

COURT EN BANC MINUTES
Tuesday, January 10, 2023 at 5:00 p.m.
Law Library
Boone County Courthouse

Judges & Commissioners Present:

Brouck Jacobs, Kevin Crane, Josh Devine, Kimberly Shaw, Chris Wilson, Sue Crane, Sara Miller, Tracy Gonzalez, Kayla Jackson-Williams, Stephanie Morrell, and Casey Clevenger.

Others Present:

Court Administrator Cindy Garrett, Boone County Circuit Clerk Christy Blakemore, Boone County Circuit Clerk Unit Manager Sherry Terrell, Adult Court Services Supervisor Diana Winn, Public Defender Kevin O'Brien, Boone County Assistant Prosecutor Nick Komorowski, Law School Interns Ozoda Saburi and Aubrey Van Coolage, and Deputy Court Administrator Derek Hux.

1. Call to Order / Welcome

The meeting was called to order by Judge Brouck Jacobs at 5:00PM.

2. Introduction of All Guests

The guests present were law school interns Ozoda Saburi and Aubrey Van Coolage.

3. Approval of minutes from December 7, 2022

Judge Brouck Jacobs asked if there were any additions or corrections to the prior meeting's minutes. Judge Tracy Gonzalez suggested a corrected section 13 to change "Division 7 going to Division 2" to now read "Division 10 going to Division 2". Judge Kevin Crane moved to approve with that correction, seconded by Judge Kimberly Shaw. Minutes approved by unanimous vote.

4. Orders of Destruction of Confidential Records

Deputy Court Administrator Derek Hux discussed the 12 pages of destruction requests for consideration. Motion to approve destruction of records made by Judge Kimberly Shaw, seconded by Judge Kevin Crane. Order of Destruction approved by unanimous vote.

5. Vote of Presiding Judge

A vote was taken by secret ballot, and Judge Brouck Jacobs was elected for another term as Presiding Judge.

6. Courtroom Technology Upgrades

Court Administrator Cindy Garrett discussed the technology upgrade to Boone County courtroom 3 West has been completed and feedback has been positive, especially regarding sound. The next technology upgrade project will be Ceremonial courtroom and audio will be a much larger challenge in that space. Judges will need to decide if they approve television monitors being displayed like in 3 West or if it is preferred that everything is hidden. And also planned for an update in 2023 is the Jury Assembly Room.

In Callaway County, the Justice Center construction continues and World Wide Technology is scheduled to begin installation of technology on February 1, and expected to be completed within 30 days.

7. Amendment 3

Boone County Circuit Clerk Christy Blakemore discussed the timeline imposed by Amendment 3 for the expungement of records. Public Defender Kevin O'Brien stated they have seen inmate scores being affected at the Federal level from marijuana expungements. Deputy Court Administrator Derek Hux discussed that Boone County Treatment Court had to withdraw from a \$530,000 federal grant due to not being able to prohibit marijuana use, which in turn caused the shutdown of their DWI Court misdemeanor expansion project.

8. Adult Court Services

Court Administrator Cindy Garrett discussed updating Administrative Order 18-17 to use current charge codes and names for what offenses are eligible for ACS supervision.

Adult Court Services Supervisor Diana Winn talked about procedures for non-payment of fines and that their old forms included language referencing a Missouri Statute regarding issuing a warrant for failure to pay a fine, which has since been repealed.

Judge Kevin Crane motioned to update the charge codes on AO 18-17 and to update the language on the ACS forms to conform with state law, seconded by Judge Kayla Jackson-Williams. Motion approved by unanimous vote.

9. Court Costs

Court Administrator Cindy Garrett stated that at the October 25, 2022, CEB meeting, Court Operating Rule 21.22 and the administrative plan for collection of court costs were reviewed and discussion was had about waiving the “time payment fee” for juvenile cases until such time that Show-Me Court does not allow it to be waived. As part of that discussion, Judge Jeff Harris asked for there to be investigation to see whether our court is being more aggressive as to costs being assessed on our cases and as to collection methods when compared to other circuits. Working with OSCA, Garrett was informed that for collections of debt and tax interception, those are established by Court Operating Rule 21.06 & 21.07 which says that all circuits shall participate in debt collection and tax intercept. OSCA did advise there were 6 counties which do not participate, and they were not participating prior to the order saying “shall” and have not changed. The 13th Circuit is not being more aggressive in debt collection than other parts of the state and we are in line with Missouri Supreme Court rules. OSCA provided reports from the last three years showing fees assessed in every case type, and Boone and Callaway were assessing costs in criminal and civil cases the same as what other circuits were. It does not appear that the 13th Circuit was being more aggressive as to assessing costs on our cases.

Adult Court Services Supervisor Diana Winn referred to the Formal Administrative Plan for Collection of Court Debt in the meeting materials, and asked whether the section “Sanctions for Non-Payment of Debt” needed to be updated to remove the language about “show cause orders”. Judge Brouck Jacobs tabled that to a later meeting.

10. Other

Judge Kayla Jackson-Williams reminded everyone that her formal swearing-in is scheduled for Friday, January 20, 2023, at 4PM.

Judge Tracy Gonzalez stated at the last CEB there was discussion about changing the misdemeanor judgment sheets to conform with Amendment 3, and that has been done and the updated version is being printed.

11. Comments from the Public

There were no comments from the public.

12. Next Meeting Date

The next meeting of Court En Banc will be on Tuesday, February 7, 2023, in Boone County.

Judge Stephanie Morrell motioned to adjourn, seconded by Judge Kevin Crane. Meeting adjourned by unanimous vote at 5:39PM.

Prepared by:



Derek Hux
Deputy Court Administrator

Submitted by:



Cindy Garrett
Court Administrator

Distributed on:

Feb 3, 2023