirements of Record of Criminal actions, thus establishing a complete accounting record for each case. All of the court cost and fee amounts reviewed that must or may be charged upon conviction is consistent with the court costs and fee amounts listed on the OCA's website. In each case the court costs and reimbursement fees examined matched with the judgement imposed.

Bill of Costs

2. Upon conviction, the defendant becomes liable for applicable court costs and reimbursement fees and any fine ordered paid. It is the Clerk's responsibility to collect the costs, fees, and any fine at the termination of the case. The bill of costs does not contain all of the financial obligations imposed on a convicted defendant. Rather, bills of costs should contain only court costs. Neither fines nor restitution should appear on the bill of costs. No costs or fees are owed if the defendant is acquitted or the charges are dismissed. **Article 103.001 (b)** states: In a court other than a justice or municipal court, a cost is not payable by the person charged with the cost until a written bill containing the items of cost is:

- (1) produced;
- (2) signed by the officer who charged the cost or the officer who is entitled to receive payment for the cost; and
- (3) provided to the person charged with the cost.

It is the Clerks responsibility to prepare bills of costs in each criminal case resulting in a conviction. In order to be effective, the bill of costs should list the assessed costs with particularity. In order to afford a defendant an opportunity to contest any assessed costs, the practice is to provide a bill of costs to the defendant along with the judgment

In the criminal cases we examined for compliance with Article 103.001, we found that the promulgated bill of cost is not being utilized but rather a print detail of the court cost and reimbursement fees from the financial tab of Odyssey. The statute also states that the bill of costs must be provided to the person charged with the costs. In the cases examined there is an entry in the events section of Odyssey that states the bill of costs was mailed to the defendant but there is no actual proof found that we can show proof that the bill of costs was sent or signed by the district clerk's office.

Recommendation:

It is recommended that the promulgated bill of costs be included, as supporting documentation, in the pen packet delivered to the Texas Department of Criminal Justice if the defendant is incarcerated. If the defendant is put on probation it is recommended to mail the Bill of Costs to the defendant's address and upload proof to the case file that the bill of costs was provided to the individual.

Separation of Duties

3. The goal of the segregation of duties review is to gain a general understanding of the key functions within the District Clerks office and determine whether the responsibilities assigned to individual clerks do achieve adequate segregation of duties. Our audit included a review of the deputy clerk's roles and the responsibilities assigned to each role. At least two sets of eyes are required for any transaction. A single person shouldn't have the ability to initiate a transaction, approve a transaction, record a transaction, reconcile balances, handle assets or review reports. One of the most important internal controls is to have proper separation of duties.

Comment:

The district clerk office has adequate controls in place to separate custody of the assets from the recording and authorizing functions. Check writing and approval authority within Odyssey is governed by access rights controlled by the District Clerk. A review of the Receipt Journal in Odyssey revealed all voided transactions were voided by authorized personnel. After reviewing the individual responsibilities of each deputy and internal controls it has been determined that the District Clerks office has effective separation of duties in place.

Criminal Felony Dismissal

4. Articles 32.01 and 32.02 of the Texas code of Criminal Procedure deal with the dismissal of criminal cases. Article 32.01 mandates dismissal if an indictment or information is not presented by the end of the next court term, or after 180 days, whichever is later, the case must be dismissed. Article 32.02 allows the state's attorney to dismiss a case with the court's permission. The state's attorney can dismiss a criminal action at any time but must provide a written statement in the case files that explains the reason for the dismissal. A Motion to Dismiss order must be signed by the Assistant District Attorney and the presiding Judge. The signatures must be handwritten, signature stamps are not permitted.

Comment:

The district court processed 34 criminal cases dismissals from 1/1/2025 to 9/30/2025. The auditor's office examined 50% of these dismissed cases to evaluate compliance with this statute. 100% of all cases reviewed were in compliance with Articles 32.01 and 32.02 of the Texas code of Criminal Procedure.

Internal Office Procedure Manual

5. The District Clerks office procedure manual is currently a work in progress. The District Clerks procedures are vast therefore making it a difficult task to maintain and build a comprehensive manual. It is estimated about half of the procedures of the office are documented. An updated procedure manual is essential when there are unforeseen changes in staff. In addition, an office procedure manual promotes consistency, reduces training time minimizes risk and standardizes procedures.

Recommendation:

We would suggest each clerk document their activities and duties. If possible, set up re-occurring meetings dedicated to building a more complete office manual. Identify and document procedures that need to be added or updated in the office procedure manual. Focus on documenting the most important, routine, or complex procedures first. Once an office procedure manual has been established make regular reviews and updates at least annually to keep the manual current with necessary changes.

Closing

This report is intended solely for the information and the use of the Fannin County District Clerk's Office and the Commissioners' Court. The deputy clerks in the District Clerks office were very helpful with reviewing their daily job functions, explaining the efforts made to achieve the current office processes and discussing future goals of the office. We greatly appreciate the

cooperation that we received from the management and the staff of the District Clerk's office during this examination. The District Clerk's office had minimal recommendations. Please feel free to contact us if you have any questions regarding this report.