

April 28, 2020

To: All Attorneys Practicing in Clay County Circuit Court
From: Judge Louis Angles (Div. VII) and Judge Karen Krauser (Div. VI)
Re: Temporary Procedure for Disposition of Misdemeanor Cases by Written Plea
Date: April 27, 2020

NOTICE

In response to the COVID-19 emergency, Divisions 6 and 7, Court will consider written Guilty Pleas for the disposition of certain Misdemeanors, without an appearance by defendant, defense counsel, or the prosecuting attorney. The Clay County Circuit Court has taken this action in accordance with the Missouri Supreme Court Rules of Criminal Procedure and all applicable Missouri Supreme Court Orders related to the COVID-19 virus. All members of the criminal defense bar are strongly encouraged to take advantage of this opportunity to dispose of Misdemeanor cases, provided they deem it to be in the best interest of their client(s). Please note that the current procedures in place regarding the disposition of minor traffic offenses by plea agreement will remain unaffected.

Temporary Procedures for Disposition of Misdemeanor Cases

1. Most Misdemeanor cases in Clay County may be temporarily be disposed of by written guilty plea. However, there are certain types of Misdemeanor cases where written guilty pleas will generally not be accepted. These include, but are not limited to: (a) Domestic Assault; (b) Assault resulting in physical injury; (c) Violation of an Order of Protection; (d) Probation Revocations; (e) DWI/BAC cases charged as Class A Misdemeanors; and (f) cases where the prosecuting attorney is recommending a conviction for DWI/BAC. DWI/BAC cases charged as Class B Misdemeanors may generally be disposed by written plea where the recommendation from the prosecuting attorney is an "SIS." Fourth Degree Assault cases not involving physical injury and Non-Support cases will be determined on a case by case basis. In any case, if defense counsel believes that special circumstances exist which would otherwise justify the Court accepting a written plea, and the prosecuting attorney consents, defense counsel should follow the procedures set forth below in Paragraph 7.
2. The Court has created several forms that must be utilized when taking advantage of these new procedures. For everyone's convenience, these are Word forms that can be modified by defense counsel to fit any given case. You may download these forms by going to Circuit7.net. They include:

[Form 1 - Guilty Plea](#)

[Form 2 - Judgment and Sentence](#)

[Form 3 - Notice of Hearing for Disposition of Traffic/Misdemeanor Case\(s\) by Written Plea](#)

[Form 4 - Order Granting Defendant Time to Pay](#)

[Form 5 - State of Missouri's Consent to Case Disposition by Written Guilty Plea and State's Certification](#)

3. Defense counsel should first complete Form 1 (Guilty Plea), Form 2 (Judgment and Sentence), and Form 4 (Order Granting Defendant Time to Pay) and obtain the original signature of the defendant on each form. Once the defendant has signed and returned these documents to defense counsel, defense counsel should e-file them along with Form 3 (Notice of Hearing for Disposition of Traffic/Misdemeanor Case(s) by Written Plea) and retain the originals. Division 6 and Division 7 have established a "Written Plea Docket" that is scheduled for every Thursday at 9:00 a.m. In order to allow the prosecuting attorney sufficient time to review the forms, defense counsel should choose a Thursday which provides the APA/PA handling the case with at least seven (7) days-notice. The defendant, defense counsel, and the APA/PA need not appear for the Written Plea Docket.

4. Once defense counsel has e-filed Forms 1, 2, 3, and 4, the prosecuting attorney's office will review Form 1 (Guilty Plea) and Form 2 (Judgment and Sentence). If the APA/PA agrees that the forms accurately reflect the plea agreement, consents to the case being disposed by written plea, and makes certain certifications required by the Court, the APA/PA will file Form 5 (State of Missouri's Consent to Case Disposition by Written Guilty Plea and State's Certification).

5. Defense counsel and the APA/PA may provide electronic signatures ("/s/") on all forms used herein in lieu of an original signature.

6. Due to the uncertainty about when the current health emergency will end, the financial hardship it has caused, and social distancing recommendations, the Court would allow up to three months to: (a) pay fines, court costs, CVCF payments, recoupment costs, and/or other fees or charges; and (b) up to six months to complete Court ordered programs, such as SATOP, ADEP, VIP, or Community Service. However, Court ordered installation of an Ignition Interlock Device, SCRAM, House Arrest, or random testing for drugs or alcohol will generally not be deferred. Finally, where shock time or straight jail time has been ordered, the Court recommends a stay execution of that time during the COVID-19 crisis, depending on existing circumstances.

7. Utilizing these procedures will allow both defense counsel and the prosecuting attorney to dispose of many misdemeanor cases without exposing everyone to the virus. Not only will this further the administration of justice, it will also reduce the size of our Misdemeanor and Traffic dockets when the current health emergency is over, August 27, 2020, unless extended by order of the Clay County Circuit Court.

8. Any questions should be directed to the Circuit Clerk's office:

Traffic: (816) 407-3870

Criminal: (816) 407-3860

/s/ Judge Karen Krauser, Division VI

/s/ Judge Louis Angles, Division VII