

**COURT EN BANC MINUTES**  
**Tuesday, July 30, 2019, at 5:00 p.m.**  
**Boone County Courthouse**  
**Law Library, 2<sup>nd</sup> Floor**

**Judges Present:** Judges Jeff Harris, Brouck Jacobs, Jodie Asel, Kimberly Shaw, Carol England, Sue Crane, Tracy Gonzalez, Leslie Schneider, Stephanie Morrell, Commissioners Sara Miller and Casey Clevenger and Columbia Municipal Judge Cavanaugh Noce.

**Others Present:** Boone County Circuit Clerk Christy Blakemore, Unit Manager Sherry Seiling, Deputy Clerks Michelle Cecil, Christie Murray, Beth Clark and Bobbi Malone, Adult Court Services Supervisor Brandon Walker, 13<sup>th</sup> District Public Defender Sarah Aplin, Assistant District Public Defender Jeremy Pilkington, Probation and Parole District Administrator Jared Drummond, Attorney Andy Hirth, Court Administrator Mary Epping and Deputy Court Administrator Cindy Garrett

**1. Call to Order/Welcome**

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

**2. Introduction of All Guests**

Judge Jeff Harris welcomed guests. Boone County Circuit Clerk Christy Blakemore introduced Christy Murray, who has assumed the role of supervisor of the probate unit and Rachel Allen, who has been assigned as an assistant supervisor in the criminal division unit.

**3. Approval of the June 25, 2019 Minutes**

Judge Kimberly Shaw moved to accept the June 25, 2019, minutes. Second: Judge Tracy Gonzalez. The motion passed unanimously.

**4. Rule 72 Probate – Rap Back Program**

Court Administrator Mary Epping said on page 7 of the Court en Banc's packet is Rule 72, with minor edits, as noted in bold. Judge Stephanie Morrell moved to approve the edits to Rule 72 as noted on page 7 of the Court en Banc packet with the emergency clause to become effective August 1, 2019. Second: Judge Carol England. The motion passed unanimously.

**5. Civic Education**

Court Administrator Mary Epping is on the Supreme Court's Civic Education committee. They recently created a six minute video to be shown to those serving on jury duty. Mary

requested the Court en Banc review the video and let her know if there are any concerns with the video being shown to those appearing for jury duty. Mary said the end of the video provides information on how community members can request local judges to present to civic organizations. Mary will send the link through email and if anyone is opposed to the video being shown to all jurors, please let Mary know.

## **6. Rule 33 and Bond Investigations**

Judge Stephanie Morrell recently received forms approved by state judicial records committee last Friday, which were provided as a handout. Judge Carol England is on the committee that approved the forms and she said the forms are suggested for use but not required as the rule says oral or written findings. Judge Morrell provided an update that Boone and Callaway associate judges are keeping records as to how much longer the dockets are in case numbers and time, based on the new rule. They plan to keep the statistics for at least a month and then there will be further review if additional dockets are needed. It was noted Judge England has added 3 new dockets in Callaway County due to the volume of the additional cases.

Judge Morrell said the rule reiterates the fact that the victim has a right to be heard before any change in bond. When bond investigations have been received, the judges have been ruling on the bond investigations prior to the victim having an opportunity to be heard. Judge Morrell recommends any changes in bond condition be denied if there is a victim in the case, that the case be set for a bond hearing with notice being sent to victim, and then a ruling can be made after the victim has had an opportunity to be heard. It was noted for administrative purposes, an initial ruling should be made on the bond investigation and then once the case is set out to allow the victim to be heard, a subsequent ruling can be made as to the bond investigation. It was recommended there be an additional check box on the bond investigation as to the victim's position. Adult Court Services Supervisor Brandon Walker said there are times when his officers contact the victim advocate in the prosecutor's office. It was noted the statewide approved assessment tool is not yet developed.

Judge Morrell said in the bond investigation, if there is a recommendation for no reduction, Adult Court Services always notes in their report that all alternatives to incarceration have been considered, therefore, they have considered home detention, alcohol monitoring, etc. However once at the hearing, the defendant often inquires why they are not qualified for home detention, etc. Judge Morrell believes we need to consider adding additional information as to why individuals do not qualify for alternatives in an effort to avoid ordering supplemental investigations for changes in defendant's situations if they do not have anything to do with why they did not qualify. Judge Sue Crane said she feels more needs to be put on the defense attorney in preparing motions and providing information to the court regarding the defendant's situation. It was noted the defense has to file a motion according to local court rules and Rule 33.06.



**7. 2020 Budget Presentation**

Court Administrator Mary Epping, Circuit Clerks Christy Blakemore and Megan Morse, and Deputy Court Administrator Cindy Garret presented the budget which was provided as a handout. Judge Sue Crane moved to accept the budget. Second: Judge Kimberly Shaw. The motion passed unanimously.

**8. Other**

Commissioner Casey Clevenger said individuals are being taken into treatment court as pre-plea diversion, who are on the public defender waitlist. The public defender has agreed to do a limited scope entry to assist these individuals getting into treatment court. Commissioner Clevenger said they are seeing on a few cases that the defendants have been on the waitlist for quite some time and the address the court has on file is not valid. She inquired about suggestions to get updated addresses. Judge Stephanie Morrell said for the waitlist docket all the associate judges remind the defendants to provide updated address changes to the clerk and public defender offices. There were no other suggestions to address this concern.

**9. Comments from the Public**

None.

**10. Meeting Date**

The next meeting is scheduled for August 27, 2019, at 5:00 p.m. in Callaway County. Judge Leslie Schneider moved to adjourn. Second: Judge Kimberly Shaw. The motion passed unanimously. The meeting adjourned at 6:21 p.m.

Prepared by: Cindy Garrett  
Cindy Garrett  
Deputy Court Administrator

Submitted by: Mary Epping  
Mary Epping  
Court Administrator

Distributed on: 8/22/19