

**IN THE CIRCUIT COURT OF CHRISTIAN COUNTY
CLEVER MUNICIPAL DIVISION**

PROCEDURES AND PRACTICES
NOTICE TO ATTORNEYS

As a result of recent legislation enacted by the legislature of the State of Missouri, and in accordance with recent amendments to Supreme Court Rule 37, in particular Rule 37.04 and its appendixes A and B, the following procedures and practices have been implemented for the municipal court. If you are an attorney who has entered his/her appearance in the municipal court it is expected that you are familiar with these recent changes and with the Practices and Procedures outlined below.

1. Entry of Appearance: An attorney who intends to represent a defendant before the municipal court, shall forward to the court an Entry of Appearance in Memorandum form addressed to the court by mail or e-mail (Kristy.L.Keithley@courts.mo.gov) ; NOT BOTH. The Memorandum shall include the defendant's name, the case number(s) if known, the court date, the attorney's name, bar number, address, phone number, fax number and email address. The entry shall be dated and shall include a certificate of service indicating a copy has been forwarded to the prosecuting attorney. If the attorney wishes to receive a file stamped copy of said entry, a self-addressed stamp envelope shall be included with the entry.

2. Request for Recommendation: If the attorney is requesting a recommendation from the prosecuting attorney, a **separate letter directed to the prosecuting attorney** shall be sent directly to the prosecuting attorney by mail or e-mail (pdadmin@clevermo.com) ; NOT BOTH. Along with the letter requesting a recommendation, a copy of the entry of appearance as filed with the court shall be enclosed.

3. Request for Discovery: If the attorney is requesting discovery, said request may be included in the letter requesting a recommendation, or may be requested in a separate discovery motion. If requested in a discovery motion, the original motion should be filed with the court and a copy served upon the prosecuting attorney. Discovery will be governed in accordance with Supreme Court Rule 37.54. Any disputes between the prosecuting attorney and the attorney for defendant shall be addressed by Motion with Notice of Hearing to be held in accordance with Supreme Court Rules.

4. Continuances: Continuances can only be granted by the Judge or by the court administrators as authorized by the Judge, except as set out in Paragraph 5. Requests for continuances may be filed by mail or email, but said continuances are not granted until approved by the Court. As an attorney, if you request a continuance, do not assume it has been granted. The attorney assumes the risk of a request for continuance being denied, particularly if said Motion to Continue is not filed at least 5 days prior to the next court date.

5. Prosecuting Attorney's Recommendation: Upon receipt of a request for a recommendation, the prosecuting attorney may forward a response to the attorney. If the matter does not require a court appearance to accept the recommendation, the prosecuting attorney shall forward the recommendation to the attorney for their review and shall notify the court that a recommendation has been sent to the attorney for the defendant. The prosecuting attorney shall include a court date in said recommendation for acceptance and payment of the recommendation and shall notify the court of the court date. The Court shall continue the matter to the specific court date for disposition or trial setting. If you have not received a recommendation within one week after the initial court date, please contact the prosecutor's office at 417-743-5109 or pdadmin@clevermo.com

6. Prosecuting Attorney's Recommendation (cont.): If the prosecuting attorney's recommendation requires a court appearance by the defendant and his/her attorney, the date shall be provided to the attorney. If the recommendation includes a period of probation upon a plea of guilty, the defendant and the attorney shall appear in person on said court date, unless the case has been continued in accordance with Paragraph 4.

7. Acceptance of Recommendation: If the recommendation from the prosecuting attorney does not require an appearance and is payable outside of court, **the defendant and the attorney must execute the recommendation form/plea of guilty and forward the executed document to the Court prior to the court date.** If payment is not made in accordance with the recommendation prior to the court date or paid in full on the court date, **the defendant and the attorney must appear in person on the court date.** The recommendation by the prosecuting attorney is not entered into the Court records until the signed (by the defendant and the attorney) recommendation form/plea of guilty has been filed with the court. The court administrators are not able to accept payment on a fine and court costs in person, by mail or on-line until the signed recommendation form/plea of guilty has been filed with the Court.

8. Representation: An attorney who has entered his/her appearance is the attorney of record until the case is closed or until a motion for leave to withdraw has been filed and approved by the court. Until the case is closed or the motion to withdraw has been approved, YOU SHOULD APPEAR WITH OR FOR YOUR CLIENT ON THE COURT DATE. Any attorney who wishes to withdraw as the attorney for a defendant shall file a Motion for Leave to Withdraw with the court and forward a copy of said Motion to the defendant's last known address along with a Notice including a court date on which the defendant shall appear. A copy of the letter or notice to the defendant shall be attached to the Motion for Leave to Withdraw.

9. Request for Recall of Warrants: If an attorney seeks to have a warrant recalled, said attorney shall file an entry of appearance with the court by mail or e-mail (Kristy.L.Keihtley@courts.mo.gov) ; NOT BOTH, which shall include the defendant's name, date of birth, the case number(s) if known, the attorney's name, bar number, address, phone number, fax number and email address. The Entry may include a request to have the warrant recalled or a request to have the bond reduced, or said request may be filed in a separate motion. The court administrator has been authorized to recall a warrant on any matter in which there has been two or fewer court dates on which the defendant failed to appear. All other requests for warrants to be recalled shall be ruled upon by the Judge. **Upon the cancellation of a warrant, the court shall assign a court date at which time the defendant and the attorney shall appear in person.**