

**AMENDED
COURT EN BANC MINUTES
Tuesday, August 5, 2008, at 5:30 p.m.
Boone County Courthouse
Law Library, Second Floor**

Judges Present: Jodie Capshaw Asel, Cary Augustine, Gary Oxenhandler, Larry Bryson, Leslie Schneider, Deborah Daniels, Carol England, Christine Carpenter, and Commissioner Sara Miller. *Judge Gene Hamilton arrived at the meeting during the discussion on Item #8.*

Others Present: Boone County Circuit Clerk Christy Blakemore, Unit Manager Lana Brooks, Court Marshal Les Werner, and Jury Supervisor Linda Dolliver.

1. Call to Order

The meeting was called to order by Judge Jodie Capshaw Asel.

2. Approval of Minutes

Judge Leslie Schneider made a motion to approve the minutes as presented. Second: Judge Gary Oxenhandler. The motion passed unanimously.

3. Destruction of Records – Boone County Circuit Clerk

Assistant to the Court Administrator Joy Rushing explained that the court had received requests from the Boone County Circuit Clerk to destroy records, or to request an order for destruction of records from the Office of the State Courts Administrator, as shown on pages 5 through 9 of the court's packet. All records are to be destroyed by shredding. Records where retention is required have been preserved by microfilm. Judge Gary Oxenhandler made a motion to approve the requests. Second: Judge Christine Carpenter. The motion passed unanimously.

4. Update Regarding REI Court Admissions

Court Administrator Kathy Lloyd explained that the court had re-evaluated the status of the Reintegration Court and determined to continue the court on a limited basis, as set out in pages 10 through 11 of the court's packet. Presiding Judge Gene Hamilton has sent a letter to the Drug Court Coordinating Committee regarding the court's revised response to the lack of funding for this court.

5. Update on Domestic Violence Docket

Judge Deborah Daniels explained the plan to handle domestic violence cases on special dockets. The plan is to start the first of September with all criminal cases involving domestic violence being placed on her dockets. Both the Public Defender's Office and

Prosecutor's Office are supportive of this approach. Assignment of a case as a domestic violence case will depend on the prosecutor assigned to the case.

If someone is charged with a domestic violence case, they will be arraigned in Division XI as soon as possible. Chief Jail Administrator Warren Brewer has indicated that it is hard to bring people over on Monday, so she will do those arraignments by video, but other days she wants the defendants brought to court.

Domestic violence cases filed after September 1 will go to the domestic violence docket, but the current domestic violence cases will stay with the current judge for probation violation hearings.

The court is looking at the possibility of obtaining some grant money for the program. Judge Daniels is hoping that this will help hold people accountable for these domestic violence cases. It should make cases move faster because the attorneys in the courtroom for the dockets should have the authority to negotiate pleas.

6. Child Orders of Protection

Judge Schneider said she understood that a judge should not issue an ex parte child order of protection when there is a custody proceeding pending. Judge Cary Augustine agreed that the law precludes entry of an ex parte order if there is another order that is active or pending.

7. Jury Assembly Process

Discussion of this Item was postponed until the arrival of Judge Hamilton.

Court Marshal Les Werner and Jury Supervisor Linda Dolliver explained a new jury assembly process. Jurors will be directed to report at 8:00 am. They will be scanned in, but will not be assigned to a particular case and there will be no numbers on the chairs. The jurors will be asked to fill out a questionnaire. Judge Hamilton will go through initial questions with the jurors, the marshals will show them the video, then assign numbers and prepare the juror books. There was a general discussion of the question regarding felony convictions, and whether it should be changed to two parts, whether a person had been convicted of a felony, and whether they had their rights restored. The prosecuting attorney does a criminal history check on potential jurors, so the marshals give them a list of the potential jurors first thing in the morning. Judge Gene Hamilton indicated that anything prepared for the prosecuting attorney must also be given to the defense counsel. Judge Deborah Daniels indicated that there is some question of what information can be given out. It was decided to put this issue on the next court en banc agenda.

8. New Missouri Law Concerning Illegal Immigrants

Assistant to the Court Administrator Joy Rushing explained that a new statute regarding unlawful aliens, House Bill 1549, which was just approved by the Missouri General Assembly will affect the court in a couple of ways. First, the sections applying to employers would prohibit the court from knowingly employing an unauthorized alien, and requires the court to use E-Verify to check an individual's immigration status.

Second, the statute prohibits the release on bail of aliens who are unlawfully present in the United States. Finally, the statute makes unlawful aliens ineligible for many public benefits, which possibly could be construed to make them ineligible for some court programs.

Judge Hamilton arrived during the discussion on Item 8 and discussion on Item 7 immediately followed.

9. Update on Callaway County Security Upgrades

Court Marshal Les Werner stated that there will be a media attempt to let people know about the new security upgrades to the Callaway County Courthouse. All the south doors will be locked, and judges will be able to continue using their door with their key. Employees will have cards that can be read by a computer reader. The new system should be in place by next month. Court Administrator Kathy Lloyd said that the Callaway County Commission has adopted a security plan which is in the court's packet. They will be getting a fire alarm system as part of the upgrades.

10. Courthouse Expansion Update

Court Administrator Kathy Lloyd referred the court to the information in their packet on pages 31 through 46. Page 41 shows the contingency balance of \$410,000. They have the report back from the industrial hygienist on the water intrusion, and are discussing what further steps need to be taken. It appears most likely that the contractors will open up the areas that the report recommends looking at, without calling in another consultant to do that.

11. Budget Presentation

See Power Point presentation which is attached.

Judge Christine Carpenter made a motion to approve the budget as presented. Second: Judge Cary Augustine. The motion passed unanimously.

12. Other

None.

13. Comments From the Public

None.

14. Next Meeting Date

The next meeting date is October 7, 2008.

Prepared by: _____
Joy Rushing
Assistant to the Court Administrator

Submitted by: _____ Distributed on: _____
Kathy Lloyd
Court Administrator