

**COURT EN BANC MINUTES**  
**Tuesday, February 25, 2020, at 5:00 p.m.**  
**Boone County Courthouse**  
**Law Library, 2<sup>nd</sup> Floor**

**Judges Present:** Judges Kevin Crane, Brouck Jacobs, Jeff Harris, Jodie Asel, Kimberly Shaw, Carol England, Sue Crane, Tracy Gonzalez, Leslie Schneider, Stephanie Morrell, Commissioners Sara Miller and Casey Clevenger, and Columbia Municipal Judge Cavanaugh Noce.

**Others Present:** Boone County Circuit Clerk Christy Blakemore and Court Manager Sherry Seiling, Callaway County Circuit Clerk Megan Morse, Adult Court Services Supervisor Brandon Walker, 13<sup>th</sup> Assistant District Defender Jeremy Pilkington, Court Marshal Ben Pruett, 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. Bomb Threat Training**

Court Marshal Ben Pruett provided a handout of the Bomb Threat Checklist. Ben reported Cole County Courthouse recently had a bomb threat and he therefore felt it was a good time to review our policy and some tips and tricks. He said the marshal should immediately be notified upon receiving a threat at which time they will contact Joint Communications. Upon receipt of a threat we have chosen to not immediately evacuate. Instead staff search their own work areas and marshals search all public areas and the exterior of the building. Evacuation occurs if a threat is determined valid and that it is safe to leave. Ben said each reception area has a copy of the checklist on bright pink area. He said if judges receive a threat from within their office, they should text a court marshal to get immediate assistance. Ben asked that if a suspicious package is received, the court marshal should be alerted. He said judges can also contact him if they receive a suspicious package at their home.

*The Court en Banc skipped to #6*

**4. Approval of the January 3, 2020 Minutes**

Judge Leslie Schneider moved to accept the January 3, 2020, minutes. Second: Judge Tracy Gonzalez. The motion passed unanimously.

**5. Order of Destruction**

Deputy Court Administrator Cindy Garrett reported the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on pages 5 and 6 of the Court en Banc's packet. Judge Leslie Schneider moved to approve the destruction of the records listed. Second: Judge Stephanie Morrell. The motion passed unanimously.

**6. Bond Investigation Changes**

Adult Court Services Supervisor Brandon Walker said when completing bond investigations the current practice is to contact the state and ask their position. He noted that practice is unique to our court and is not part of the assessment tool process. Brandon is recommending we stop this practice as no one else does it and it is not part of their procedures. He said it also delays the timely completion of the bond investigation by awaiting a response from the prosecuting attorney. Brandon said there was a time in the past where his staff had a conversation with a prosecuting attorney; however, currently all communication is done by e-mail and is not productive for ACS. He said in a pre-trial risk assessment tool, it is not on the pre-trial folks to get with the prosecutor and that many feel if contact is made with the state then contact should also be made with the defense counsel. Judge Jeff Harris said he likes knowing the state's position before reducing bond or letting anyone out of jail. Judge Stephanie Morrell said when she was in the prosecuting attorney's office she was part of a conversation with ACS staff and she would not be oppose their recommendation if there were valid points; however, she agrees email communication is not helpful. She said for those cases where it is noted that the state is not opposed to a reduction in bond or a release, she will miss that, as she was often releasing someone immediately, therefore not requiring their appearance at a bond hearing. She said though that she does not want to hold up the process awaiting a response from the state. It was noted with the current practice the bond investigation is not available to all parties until after a judge has reviewed and made a ruling. Judge Kevin Crane said he believes neither side should be asked for their position in the bond investigation. He feels a motion for bond reduction can be filed. He said ACS is designed to be an arm of the court without either side's input. Judges Sue Crane and Carol England felt contact with the prosecuting attorney was to get the victim's input as they have a right to be heard and this information is noted in the Callaway County bond investigations. Judge Kimberly Shaw agreed they were looking to the state for the victim's input; however, that is not being obtained in the bond investigation in Boone County. She feels if something changed or if either party has a strong opinion on the bond they can file something with the court. Judge Harris said the state stands for these purposes in the shoes of the victim. Judge Harris voiced concern about it being good practice that the state and victim are not aware of the substance of the bond investigation until after a ruling is made as the bond investigation is not filed until a judge makes a ruling on it. He believes the bond investigation should be filed at the same time the judge reviews it. Brandon said upon becoming electronic they tried to replicate the process of paper files and also tried to avoid having two reports filed on the case. Judge Morrell referred back to Rule 33 and said if there is a victim you cannot reduce the bond until the bond hearing. There was discussion about judges having discretion as to when to rule.



