

**COURT EN BANC MINUTES**  
**Tuesday, November 17, 2020, at 5:00 p.m.**  
**Zoom Video Conference**

**Judges Present:** Judges Kevin Crane, Jeff Harris, Brouck Jacobs, Josh Devine, Kimberly Shaw, Tracy Gonzalez, Leslie Schneider, Stephanie Morrell, Commissioners Sara Miller and Casey Clevenger

**Others Present:** Boone County Circuit Clerk Christy Blakemore and Unit Manager Sherry Seiling, Adult Court Services Supervisor Brandon Walker, Court Marshal Ben Pruett, District Defender Sarah Aplin and Assistant District Defender Jeremy Pilkington, District Defender Kathryn Benson, Assistant Prosecuting Attorney Roger Johnson, Court Reporter Jenni Bosh, Court Administrator Mary Epping and Deputy Court Administrator Cindy Garrett

**1. Call to Order/Welcome**

The meeting was called to order by Judge Jeff Harris at 5:00 p.m.

**2. Introduction of Guests**

Judge Jeff Harris welcomed guests as Judge Kevin Crane was still in his jury trial.

**3. Approval of October 20, 2020 Minutes**

Judge Stephanie Morrell moved to accept the October 20, 2020 minutes. Second: Judge Kimberly Shaw. The motion passed unanimously.

**4. Orders of Destruction**

Deputy Court Administrator Cindy Garrett reported the clerk of the Columbia Municipal Court has asked to destroy by shredding the documents on pages 4 and 5 of the Court en Banc's packet. Judge Stephanie Morrell moved to approve the destruction of the records listed. Second: Judge Tracy Gonzalez. The motion passed unanimously.

**5. Board of Jail Visitors**

Judge Jeff Harris said Taylor Hall, managing director/general counsel of a private equity firm in Columbia, is a male Democrat for Boone County who has agreed to serve on the board, replacing Chris Braddock, beginning January 1. Judge Brouck Jacobs said Gary Powell is a male Republican who has agreed to serve on the board, replacing John Waldschlager. Judge Jacobs moved to appoint Gary Powell to the Board of Jail Visitors committee effective January 1, 2021. Second: Judge Kimberly Shaw. The motion passed unanimously. Judge Harris moved for appoint Taylor Hall to the Board of Jail

Visitors committee effective January 1, 2020. Second: Judge Stephanie Morrell. The motion passed unanimously.

Court Administrator Mary Epping said we still need two male democrats to serve on the Callaway Board of Jail Visitors committee. Judge Harris said he understood Judge Carol England was going to solicit volunteers.

#### **6. BCJ Warrant Service**

Judge Kimberly Shaw said she recently arraigned a defendant who posted a \$1,500 bond on October 8 or October 9. On October 9th, after Defendant had bonded, the jail received a \$25,000 warrant with multiple bond conditions. The \$25,000 warrant was filed with the Clerk and was marked "served" but was not served as the defendant had already bonded. She spoke with Jail Cpt. Keith Hoskins about the \$25,000 warrant. Keith informed her there is a procedure where an individual gets a stack of warrants and checks to see if the person is in jail or not. If they are not in jail, they automatically stamp the warrant as served, even though it has not been served. Since the warrant is stamped as Boone County Sheriff Department it was unknown who marked it as served. Judge Shaw is concerned a document is filed with the court stamped as being served when it has not been. It was agreed this practice needs to be addressed by the Boone County Sheriff's Department, as stamping a warrant as served is the sheriff's affirmation of what they have done. Judge Kevin Crane said he will call the Sheriff to address the noted concerns. He asked that this topic be placed on the next Jail Overcrowding agenda. Judge Shaw agreed to send Judge Crane an email outlining the concerns noted above.

#### **7. Co-Occurring Treatment Court in Callaway**

Commissioner Casey Clevenger said starting Monday she will be adding a Co-Occurring track to the Callaway County Drug Court. She said they have partnered with the Arthur Center, which is the Community Mental Health Provider in Callaway County. She said they are starting this track with no additional funding with the idea they may be able to apply for some grant funding. They are working with the Community Mental Health Liaison for Callaway and they will be able to provide clients with access to a psychiatrist and medication, which has been a large gap in services. She said they have created the track and done all the planning virtually. It was agreed orders can continue to note treatment court screening, which then allows the treatment professionals to complete their assessments and determine which track would best serve the client.

