

Appointed Attorney Training

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MISSOURI STATE PUBLIC DEFENDERS, ST. LOUIS COUNTY OFFICE

Outline of Training Session

I. How a Case Moves through the System

II. Range of Punishment and Types of Probation

III. Resources for Clients

IV. Common Terminology

How a Case Moves through the System

I. Associate Court

II. First Appearance

III. Preliminary Hearing

IV. Grand Jury

V. Arraignment

VI. Circuit Court

How a Case Moves through the System: Associate Court

- ❑ Where all cases start, misdemeanors and felonies
- ❑ You are starting your work in one of these two courtrooms
- ❑ Located on 3rd Floor of St. Louis County Department of Justice Services
 - ❑ 100 South Central Avenue, Clayton MO 63105
 - ❑ Enter at southeast corner of Central Avenue and Carondelet Avenue
 - ❑ Pass through metal detectors and take elevators to 3rd floor

How a Case Moves through the System: First Appearance

- No one can be held for more than 24 hrs on felony charge unless a judicial warrant is obtained
- Defendant must be brought before a judge as soon as practicable (no later than 48 hours after confinement in county where warrant was issued, Rule 22.07 and 21.09) after execution of warrant
 - Advised of Right to Counsel, Right to Remain Silent
- How to find your client
- Has your client been waiting for representation?
- Call Docket
 - Representation?
 - Next Court Date
 - Bond Conditions Review

How a Case Moves through the System: Criminal/Traffic Memo

In the
CIRCUIT COURT
Of St. Louis County, Missouri

For File Stamp Only

Plaintiff _____ Date _____
vs. _____
Defendant _____ Case Number _____
Division _____ Day _____

CRIMINAL/TRAFFIC DOCKET MEMO

_____ enters as attorney for Defendant.

Cause continued to M T W TH F _____ at _____ a.m./p.m.
 by State of Missouri by Defendant by Consent by Court
for Call Docket Indigency Hearing Preliminary Hearing (Setting No.: _____)
 Other: _____ Plea/Disposition Sentencing

Rule 33.05 Release Hearing (Bond Review) on _____ at _____ a.m./p.m.
 Prosecuting Attorney Defendant requests this hearing be continued for the following good cause: _____

Bench Trial Jury Trial on _____ at _____ a.m./p.m. (sit. time: _____ days/hrs)
Pretrial Conference on _____ at _____ a.m./p.m.

Warrant ordered recalled. Warrant requested by State due to Defendant's failure to appear.

Defendant fails to appear. Prior Failures to Appear _____ Bond forfeiture date to be set.

Due to Defendant's failure(s) to appear, the Court finds that a warrant is necessary to secure Defendant's appearance. Bond is subject to the conditions set forth in Mo. S. Ct. Rule 33.01(b) and set at recognizance in all cases above unless otherwise indicated herein or on the Bond Conditions Order filed herewith.
 As the only additional condition of release, Defendant shall sign up for Track This Case within 48 hours of release at www.courts.mo.gov.
 Bond Conditions Order is filed herewith and sets forth additional least restrictive conditions of release.

Defendant referred to Public Defender.
 Wit requested. Defendant to be writ in from: _____
 Other: _____

Defendant _____ Defendant's Attorney _____ Bar No. _____
 New Address _____ Address _____
Phone No. _____ Fax No. _____
Email _____

SO ORDERED:

Judge _____ Prosecuting Attorney _____ Bar No. _____
Address _____
Phone No. _____ Fax No. _____
Email _____

9/19

How a Case Moves through the System: Extreme Situations

- ❑ File notice for a bond hearing
- ❑ Supreme Court Rule 33.01(e)
- ❑ Bail hearings are relatively informal
- ❑ Monetary and Non-monetary bond conditions
 - ❑ Monetary Conditions - Types of Bail
 - ❑ Non-Monetary Conditions
- ❑ Bail Revocation and Bond Forfeiture
- ❑ Bail Project – 314-884-1310
- ❑ What if your client doesn't show up?

How a Case Moves through the System: If your client remains confined...

St. Louis County Justice Center on the First Floor

Contact - Paper Pass - Phone

(No Need to Call or Email just bring Bar Card)

100 South Central in Clayton, 63105

24/7 Legal Visits (In Theory)

(If After 8:45 pm See the Watch Commander on the 3rd Floor)

Bad Times to Visit= 11:00-1:00, 2:00-3:00 (In Theory)

NO CELL PHONES


314-615-6423

How a Case Moves through the System: Preliminary Hearings/Grand Jury

- Purpose
- Waiver
- Rules of Evidence
- Defense Evidence and Cross-Examination
- Grand Jury

How a Case Moves through the System: Preliminary Hearing Waiver

In the
CIRCUIT COURT
of St. Louis County, Missouri



STATE OF MISSOURI
vs.
Defendant

Date
Case Number
Division

For File Stamp Only

DEFENDANT'S REQUEST TO WAIVE PRELIMINARY HEARING

Comes now Defendant, by and through his/her attorney, _____, and moves to waive his/her preliminary hearing. The State of Missouri appears by Assistant Prosecuting Attorney, _____. In support thereof, Defendant states as follows:

