

DIVISION 33 TRAFFIC DOCKET (*Last Modified 02/4/2016*)
Tickets may be discussed and/or amended ONLY on Tuesdays and Thursdays

**DEFENSE ATTORNEYS MUST BRING COPIES OF TICKETS (FROM CASENET)
AND A COMPLETED JUDGMENT FORM FOR EACH TICKET.**

**The Trial Docket is NOT a Plea Docket; Defense Attorneys must arrive one hour before
Trial docket to speak with Prosecutor**

Documentation Required from Attorneys That Want to Enter Plea Negotiations

DWI:

1. Driving Record
2. Alcohol Influence Report (AIR.)
3. Accident Report – If applicable.

DWR (see our DWR Diversion on the last page)

1. Driving Record
2. Reinstatement Notice. (If your driving record does not show defendant has a valid license.) The driver's license will **not** be accepted as proof that the Defendant is reinstated.

The requirements are non-negotiable. They have been in place for many years.

You may obtain reports from the Missouri Highway Patrol at (573) 526-6153. Requests can be sent via fax to (573)751-9382 or you may request reports via their website at www.mshp.dps.mo.gov. Alcohol Influence Reports older than 2 years will have to be requested from the Missouri Department of Revenue at (573) 751-4475. You may obtain reports from the Jackson County Sheriff's Department directly; their telephone number is (816) 524-4302.

C & I Accident Diversion Program:

1. The Defendant must be represented by a licensed attorney. The Defendant's Attorney must Enter His or Her Appearance in the case.
2. Only accident cases where all other parties have no bodily injuries according to the accident report will be considered for diversion.
3. Accompanying tickets will be handled separately unless directed otherwise by the Prosecutor.
4. The Defendant will sign up with Midwest ADP Service Provider (MADP) by meeting with a representative from MADP at one of their offices and paying a fee of \$200.00
5. The Defendant must complete, sign and have the following documents notarized:
 - Diversion Form with Waiver of Rights,
 - Full Liability Acceptance and Proof of Insurance Affidavit.These forms are available from MADP.
No substitutions will be acceptable.
The Defendant may pay the victims in full out of pocket and if doing so, a full Release from all victims must be notarized and acceptable to MADP, in addition to other documents.

6. The Defendant must provide the Diversion Form with Waiver of Rights and Full Liability Acceptance and Proof of Insurance Affidavit as well as the Accident Report and Insurance Policy to MADP.
7. Midwest ADP will determine the appropriate programming for the Defendant based on the Defendant's driving history. The Tragedy Prevention Driving School and /or any other type of schooling, education, and community service will be utilized as appropriate.
8. Midwest ADP will provide to the Traffic Prosecutor a Certificate of Completion and copies of the Defendant's Diversion Form with Waiver of Rights, Full Liability Acceptance and Proof of Insurance Affidavit, and Tragedy Prevention Driving School certificate of Completion and/or any other necessary documents.
9. If the Defendant fails to meet any of the requirements above, the case will remain on the docket.
10. The Defendant will receive a single two month continuance to complete the diversion process.

PRE-TRIAL DOCKET

Your case could be set on the pre-trial docket. Cases set on this docket must be disposed of on the day of the docket. Any case not disposed of, except as set forth below, will be set for trial approximately 60 days after the docket.

Continuances: No case will be continued to a non-trial date unless you have discussed the case with the prosecutor, and the Court approves the continuance.

If an agreement cannot be reached on the pre-trial docket, the State and defense must advise the Court of the approximate length of trial, the number of witnesses, and any pre-trial or discovery issues.

Trials: Any case set for trial will not be continued, unless requested through the division two weeks prior to the docket. Any case set on the trial docket may be scheduled early for a plea by contacting the division.



Jean Peters Baker
Jackson County Prosecutor's Office
321 W. Lexington
Independence, MO 64050
(816) 881-4487

**PROCEDURE FOR AMENDING TICKETS
DIVISION 33 TICKETS ONLY
MISSOURI HIGHWAY PATROL & JACKSON COUNTY SHERIFF**

Moving violations may be amended by our office on or before the court date to a **DEFECTIVE EQUIPMENT** (301.170.3).

