

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI
21st JUDICIAL CIRCUIT

VILLAGE OF RIVERVIEW MUNICIPAL DIVISION

MUNICIPAL COURT OPERATING ORDER #3

Effective Date – Revised December 1, 2016

GENERAL ORDERS

I. **PURPOSE**

The purpose of these general orders is to reaffirm the Court's commitment to adhering to all constitutional requirements, statutory requirements, and Supreme Court rules governing the operation of the Riverview Municipal Court. The Court shall provide open access to all with clearly defined procedures designed to afford defendants, the Village, witnesses, and all persons having business before the Court with the transparency, equal treatment and protections mandated by law. The following orders are effective as of the above date. The Court reserves the right to modify the following orders, from time to time, as circumstances dictate.

II. **GENERAL COURT PROCEDURES**

A. **Open Access.**

The Court hereby ratifies Court Operating Order #2. Court proceedings shall be conducted in a courtroom that is open to the public and large enough to reasonably accommodate the public, parties and attorneys.

B. **Fax and Electronic Memoranda.**

1. This Court shall be always open for purposes of receiving faxes, electronic entries of appearance and motions. Notwithstanding, entries of appearances and motions for continuances shall be submitted for any particular court session no later than twenty-four (24) hours prior to the scheduled court date.

2. Requests for warrant recall may be submitted by fax.

C. **Opening of Court Doors.**

Court personnel shall open the doors to the courtroom at least thirty minutes prior to the commencement of the Court's docket, unless a different order of the Court shall specify otherwise.

D. **Access to Court Files.**

Attorneys of record shall have access to the Court's files during regular business hours of the Court. Requests to view files not on the docket must be made prior to the start of the docket. Court administrators shall not be required to pull files not on the docket during court docket unless there is sufficient time to do so.

E. **Rights in Court.**

This Court shall inform Defendants of their general rights in writing. "**Your Rights in Court**" shall be placed on the Court's website, and shall be prominently displayed in the courtroom.

F. **Official Notices.**

The Court Administrator shall publish the notice below set forth on the Court's website, and to the extent available, shall cooperate with the police department to include the same on mobile tickets, or on cards to be given to defendants.

The notice shall read substantially as follows:

MESSAGE FROM THE RIVERVIEW MUNICIPAL COURT

You have been summoned to come to court on the date shown on your ticket.

You may plead not guilty by coming to court and a trial date will be set.

You may plead guilty by mail or by coming to the Municipal Court to pay your fine.

If you plead guilty, you will be given a new date to pay if you can't pay the day of court.

If you want to plead guilty, but you don't have the funds to pay your ticket, you still must come to court. You will not be arrested for not having money to pay.

If you are indigent, you may be required to complete documentation to be determined by the court as evidence of your financial status and as an aid to the court in assessing fines, costs and setting of a payment plan.

If you do not come to court when summoned to do so, you are subject to a warrant being issued for your arrest.

G. **Fines and Costs.**

This Court shall abide by all limits for fines set by Missouri law. This Court shall not charge any fine, court cost, surcharge, or fee, not authorized by law. No court costs shall be assessed if a case is dismissed. Court costs must be assessed on all cases in which a guilty plea has been entered or a defendant has been found guilty after trial unless the Court finds that the defendant is indigent according to the standards determined by the Presiding Judge of the Circuit Court.

H. **Access required by ADA.**

Pursuant to the American with Disabilities Act and sections 476.750 through 476.766 RSMo. this Court shall provide, based on expressed needs, auxiliary aids or services to interpret any proceeding for a person who is deaf or hard of hearing. This requirement applies to a person who is a party, juror, witness, spectator, or a juvenile whose parent, guardian or foster parent is deaf or hard of hearing if the juvenile is brought to any proceeding.

III. **ORDERS CONCERNING DEFENDANT'S RIGHTS**

A. **Continuances.**

A defendant may telephone, or have his or her attorney communicate to the Court prior to the first court setting, his or her request for a continuance. Such continuance shall be granted unless the judge has required a personal appearance. A defendant may request such a continuance, so long as the defendant provides sufficient information to the Court Administrator regarding the identity of the defendant. If a defendant appears at the first court session after receiving a summons or ticket, he or she shall have the right to request one additional continuance in order to obtain counsel, for any other reason, or for no reason at all. Any request for a continuance after the first appearance shall be at the discretion of the Court.

B. **Payment Plans.**

This Court will allow indigent defendants to present evidence of their financial condition and shall take such evidence into account when assessing fines, costs and setting a payment plan. This Court shall utilize an electronic payment system or payment by mail for the payment of fines and costs.

C. **No Detention or Arrest Due to Inability to Pay.**

No defendant shall be arrested or detained for any length of time solely on the basis of his or her inability to pay fines and/or costs unless such nonpayment violates a term of probation. This Court shall report any delinquent payment in excess of twenty-five dollars (\$25.00) to the director of the Department of Revenue and request that the department seek a setoff of an income tax refund of the defendant.

