

COURT EN BANC MINUTES

Tuesday, October 17, 2023 at 5:00 p.m.

**Webex Video Conference between Law Library in Boone Courthouse
& Jury Assembly Room in Callaway Justice Center**

Judges & Commissioners Present:

Brouck Jacobs, Jeff Harris, Josh Devine, Kimberly Shaw, Christopher Wilson, Sue Crane, Tracy Gonzalez, Kayla Jackson-Williams, Stephanie Morrell, and Casey Clevenger.

Others Present:

Court Administrator Cindy Garrett, Court Marshal Michael Franks, Boone County Prosecutor Roger Johnson, Boone County Assistant Prosecutor Chad Moen, District Public Defender Kevin O'Brien, Callaway County Prosecutor Ben Miller, Callaway Circuit Clerk Megan Morse, and Deputy Court Administrator Derek Hux.

1. Call to Order / Welcome

The meeting was called to order by Presiding Judge Brouck Jacobs at 5:00 PM. The meeting used Webex to video conference meeting participants in the Boone County Courthouse law library with the Callaway Justice Center Jury Assembly Room.

2. Introduction of All Guests

There were no guests.

3. Approval of minutes from September 19, 2023

Judge Brouck Jacobs asked if there were additions or corrections to the prior meeting's minutes. Hearing no corrections, the minutes were approved by unanimous consent.

4. Order of Destruction of Confidential Records

Deputy Court Administrator Derek Hux presented the records destruction requests from the Jury Supervisor. Motion to approve by Judge Kayla Jackson-Williams, seconded by Judge Stephanie Morrell. Orders of Destruction approved by unanimous vote.

5. Reappointment of Treatment Court Commissioner

Judge Brouck Jacobs stated that Casey Clevenger's current 4-year term as Treatment Court Commissioner was coming to its end. Judge Christopher Wilson moved for Casey Clevenger to be reappointed for another term as

Treatment Court Commissioner, seconded by Judge Kayla Jackson-Williams. Judge Brouck Jacobs commented that they are all happy Commissioner Clevenger is willing to serve another term, and that the 13th Circuit has received public recognition from her Treatment Court programs. Judge Jeff Harris added that this is not just a rubber stamp without proper consideration, that Commissioner Clevenger has earned her reappointment. Other judges expressed their agreements to those statements. Judge Jacobs called for a vote to reappoint Casey Clevenger for another 4-year term as Treatment Court Commissioner, and the appointment was approved unanimously.

6. 13th Circuit Policy & Procedure Updates

Court Administrator Cindy Garrett presented several updates to the 13th Circuit employee Policy & Procedures Manual. Most of the changes involved incorporating the language used in the current Court Operating Rule 7. Judge Kimberly Shaw moved for the updated Policy & Procedures to be approved, seconded by Judge Stephanie Morrell. The vote was unanimous in favor of approval.

7. Bond Schedule

Judge Brouck Jacobs stated that the bond schedule in the meeting materials includes a change with respect to arrests for domestic related offenses at the request of the Boone County Prosecutor. Judge Jeff Harris asked the Prosecutor's Office to encourage law enforcement to indicate if someone is already on felony probation. Judge Brouck Jacobs stated that he would sign this order.

8. Other

Judge Sue Crane informed the group that a recent incident made her aware of smartwatches that now can send messages and make recordings independent of the wearer's cell phone being closely nearby. She wanted to bring to the judges' attention that our local court rule 9.6 may not be keeping up to date with regards to current technology. Discussion followed. Judge Jacobs encouraged further discussion of the issue and proposed rule changes would be taken up at a later meeting.

Boone Prosecutor Roger Johnson announced that his office recently added emotional therapy dogs and it seems to be going well. If any judges have a question or concern to please let him know.

Boone Prosecutor Roger Johnson also added that in upcoming weeks his

office will be starting a new initiative that in most circumstances they will be recommending post-plea diversion into Treatment Court for straight felony drug possession cases by a non-violent offender. Discussion followed. District Defender Kevin O'Brien and Judge Kayla Jackson-Williams voiced concerns about this initiative being applied equally. Commissioner Casey Clevenger stated that the 13th Circuit's Drug Court is not a one-size-fits-all, each participant has a risk & needs assessment done at entry and then follows a customized treatment plan through the program. Commissioner Clevenger invited O'Brien to have a discussion with her about a public defender attorney being more involved with the drug court team to help look after the defendant's rights. Judge Jacobs stated that the Prosecutor's initiative would be a good topic to bring up at the next Criminal Justice Administration Coordination Committee meeting.

9. Comments from the Public

There were no comments from the public.

10. Next Meeting Date

The next meeting of Court En Banc will be on December 5, 2023, in Callaway County, after the Christmas meal hosted by the Callaway County Bar Association.

Hearing no objection, Judge Brouck Jacobs announced the meeting adjourned at 5:50 PM.

Prepared by:



Derek Hux
Deputy Court Administrator

Submitted by:



Cindy Garrett
Court Administrator

Distributed on:

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