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**COURT EN BANC MINUTES**  
**Tuesday, August 27, 2019, at 5:00 p.m.**  
**Callaway County Courthouse**  
**Jury Assembly Room, 2<sup>nd</sup> Floor**

**Judges Present:** Judges Kevin Crane, Brouck Jacobs, Jodie Asel, Kimberly Shaw, Carol England, Sue Crane, Tracy Gonzalez, and Commissioners Sara Miller Casey Clevenger.

**Others Present:** Boone County Circuit Clerk Christy Blakemore, Callaway County Circuit Clerk Megan Morse, Adult Court Services Supervisor Brandon Walker, Prosecuting Attorney Chris Wilson, 13<sup>th</sup> District Assistant District Public Defender Jeremy Pilkington, Court Administrator Mary Epping and Deputy Court Administrator Cindy Garrett

**1. Call to Order/Welcome**

The meeting was called to order at 5:00 p.m. by Judge Kevin Crane.

**2. Introduction of All Guests**

Judge Kevin Crane welcomed guests.

**3. Approval of the July 30, 2019 Minutes**

Judge Sue Crane moved to accept the July 30, 2019, minutes. Second: Judge Kimberly Shaw. The motion passed unanimously.

**4. Public Defender Waitlist**

Judge Kevin Crane said he recently met with Boone County Public Defenders Sarah Aplin and Jeremy Pilkington as their office has been appropriated \$50,000 to help address the number of clients on the waitlist, which is currently at 979. Judge Crane said he requested the public defender identify cases from the waitlist that are victim oriented. Sarah sent a list of cases that included A/B felonies and misdemeanors with a discernible victim. Prosecuting Attorney Roger Johnson then agreed to go through the list created by the public defender and identify those cases they recommend to make a priority. The public defender will then send identified cases to panel attorneys.

Judge Crane said he recently learned at a seminar in St. Charles that judges can dismiss a criminal case without prejudice. He said due to the chronic wait list in Boone County, if the prosecutor can identify some cases then the judge may need to dismiss without prejudice. Judges voiced concern about the statute of limitation if dismissing cases.

## **5. Judicial Weighted Workload Study**

Court Administrator Mary Epping said the National Center of State Courts just released their report of the recent Missouri judicial weighted workload study. The report did not recommend changes for this circuit however there were a couple of circuits where changes were recommended. The report noted the 13<sup>th</sup> Circuit is entitled to 1.2 more judicial FTEs. She said by statute each county in the state is entitled to an associate circuit judge and each circuit gets at least one circuit judge. There are some circuits that have six judges due to number of counties within the circuit, however their FTE need is only three judges. Judge Sue Crane noted the workload review was prior to changes with Rule 33 which has resulted in additional court docket time.

## **6. Rule 33**

*Commissioner Casey Clevenger arrived at 5:09 p.m.*

Judge Kevin Crane referenced the handout provided that was a proposed local court rule 67.7. He said Supreme Court Rule 33.06 – Modification of Conditions of Release – does not address what form a review entails after the 7 day hearing pursuant to Rule 33.05. The handout proposes making a local rule that a request for a reduction in bond must be in writing and has to set out what is different than when the request was previously made. Judge Crane said if a rule is passed it will need to be passed as an emergency as the effective date will be less than 60 days; however, the bar needs to be given notice of the rule. It was noted the Boone Bar will publish their next newsletter on September 3 and Chris Wilson always sends notice to the Callaway Bar immediately. Judge Sue Crane moved to approve rule 67.7. Second: Judge Tracy Gonzales. The motion passed unanimously. Judge Kimberly Shaw moved to approve the rule under the emergency clause to be effective September 16, 2019. Second: Judge Sue Crane. The motion passed unanimously.

## **7. Alcohol/Drug Related Traffic Report**

Deputy Court Administrator Cindy Garrett presented the Municipal Court report for January through June, 2019, on intoxication-related offenses as set out on page 4 of the Court en Banc's packet. There were minor discrepancies from cases pending on December 31, 2018, to cases pending on January 1, 2019, for Ashland and Holts Summit due to different reports being run to gather this information. The report was reviewed and no action was taken.

## **8. Sexual Harassment Advisory Committee**

Deputy Court Administrator Cindy Garrett requested the Court en Banc approve the Sexual Harassment Advisory Committee as noted on page 5 of the Court en Banc's packet. Montey McCain and Andrew Bell are new members to the committee. Pam Dampier and Toni Kardon agreed to serve another two year term. Judge Kimberly Shaw moved to approve the advisory committee as noted on page 5 of the



Court en Banc's packet. Second: Judge Carol England. The motion passed unanimously.

**9. Other**

Judge Kevin Crane said section 558.006 RSMo, was revised which affects cases that involve fines only. In order to comply with the statute there needs to be changes made to the local Administrative Plan for Collection of Court Debt (pursuant to Supreme Court Operating Rule 21.11). Judge Crane asked the associate circuit judges to meet to develop proposed changes. He said that, in the meantime, if a case is pending and the punishment is only a fine, section 558.006 says you cannot order a show cause hearing for the purpose of threatening jail for nonpayment, nor can a warrant be issued for failure to appear. The same is true for cases where jail is a possibility, but the sentence is only a fine. It was noted the statute changes are only post disposition, and that changes will impact Adult Court Services for the cases they monitor for fines.

Court Administrator Mary Epping said KMIZ approached the court about the possibility of live streaming. They would like to pilot it locally as long as they are able to share live video with other interested media. Issues to consider would be if there are witnesses or victims that are not to be videotaped, therefore the court would need to have good communication with the reporters.

Mary said the court was also approached by OSCA to pilot video interpreting for foreign language and sign language. She said there is a meeting scheduled to get more information. Judge Carol England said Montgomery County has been doing this for a number of years for sign language interpreters. Mary said she felt there might be more possibilities for certified interpreters over video.

Judge Sue Crane said Callaway County has approved language for two propositions to be placed on the November ballot. She said the judicial center is proposition #2. The first proposition is funding for the sheriff and prosecutor. It was noted that proposition #2 cannot collect unless proposition #1 passes. Mary said proposition #1 may be able cover some construction for the jail, should proposition #2 not pass.

Judges Carol England and Sue Crane proposed the court consider having Court en Banc meetings four times a year versus monthly. They said more electronic voting could be done in between meetings as needed. Mary said there are several circuits that are envious of our monthly meetings due to having the ability to discuss topics in more depth. It was noted this is something to consider.

**10. Comments from the Public**

None.

**11. Meeting Date**

The next meeting is scheduled for October 1, 2019, at 5:00 p.m. in Boone County. Judge Carol England moved to adjourn. Second: Judge Kimberly Shaw. The motion passed unanimously. The meeting adjourned at 5:27 p.m.

Prepared by: Cindy Garrett  
Cindy Garrett  
Deputy Court Administrator

Submitted by: Mary Epping  
Mary Epping  
Court Administrator

Distributed on: 9/27/19