Judge Shaw moved that ACS should not be required to contact the state for their input regarding the bond investigation but it would still be the understanding anyone could provide input. Second: Judge Leslie Schneider.

**Vote:**

**Yes: Judges Kevin Crane, Brouck Jacobs, Jodie Asel, Kimberly Shaw, Carol England, Sue Crane, Tracy Gonzalez, Leslie Schneider and Stephanie Morrell**

**No: Judge Jeff Harris**

The motion carried.

*At this point the meeting returned to #4.  
Judge Shaw left the meeting.*

**7. Boone Probate Forms**

Judge Stephanie Morrell said the probate clerk's office requested she update the probate forms. She noted the laws changed for probate around when she took the bench. The updated forms are noted on pages 7 through 36 of the Court en Banc packet which include newly required information under the statutes as well as adding information to allow people to provide email addresses. She said once the new forms are approved they will be made fillable and placed on our website. Judge Leslie Schneider moved to approve the updated forms. Second: Judge Tracy Gonzalez. There was discussion the forms should be for both Boone and Callaway counties. It was agreed Judge Carol England would review the changes. Judge Schneider moved to table this item until next meeting. Second: Judge Morrell. The motion passed unanimously.

**8. Court Docket**

Judge Stephanie Morrell is requesting that Mondays of week 3 and week 4 of her docket schedules be switched so that on week 3 she will hold court in Centralia on Monday morning and hold a probate docket in Boone County in the afternoon and on Monday of week 4 she will hold a probate docket in Boone County in the morning and will be in Callaway County in the afternoon.

Court Administrator Mary Epping said Judge Brouck Jacobs requested his family court cases be set on Tuesdays at 9:30 rather than 10 a.m.

Judge Tracy Gonzalez moved to approve the docket changes as noted. Second: Judge Brouck Jacobs. The motion passed unanimously.

**9. Felony Case/Preliminary Hearing**

Judge Tracy Gonzalez said this topic was discussed at this morning's Criminal Justice Administration meeting and there have been minor changes since that meeting. She said in order to accommodate Rule 32.06 associate circuit judges will have an initial

appearance and at the initial appearance for in custody defendants they will be given a bond hearing date that will be set a week out. At the bond hearing a felony review hearing will be set another week out. At the felony review hearing associate judges will set the case for preliminary hearing six weeks out. She said this allows them the opportunity to consult with the public defender or hire counsel during that two week period. She said there was the potential of someone bonding out of jail and not seeing a judge until their preliminary hearing 6 weeks later. It was agreed all associate judges will procedurally follow this practice.

**10. Judicial Order for Medication**

Court Administrator Mary Epping said there is a good process in place for medication at the jail for someone with serious mental illness; however, it is not often utilized. Mary said if a judge ordered someone in custody at the jail to have medication for mental illness, a purpose of giving them the medication is not to make them competent to proceed but because they are in a mental health crisis and need medication to keep them safe. Mary said their mental health staffing group is meeting with MUPC on Wednesday and she is hoping to better understand how, if at all, MUPC would be involved in the process. Otherwise, it would be a nurse at the jail administering the medication and potentially staff holding someone down in a forced medication situation. She said this is a similar practice at MUPC for a forced medication. Mary is not recommending any changes be made to the current policy at the jail or that a new policy be made for the court.

**11. Raise the Age**

Court Administrator Mary Epping said Superintendent Tara Eppy is on a detention leader committee regarding raise the age concerns. She noted some issues needing to be addressed are regarding certified youth as starting next year they will no longer go to jail but will rather be held in juvenile detention facilities. There are also concerns about how juveniles bond, if they will be listed on the jail's inmate roster, how to track detainees not in their facility for court appearances, who transports certified youth to court, etc. Mary said there is a committee looking at these issues; however, she may bring topics to judges to get feedback from non-juvenile judges on how they want the issues handled. Mary reminded this change is set to go into effect January 1, 2021. Mary said there is also a statewide group assigned to look at these issues.