1. That he/she is charged with the felony offense(s) of _____ (and _____.)
2. That he/she understands that the sole purpose of a preliminary hearing is to determine whether or not there is probable cause to believe that a felony has been committed and whether or not there is probable cause to believe that he/she has committed the felony.
3. That he/she understands that, at the preliminary hearing, he/she would have the right, through his/her attorney, to confront (i.e., cross-examine) the State's witnesses. He/she also has the right to call witnesses to testify on his/her behalf – and if they refuse to cooperate, he/she can subpoena them, to force them to appear in court against their will.
4. That he/she understands that, at the preliminary hearing, he/she can testify on his/her own behalf. Further, he/she can exercise his/her right against self-incrimination and choose not to testify. Such silence cannot be considered as evidence of his/her guilt.
5. That he/she understands that, at the preliminary hearing, if the State does not establish probable cause that either a felony was committed or that he/she committed the felony, the court will dismiss the case.
6. That he/she understands that even if a judge dismisses a case after the evidence has been presented at the preliminary hearing, the State may re-issue the same charge(s) against Defendant and have the matter heard before a different judge or the grand jury.
7. That he/she desires to waive all of the rights mentioned previously that pertain to the preliminary hearing. He/she acknowledges that this waiver is knowing and voluntary and not the result of any promises (other than a possible plea bargain reached between the parties) or threats.
8. That he/she is aware that, if the court accepts his/her waiver of the preliminary hearing, the case will be certified to the Circuit Court of St. Louis County for further action.

Defendant _____
Defense Attorney _____

This Court finds that Defendant's waiver is knowing and voluntary. Therefore, this Court accepts Defendant's waiver. Accordingly, this Court binds Defendant over for further proceedings in the Circuit Court of St. Louis County.

SO ORDERED:

How a Case Moves through the System: Circuit Arraignment

- ❑ Location of the arraignment moves around to different divisions, check Casenet or look for signs at the courthouse about location
- ❑ Client need not appear, but they need to have signed the arraignment memo
- ❑ Arraignment memos → Circuit Arraignment Clerk, 314.615.8037

How a Case Moves through the System: Circuit Court

- ❑ Located at 105 South Central Avenue, Clayton MO 63105
- ❑ Multiple Circuit divisions will be assigned criminal cases
- ❑ Court Dates
- ❑ Failures to Appear
- ❑ Circuit Clerk: 314-615-15__
 - ❑ Example: Division 12 – 314-615-1512.
- ❑ Set a case for trial

Range of Punishment and Types of Probation

Effective date 1-1-17, if charge occurred before then consult previous range of punishment guidelines.

	◦ No Priors	Prior Offender	Prior and Persistent
A Felony	10-30/life	10-30/life	10-30/life
B Felony	5-15 years	5-15 years	10-30/life
C Felony	3-10 years	3-10 years	5-15 years
D Felony	1 year DJS, up to 7 DOC	1 year DJS, up to 7 DOC	3-10 years
E Felony	1 year DJS, up to 4 DOC	1 year DJS, up to 4 DOC	1 year DJS, up to 7 DOC
A Misd.	1 day – 1 year DJS	1 day – 1 year DJS	1 day – 1 year DJS
B Misd.	1 day – 6 months	1 day – 6 months	1 day – 6 months
C Misd.	1 day – 15 days	1 day – 15 days	1 day – 15 days
D Misd.	Fine up to \$500, no jail	Fine up to \$500, no jail	Fine up to \$500, no jail

Range of Punishment and Types of Probation

Suspended Imposition of Sentence

Suspended Execution of Sentence



Resources for Clients

Pre-Trial Release

MacArthur Safety and Justice Program

CHOICES

Drug Court – 314.615.2677 or 314.615.8074

DWI Court –314.615.2678 or 314.615.8073

Veterans Treatment Court- 314.615.2678,
314.615.2677 or 314.615.8074

Mental health Court– 314.615.2677 or
314.615.8074

Many private or non-profit resources are available for clients. If your client is dealing with mental health issues, sex trafficking, or is interested in in/out patient rehab contact the public defender's office for more info on groups working in those areas.

The following will not be commonly encountered by an appointed attorney:

559 Shock

559 ITC

217.362 Long Term Drug Program

Common Terminology

Bound Over	DJS	217
Waive	DOC	CHOICES
PH	10%	ITC
RPAW	Writ	SIS
Backup	Walk Down	SES
Drop Dirty	120	DFTP
Pro Rev	PO	Property
Depo	CO	Recog/ROR
Transportation	559	Nolle

Appointed Attorney Training

If you have

- procedural questions
- ethical questions
- questions about connecting clients with needed resources
- questions about sentencing
- questions about how probation operates
- questions about how alternative courts and other treatment programs function

you can contact the public defender's office at 314-615-4778 and request assistance.

Appointed Attorney Training

JOE WILSON, ASSISTANT PUBLIC DEFENDER

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