Commissioner Clevenger said over the past couple of years, they created the practice that people would start treatment court within 7 days of final disposition. She indicated over the past couple of months this has not occurred as consistently as pre-COVID. She said this will mostly impact the circuit judges. She wanted them to know they are trying to get people admitted as quickly as possible, however she is staggering her dockets. She said people are currently being admitted within 14 days of final disposition.



**8. Circuit Court Budget Committee Request for Juvenile Detention Staff**

Court Administrator Mary Epping said with Judge Kevin Crane's approval she sent a letter to the Circuit Court Budget Committee asking them to pay compensatory time accrued by our Juvenile Justice Center staff. She said on pages 8 through 11 of the Court en Banc agenda it references section 105.935, RSMo. which states employees are able to be paid their compensatory time once it exceeds 20 hours. She noted the judiciary is not listed within the statute even though our juvenile detention staff do the exact same work as Division of Youth Services staff, who we hold their youth on warrants and are included. She said our Juvenile Justice Center is having issues with turnover and quarantines, and anytime our staff accrue compensatory time we have to flex their schedules for them to be off work. Her request is that we be allowed to payout their overtime, which would improve staff morale, help supervisors adjust schedules and gives employees an incentive to do those extra hours. She said if the request is not approved, it is her intent, with Court en Banc's approval, to pursue legislation and change in statute to add the judiciary in the next legislative session.

**9. DOC Video Docket**

Deputy Court Administrator Cindy Garrett said Judge Kevin Crane has requested to hold his DOC docket on a date other than Friday starting in 2021. It was agreed Judge Crane's video docket will be set on Mondays starting in 2021, while doing virtual court.

**10. COVID**

Court Administrator Mary Epping said she was extremely grateful for the Callaway County Sheriff and deputies as they have been providing coverage in the Callaway while our court marshals have been unavailable due to COVID quarantines.

Mary said there were a lot of COVID positives approximately 5-10 days after Halloween, therefore she is concerned about days following Thanksgiving, Christmas and New Year's. Mary said we are working with staff to try and limit, to the extent possible, the amount of interactions with one another the 5-10 days after the holidays to try and avoid internal transmissions.

Mary said due to one docket having a significant number of cases where people appear in person plus a trial, the Boone County courthouse had a lot of people waiting in hallways. She is asking the court to consider limiting the number of cases on certain docket types between now through mid-January, 2021. She said every docket has a video option, however not every party has the capability to appear on video.

Mary said it is likely we will be required to switch from using Zoom to using WebEx, probably by April 1, 2021. Mary plans to do a CLE for attorneys regarding WebEx. She said WebEx now has the capability of break out rooms. She said we currently have 4-5 accounts; however, we are trying to find out if each division will need their own account, which would be on that division's device. She said we will be working with OSCA to

see what options are available in sending out invites if the accounts are only on the holder's device. Mary inquired if the Court felt the COVID video committee should reconvene. Judge Leslie Schneider said she just received a large number of documents regarding virtual hearings for the Family Court Committee members to review. She anticipates the Supreme Court will be putting out rules regarding remote hearings. Judge Stephanie Morrell recommended we wait until after the new year before switching to WebEx.

Mary said OSCA sent out CARES Act funding requests and Mary requested the following items:

- a. Boone County:
  - i. 4 laptops
  - ii. 6 RSA tokens
  - iii. 3 webcams
  - iv. 3 video conference units with monitors
  - v. 3,000 disposable masks
  - vi. 200 clear masks
  - vii. 200 face shields
- b. Callaway County:
  - i. 2 laptops
  - ii. 4 RSA tokens
  - iii. 2 webcams
  - iv. 1 video conference unit with monitors
  - v. 1,000 disposable masks
  - vi. 100 clear shields
  - vii. 100 face shields

Mary said it sounds like the technology will be purchased, however she is not sure how quickly it will be sent out. She said this will allow staff to work from home should we go on lock down. She further said Christopher Fishman-Weaver has been great about figuring out ways to allow staff to work from home, even sending them home with their desktop computer.