**12. Conservation Tickets**

Boone County Circuit Clerk Christy Blakemore said these tickets used to be paid at the Fine Collection Center; however, when FCC went away, these tickets went back to the original county. She said the committee formed for FCC has now approved a fine schedule for conservation tickets which went into effect February 1, 2020, and therefore these tickets are now being received. Christy said a plan was developed that once the ticket is filed, the ticket can be paid prior to court through Plead and Pay. She said just like traffic tickets if they pay through Plead and Pay the clerk is not touching the case and



it is disposed automatically. Christy said she has spoken with a conservation agent and they are aware that for Boone County the ticket can be set any day at 1:30 p.m. She also provided the conservation agent with a court schedule. Christy said the case will be assigned a ticket number with "CR." Christy said since our court starting using Plead and Pay in 2019, there have been 830 cases disposed through Plead and Pay for \$108,000 in tickets that the clerk did not have to touch.

### 13. Legislation

Court Administrator Mary Epping provided a handout. She provided highlights on the following bills:

- **HB 1937** changes Supreme Court Rule 21, 22 and 33.
- **HB 1411** removes statute of limitations for certain actions to recover damages regarding child abuse and sexual offense committed against a child
- **SB623** Changes GAL standards
- **HB1414** requires CD to use a risk assessment and says CD shall not require foster parents to conduct supervised visits or be present during any supervised visits.
- **SB653** modifies provisions relating to foster parents
- **SB 531** creates "a rebuttable presumption that an award of equal or approximately equal parenting time to each parent is in the best interest of the child."
- **HB2216** is an omnibus bill with 82 pages, proposes a "safe baby court"
- **HB 2426** would allow counties to opt in (by commission approval) to pay jurors \$50/day plus mileage but only on the 3<sup>rd</sup> and subsequent day of service. It appears there would be no pay for days 1-2.
- **HB 2365** – Jurors would receive \$37/day that they serve AND requires employers to pay the people their daily average minimum pay for each day they serve on the jury. (not currently the rule)

Mary asked that she be notified if there is concern about any particular bill and she can talk to our lobbyist.

### 14. Alcohol/Drug Related Traffic Report

Deputy Court Administrator Cindy Garrett presented the Municipal Court report for July through December, 2019, on intoxication-related offenses as set out on page 39 of the Court en Banc's packet. The report was reviewed and no action was taken.

### 15. New Credit Card Contract

Boone County Circuit Clerk Christy Blakemore said in 2019 a new bid was put out for a credit card company. MBS has been awarded the contract. MBS also has the state contract for debt collection. Christy hopes to be up and running by the end of March. She said they will have credit card machines, which has required some electrical outlets

being run outside the windows in the clerk's office. She said this company is providing the service for our sheriff and prosecutor.

**16. Bench/Bar Meeting, April 2020**

Judge Kevin Crane said he is not aware of a meeting in Callaway County for the Bench/Bar Social; however, the April Court en Banc meeting will be in Fulton.

**17. Other**

Judge Stephanie Morrell said there have been issues where the jail has sent a request for medical ROR and on three cases the paperwork provided by the jail to the defendant did not add the judge's condition for the defendant to return to the jail upon release from the hospital. It was agreed this needs to be addressed with the jail.

Boone County Circuit Clerk Court Manager Sherry Seiling said on search warrants from animal control there is not consistency on how the case is getting set. It is required that a hearing be set within 30 days. The clerk is asking what their role should be. It was agreed the clerk can set the court date and assign to the judge that signed the search warrant.

Court Administrator Mary Epping said a notice was sent to the bar seeking interest in limited scope representation. She said Judge Stephanie Morrell and she met with Jeff Hilbrenner and he believes he can get some attorneys to volunteer with them receiving pro bono self-study hours, where they received 6 CLE. This model will be different than the model piloted with Judge Kimberly Shaw.

**18. Comments from the Public**

None.

**19. Meeting Date**

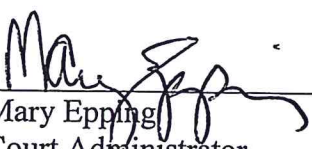
The next meeting is scheduled for March 17, at 5:00 p.m. in Boone County. Judge Stephanie Morrell moved to adjourn. Second: Judge Tracy Gonzalez. The motion passed unanimously. The meeting adjourned at 6:13 p.m.

Prepared and Submitted by:

  
Cindy Garrett

Deputy Court Administrator

Submitted by:

  
Mary Epping

Court Administrator

Distributed on:

3/16/20