D. **No Confinement for a Minor Traffic Violations**

No defendant shall be confined for a minor traffic violation.

E. **Public Defender and Special Advisor Program**

1. **Public Defender**

The Court shall, in conjunction with the Village's finance department and to the extent authorized by appropriate ordinance, divert \$1.00 from the basic court costs, for a public defender program, to be managed in accordance with §479.260 RSMo. In accordance with such program, the Court shall designate one or more public defenders who shall be assigned cases which the prosecutor has represented to the Court, or the Court has determined, may result in incarceration upon conviction.

The Court Clerk shall maintain a list of attorneys who practice before the Court who are willing to serve as public defenders and accept representation of indigent defendants when appointed by the Court. Public defenders shall be compensated on a fixed fee basis, said fee to be not more than \$500.00 per defendant/case, regardless of the number of counts charged. Upon acceptance of an appointment, the public defender so appointed shall provide the Court Clerk with an executed form W-9 in order to facilitate payment from the Village.

2. **Special Advisor.**

This Court shall, to the extent permitted by law or Supreme Court order or rule, permit voluntary legal advisors, who have completed required training, to assist defendants who need or request general advice regarding a matter pending before the Municipal Court. This Court shall develop rules regarding the legal advisor program consistent with orders of the Presiding Judge.

F. **Warrants.**

1. Defendants confined on an initial arrest warrant issued by a municipal court have the right to be heard by a judge, in person, by telephone, or video conference as soon as practicable, but no later than forty-eight hours on minor traffic violations and not later than seventy-two hours on other violations.

2. For all cases in which a person has been arrested pursuant to a warrant issued by this Court, if the defendant has not had the opportunity to appear before a judge in person, by telephone or video conference within twenty-four hours, he or she shall be released and given a new court date unless the Municipal Judge has specifically ordered otherwise.

IV. **VIOLATION BUREAU**

This Court has adopted a Uniform Violation Bureau Schedule, a copy of which Schedule is attached hereto as Exhibit 1. This Court reserves the right to set other fines in the Violation

Bureau which are not part of the uniform schedule and to update the Uniform Violation Bureau Schedule from time to time.

V. **SPECIAL ORDERS – FAILURE TO APPEAR AND ALTERNATIVE COMMUNITY SERVICE**

A. **Failure to Appear**

1. No failure to appear charge shall be issued where the underlying charge is a minor traffic violation as defined by Missouri law.
2. Failure to appear suspensions shall be issued only on moving traffic violations that are not minor traffic offenses, and shall not be issued on non-moving traffic violations.
3. Defendants who fail to appear on a payment docket must be sent an order to show cause along with notice of a new court date prior to the issuance of a warrant, and the docket shall so reflect.

B. **Alternative Community Service**

This Court utilizes alternative community service as a sentencing option. No fee shall be charged for any such alternative community service. The Court may order alternative community service as a condition of probation or in lieu of a fine or imprisonment or both as authorized by state law and/or local ordinance.

C. **Judicial Certification**

This Court shall sign and file a certification with the state auditor of its substantial compliance with the following requirements as mandated by Missouri law:

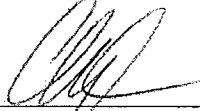
1. Defendants confined on an initial arrest warrant issued by a municipal court have the right to be heard by a judge, in person, by telephone, or video conference as soon as practicable, but no later than forty-eight hours on minor traffic violations and not later than seventy-two hours on other violations. If the defendant is not given the opportunity to be heard by a judge, he or she must be released.
2. Defendants must be released within twenty-four hours of arrest if no warrant is obtained.
3. Defendants shall not be detained to coerce payment of fines and costs.
4. The Court will allow indigent defendants to present evidence of their financial condition and shall take such evidence into account when assessing fines, costs and setting a payment plan.

5. The Court will only assess fines and costs authorized by law.
6. The Court will not issue a failure to appear charge for a minor traffic violation.
7. Court proceedings shall be conducted in a courtroom that is open to the public and large enough to reasonably accommodate the public, parties and attorneys.
8. Alternative payment plans and community service alternatives are used; and
9. The Court utilizes an electronic payment system or payment by mail for the payment of minor traffic violations.

These General Orders shall remain effective as of the date stated below, and are subject to amended orders as circumstances dictate.

THIS ORDER SHALL BE POSTED ON THE COURT'S WEBSITE.

SO ORDERED:



W. Christopher McDonough
Municipal Judge
Village of Riverview, Missouri

Revision Date: December 1, 2015

cc: Court Administrator
Prosecuting Attorney
Village Attorney
Chief of Police
Bailiffs

EXHIBIT 1

**UNIFORM VIOLATION BUREAU SCHEDULE
(As of December 1, 2015)**