

COURT EN BANC MINUTES
Tuesday, June 28, 2022 – 5:00PM
In Person
Boone County Courthouse

Judges & Commissioners Present:

Jeff Harris, Josh Devine, Kimberly Shaw, Carol England, Sue Crane, Tracy Gonzalez, Leslie Schneider, Stephanie Morrell, Sara Miller, and Casey Clevenger.

Others Present:

Court Administrator Cindy Garrett, Boone County Circuit Clerk Christy Blakemore, Boone County Circuit Clerk Unit Manager Sherry Terrell, Callaway County Circuit Clerk Megan Morse, Adult Court Services Supervisor Brandon Walker, Court Marshal Andy Bell, and Deputy Court Administrator Derek Hux.

1. Call to Order / Welcome

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

2. Introduction of All Guests

There were no guests to introduce.

3. Approval of May 17, 2022 Minutes

Judge Shaw moved to accept the minutes, seconded by Judge Morrell. Motion passed unanimously.

4. Order of Destruction of Confidential Records

Deputy Court Administrator Derek Hux discussed the destruction requests submitted by the Callaway County Circuit Clerk and the Boone County Circuit Clerk. The 2 pages of records destruction requests from Boone County needed to be amended with updated dates. Judge England moved to table the Boone County requests and authorize the destruction of the 37 pages of records destruction requests from Callaway County. Seconded by Judge Morrell. Motion passed unanimously.

5. Amendment to LCR 68.12 C.2 & C.3

Judge Leslie Schneider discussed the need to change the local court rule 68.12 regarding settlement conferences as they now are primarily done via Webex. Judge Schneider moved to amend LCR 68.12 to the proposed wording included in the meeting packet. Seconded by Judge Shaw. Motion passed unanimously. Rule is adopted and will go into effect in 60 days.

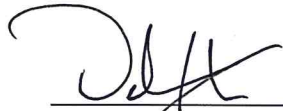
- 6. Rule 22.09 – Waiver of In-Person Preliminary Hearing**
Judge Kimberly Shaw stated that changes in Supreme Court Rule 22.09 require defendants to appear in person for preliminary hearings unless waived. A proposed waiver form (waiving the right to be physically present, not waiving their right to a preliminary hearing) was included in the meeting packet to be out at the jail for their use. Judge Harris raised the question of implied consent by someone appearing on video. Discussion continued blending into agenda item #7.
- 7. Criminal Rule Changes**
Judge Stephanie Morrell stated that due to lack of staffing, the jail is overwhelmed by these rule changes requiring transportation for preliminary hearings, sentencing, and any bond hearing under Rule 33. Judge Morrell said she spoke with the Boone County Prosecutor's office about trying to have in custody people go through the grand jury process rather than preliminary hearing. Judge Morrell said that 99% of the time people in DOC won't want to be transported, but people at the county jail will be more likely to want to be transported. There was no decision or vote which was needed, this discussion was due to the changes in Supreme Court Rule 22.09 going into effect on July 1, 2022.
- 8. Something For Nothing Class**
Adult Court Services Supervisor, Brandon Walker, stated that the Something For Nothing Class offered by Reality House for stealing offenders will no longer be offered because of the closure of Reality House. The best alternative is the STOP class offered by municipal court, and ACS will direct people into that going forward. When misdemeanor judgment sheets are printed next we want to make that update.
- 9. Other**
Boone County Circuit Clerk Christy Blakemore stated that on July 1, Webex DOC video will now be on all facilities but still only as a pilot for Boone and Cole. Starting August 1, Webex DOC video will be opened up to all circuits. Discussion was had regarding potential changes to dockets.
- 10. Comments from the Public**
There were no comments from the public.

11. Next Meeting Date

The next meeting of Court En Banc will be on July 26, 2022, in Boone County at 5PM for the budget meeting. We will have a photograph of the Court En Banc at the July 26 meeting.

Judge Morrell made a Motion to Adjourn. Seconded by Judge Shaw. Motion passed unanimously. Meeting adjourned at 5:40PM.

Prepared by:



Derek Hux
Deputy Court Administrator

Submitted by:

Cindy Garrett
Court Administrator

Distributed on:
