

**COURT EN BANC MINUTES  
Tuesday, November 3, 2015, at 5:30 p.m.  
Callaway County Courthouse  
Jury Assembly Room**

**Judges Present:** Judges Kevin Crane, Jodie Asel, Gary Oxenhandler, Deborah Daniels, Leslie Schneider, Carol England, Kimberly Shaw, Sue Crane, Michael Bradley, Commissioner Sara Miller.

**Others Present:** Callaway County Circuit Clerk Judy Groner, Boone County Circuit Clerk Christy Blakemore, Callaway County Prosecuting Attorney Chris Wilson, Callaway County Assistant Prosecuting Attorney Casey Clevenger, Callaway County Public Defender Ella Boone Conley, Adult Court Services Supervisor Brandon Walker, Technology Services Supervisor Steve Smith, Court Administrator Mary Epping, and Deputy Court Administrator Cindy Garrett.

**1. Call to Order/Welcome**

The meeting was called to order at 5:30 p.m. by Judge Kevin Crane.

**2. Introduction of All Guests**

Judge Kevin Crane introduced and welcomed guests.

**3. Approval of the September 23, 2015, Minutes**

Judge Gary Oxenhandler moved to accept the September 23, 2015, minutes. Second: Judge Michael Bradley. The motion passed unanimously.

**4. Destruction of Records – Boone County Circuit Court**

Deputy Court Administrator Cindy Garrett said the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on pages 5-7 of the Court en Banc's packet. Judge Kimberly Shaw moved to approve the destruction of the records listed. Second: Judge Gary Oxenhandler. The motion passed unanimously.

**5. Technology – PDF Expert and OnCall**

Court Administrator Mary Epping advised recently some of the judges learned about the PDF Expert application that can be used on an iPad or iPhone. Mary wanted to make sure all were aware of the app and said there is an iPad that is designated for on-call. If judges choose to use the iPad for oncall, it would require one Boone county on-call email address versus individual judges using their circuit e-mail address. This would not require electronic procedures to change outside of agencies being informed of the on-call email address. Technology Services Supervisor Steve Smith said there are tradeoffs with a single iPad. The benefit is all law enforcement agencies would only send to one email address and the holder of the iPad has that email address. A negative is with Airwatch the pin is required to change every 90 days, so whoever has possession of the iPad has to change the pin and notify the rest of the group. Steve also noted with the current process of using your own notebook, your device is tailored for each judge, which cannot be done on the iPad. If an on-call iPad is pursued, the recommendation is that it be

a universal decision. The other option is to use your own device and the application that works with Lotus Traveler through OSCA. Steve further suggested a small committee be appointed if considering the single iPad, in order to explore the negatives and positives. It was discussed that if a judge has their own personal iPad with Airwatch, then they could also use the on-call email address on their iPad. Judges Kevin Crane and Kimberly Shaw will explore the single iPad option using PDF Expert. Judge Crane asked this topic be added to the next Court en Banc agenda for further discussion.

**6. ROR for Mental Health Cases**

Judge Deborah Daniels advised during the jail overcrowding meeting in Boone County there was a discussion regarding requests from the jail to transport defendants to a facility for physical health or mental care needs, and this will be done through an ROR. Judge Daniels circulated a draft order for the judge in the criminal case to make note of, if the probate judge ordered the person be taken into custody. The Boone County jail agreed to change its form to request an ROR for a mental health case. Callaway County is currently already using this process. Judge Daniels also noted there has been discussion of the jail addressing mental health needs internally and not letting the criminal judge know there is a mental health problem. It was determined this is a discussion for the jail overcrowding meeting in December.

**7. Callaway Court Marshal**

Court Administrator Mary Epping reported Judge Christine Carpenter received a letter from the Circuit Court Budget Committee (CCBC) regarding the 13<sup>th</sup> Circuit's request for a drug court commissioner and a Callaway county marshal, which was specifically provided for in HB12. Initially just the commissioner position was approved as the CCBC wanted to wait on the court marshal until after the veto session to see whether there was a veto override that would have passed legislation that allowed for the court marshal. Judge Carpenter just received notice from the CCBC that they have approved funding for the court marshal position, however they are calling it court security personnel. The CCBC has requested we continue to seek legislation next year to change the statute; however they will not take the position away if legislation is not passed. The court marshal position is now part of OSCA's core budget. This position will be treated like the legislation had passed, which means the position is the presiding judge's appointment. The appointment process has just been finished with the commissioner and so the next procedure will be to post the court marshal position. It will be treated similar to the Boone County Sergeant, under Court Marshal Les Werner as the supervisor. Mary noted we are very thankful to the CCBC for this funding and she has been working with the security committee in Callaway County regarding this position. The Callaway County commission is also on board and excited for this additional position.

**8. Callaway Security Committee**

Callaway County Prosecuting Attorney Chris Wilson provided an update since the CCBC approved the full-time, unclassified court security officer. Chris said this position is not defined by statute as the court marshal position. Regardless, because there is an FTE to assist with security issues, their committee met to start moving towards the goal of a permanent staffed security station in the front of the courthouse, similar to that in Boone County. The courthouse security committee continues to work towards that and they have a representative from the marshal's office of the Missouri Supreme Court coming on Thursday to meet with Court Marshal Les Werner and Chris, to look at the layout of the Callaway County Courthouse to give a report on what they believe is feasible regarding traffic flow, positioning, layout, etc. The county



commission also wants to hear the outcome from the marshal and recommendations from the courthouse security committee. Court Administrator Mary Epping will confirm with OSCA about the title of the new position, however it is her understanding they consider this position to be the same as the positions we currently have.