Mary said she will be asking Office of Emergency Management in Boone County and the Commissioners in Callaway County for more N95's due to the increase of quarantines and positives among staff, especially for the staff of the court marshals, juvenile detention, juvenile office and adult court services.

Judge Crane said he is continuing to explore additional locations for jury trials in both Boone and Callaway counties. For Boone County, using the Riechmann Pavilion is an option. He said in Callaway County, Prosecutor Chris Wilson continues to explore alternate locations. He also said we have received additional plexi glass, noting with our current supply, we can fit 13 people in the jury box. Mary said additional plexi glass has been ordered. Judge Jeff Harris asked if we could check in with larger commercial landlords regarding their own property or other property that might be available for alternate sites.



Commissioner Casey Clevenger thanked Mary Epping, Cindy Garrett and their staff; Christy Blakemore and Megan Morse and their staff as the amount of pressure they are operating under and the amount they have been able to accomplish during this time. She said the 13<sup>th</sup> Circuit is always a leader in the state and she feels even during the pandemic other circuits are wanting to know how we are operating during the pandemic. She feels fortunate to have them on our side and making the plans.

## **11. Other**

Circuit Clerk Christy Blakemore said they have written off almost \$1.7 million from the 2019 debt order. She said she understood for the crime victim's judgement, you cannot get credit for time served, as it was an actual judgement and had to be collected. She recently checked with OSCA and its legal staff advised if there was a separate order from the court authorizing to write off non-revivable CVC judgements more than 10 years old, then they could write them off. There was no object to this request, therefore Christy will proceed with having an administrative order signed by the presiding judge.

Adult Court Services Supervisor Brandon Walker said historically the practice has been that a home detention study or bond investigation be completed by Adult Court Services staff and reviewed by the judge prior to a defendant being placed on home detention. He said it is possible to put someone on home detention without a study, however it is very difficult for them to do. He asked that the judges try to always first review a study before ordering someone to be placed on the house arrest program. If there is a situation where it needs to be done right away, then he requested his office be called prior, as they may have information about the defendant and can advise if they have equipment available.

Court Administrator Mary Epping said staff have requested a cut off time for add ons for arraignment dockets in Boone County for people who have bonded out of jail. Judge Jeff Harris said there is a local court rule that governs circuit judge law days to some extent. Judge Stephanie Morrell said there used to be an agreement that nothing would be filed by the prosecutor's office after 11:00 a.m. on the day of court. She said the issue is people appear for court, thinking they have an arraignment and nothing has been filed. She said there are also cases where people call the clerk's office to inquire and are informed nothing has been filed so the person does not appear, however a case is then filed right before court and the defendant is not present as they had been told earlier nothing had been filed. Judge Josh Devine said he has many more cases that are filed late and no one appears rather than people appearing looking for cases that have not yet been filed. He said this takes a lot of work on the clerk and the judge for the case to ultimately be resent back to the clerk's office to be reset. He understands the prosecuting attorney has the option of sending a case to the clerk's office to have a summons issued on the case and then reset by the clerk at their convenience and would not involve the judge. Circuit Clerk Christy Blakemore said there will always be add ons for defendants in custody, which they can deal with. It was agreed a local court rule would best address the issue with a deadline for cases to be filed by 4:30 p.m. the day prior to the arraignment docket. First Assistant Prosecuting Attorney Roger Johnson said there is a

directive on their side that said charges are to be filed 7 days prior to the arraignment date whenever possible. He said he will address this with his staff and will update his staff with any rule agreed upon. It was agreed we would adopt this as a practice effective immediately until a local court rule goes into effect. Proposed language will be presented at the next Court en Banc meeting.

Court Administrator Mary Epping said Callaway Circuit Clerk Megan Morse reports her staff is still greatly reduced. Some of her staff are able to work remotely.

**12. Comments from the Public**

None.

**13. Next Meeting Date**

The next meeting is scheduled for December 15 at 5:00 p.m. by Zoom. Judge Stephanie Morrell moved to adjourn. Second: Judge Kimberly Shaw. The motion passed unanimously. The meeting adjourned at 5:56 p.m.

Prepared by: Cindy Garrett  
Cindy Garrett  
Deputy Court Administrator

Submitted by: Mary Epping  
Mary Epping  
Court Administrator

Distributed on: 12/11/20