**9. eJuror**

Court Administrator Mary Epping reported Marla Gunn attended a work group at OSCA regarding eJuror that is anticipated to roll out in about a year. This program will allow much more online capabilities, such as jurors filling out their questionnaire online, requesting updates by email or text versus through US mail, it will allow to individuals to upload documents, such as to provide verification if someone is deceased. It will also determine mileage through Google. This will allow jury work to be completed much more efficiently.

**10. Docket Changes**

Judge Kevin Crane explained all have been provided a copy of a draft proposed docket with changes and he wants to allow everyone time to review. Final approval of the docket will be placed on the Court en Banc meeting for December. Court Administrator Mary Epping noted the biggest changes include adding dockets for Division XII, the Drug Court Commissioner, and removing treatment dockets from other judges. Additional changes were made based on requests for additional docket or office time. The docket is approved through an administrative order. A finalized version of the docket will be sent out as soon as possible based on feedback from all after review.

**11. BJA Grant for Veterans Court, Budget Amendment**

Court Administrator Mary Epping reported at the April Court en Banc meeting she requested permission to apply for the Veterans Court grant. She reported the 13<sup>th</sup> Circuit was awarded the grant. She further recognized Veteran's United Foundation for their contributions to help to start this court. Mary reported this is a \$200,000 enhancement grant, which starts October 1, 2015, and the goal is to enhance tracking and treatment of veterans and to have additional funding for housing. The second goal is to go multi-jurisdictional, and this will provide the funding. The new commissioner will be working with this as soon as she starts. This grant will require an agreement between presiding judges in other circuits and an MOU with other prosecutors. This grant affects the budget, as the budget pays for ½ of salaries of the administrator, and the Mentor Coordinator. Therefore, the county has requested the grant funds go through the Veterans court fund, with this grant being 100% reimbursed. There was no objection to this approach.

**12. Reappointment of the Board of Jail Visitors**

Judge Kevin Crane asked Judge Carol England if she was able to find a replacement for the Callaway County jail board. Judge England said she was still working to find a male democrat replacement, and therefore this item will be placed on the next Court en Banc agenda in December. Judge Crane reported Harry Bazion is resigning from the Boone County board, therefore a male democrat replacement is needed. Judge Kimberly Shaw was asked to recommend a replacement.

**13. Alcohol/Drug Related Traffic – Filing Report**

Deputy Court Administrator Cindy Garrett presented the Municipal Courts report for January through June 2015, on intoxication-related offenses as set out on page 10 of the Court's packet. The report was reviewed. No recommendations or requests were made. This is reviewed every six months.

**14. Other**

Judge Kevin Crane reported he is more often not setting a bond versus setting a cash bond. He said in a recent case where the defendant was denied bond, he was reminded of section 544.676, RSMo. Subsection 3 of this statute states when a defendant is denied bond, upon a written request filed at arraignment, the defendant is entitled to a trial to begin within 120 days of arraignment, unless the defendant requests and receives a continuance, or if bond is set for the defendant. The clerk has to be alerted to the start of the 120 days for the speedy trial demands. At the associate circuit level, a defendant can only be advised of charges, you cannot be "arraigned," so this applies to circuit court cases only. The statute only states the case must be tried within a specific time period but it does not have a consequence if that time standard is not met.

Judge Deborah Daniels reported she has started doing extradition to surrounding counties when it is a failure to appear on a charge that does not carry jail time.

*Judge Jodie Asel joined the meeting at 6:12 p.m.*

Judge Daniels also noted she recently had a case where the defendant was in jail for costs only, based on a warrant. Judge Daniels suggested if a defendant is in jail due to outstanding costs only for minor amounts, to consider writing off minimal amounts.

Court Administrator Mary Epping reported TSI was awarded the contract in Boone County for courtroom 3 West to improve the microphones. The contract has gone through the commission, so 3 West and 2 West will need to be reserved to complete the necessary wiring.

Judge Michael Bradley informed the clerks he appreciates the red W that is now on eBench for warrant cases. He feels this allows him to much easier take care of outstanding warrants.

Judge Bradley also noted there is no emergency lighting in the courtrooms during a power outage in Boone County. He believes emergency lighting is a security issue when there are people in custody within the courtroom. Court Administrator Mary Epping reported she has contacted facilities maintenance and they are looking into this matter.

Boone County Circuit Clerk Christy Blakemore provided an update to their current staffing issues. She reported one new clerk started on Monday, two others start November 16 and another starts on December 1. She should be fully staffed as of December 1, however training will still be necessary.

**15. Comments from the Public**

Casey Clevenger thanked the Court en Banc for her appointment and stated she is looking forward to appointment.

**16. Next Meeting Date**

The next meeting is scheduled for December 15, 2015, at 5:30 p.m. to convene in the Callaway County Courthouse, Jury Assembly Room.

Prepared by: Cindy Garrett  
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Submitted by: Mary Epping  
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Distributed on: 12/11/15