Requirements: -Original or copy of ticket
-If one is not available contact Criminal Records for copy (881-4500)
-Attorney/Firm check or Money Order payable to **Jackson County Circuit Court**
-No mail-ins for defendants or attorneys located in the following counties: Jackson, Clay, Ray, Lafayette, Johnson, Cass, Platte, **Wyandotte, KS and Johnson, KS**
-Formal Entry of Appearance

No amendments before court for:

- Tickets with accidents involved
- Driving While Revoked/Suspended
- Leaving the scene of an accident
- Speeding 20 or over (*See Prosecutor*)

Standard Fines:

Speeding 1-15 mph over:	\$100.50
Speeding 16-19 mph over:	\$125.50
Any other non-accident moving violation:	\$100.50

Court costs and other fees:

Court costs on tickets (always added)	add \$60.50
Additional fee for amending by mail (always added)	add \$10.00
If seatbelt violation	add \$10.00
If ticket in warrant status	add \$50.00

Ticket meeting requirements above may be amended by mail to the following address:

**Attention: Amendments
Criminal Records
Independence Courthouse
308 West Kansas, Suite 127
Independence, MO 64050**

Request for amendment and entry of appearance must be on his or her letterhead. To receive a receipt for your check, you must enclose a self-addressed, stamped envelope.

COURT COSTS SCHEDULE

MISDEMEANOR COSTS

\$108.50

CVC JUDGEMENT ON MISDEMEANORS OF \$10.00 MUST ORDERED BY JUDGE. THIS CAN BE ORDERED ON THE FOLLOWING TYPE OF CASES:

- 195.202 RSMo Possession of up to 35 grams of marijuana
- 195.233 RSMo Unlawful use of drug paraphernalia
- 577.010 RSMo Driving while intoxicated
- 577.012 RSMo Excessive BAC
- 577.060 RSMo Leaving scene of motor vehicle accident
- 577.070 RSMo Littering

TRAFFIC COURT COSTS

\$60.50

CONSERVATION/WATER PATROL COSTS

\$83.50

DWI and Boating WI---(always include recoupment fee if any with plea, **in paperwork with ticket**)

First Offense: no prior alcohol related contacts

- a.) SIS, 2 years supervised probation through Midwest ADP, **AND**
 - a. SATOP, VIP, 20 hours community service, **UNLESS**
 - b. if a companion ticket was written, then add:
 - 1. plea straight up to charge, plus
 - 2. fine \$300.50, do not amend ticket **at all**

NOTE: *if high BAC/combative/fled the scene/accident go straight to second offense*

Second Offense:

- a.) 60 to 120 days in the Jackson County Jail, SES 2 years supervised probation through Midwest ADP, **AND**
- b.) SATOP (second level), **AND**
- c.) VIP, **AND**
- d.) 40 hours Community Service, **AND**
- e.) 30-60 days ignition interlock device, **AND**

--if companion ticket was written then add:

- a. fine \$400.50
- b. plea straight up, do not amend ticket **at all**

Third Offense: Call Susanne Johnson at 881-4597 for felony charges.

DWS: plea offer depends on reinstatement status

- a. if reinstated: amend to No Valid Operator's License, 302.020 and \$200.50 fine **or** 2 years SIS, 40 hours Community Service to Charge of DWR.
- b. if not reinstated/eligible for reinstatement: (depends.....)
 - 1. if **302.321** also note: **302.725** (CDL ticket) same as 302.321:
 - a.) mandatory 48 hours in jail, **PLUS**
 - b.) additional 48 ;hours for each prior offense, **PLUS**
 - c.) 24 hours for each Failure to Appear
 - 2. if 303.370: discretion based on priors
 - a.) amend to no valid operator license and \$200.50 fine

C&I (304.012) depends on existence of accident

a. **no accident:**

1. amend to defective equipment, AND

a). \$150.50 fine

b. **accident** – *See Accident Diversion Program on page 1 above.*

c. **accident with injuries:**

1. NO amendment

2. work with attorney on fine, do not undercut usual accident fine, any possibility of change depends on severity of injuries. **(no amendments)**

No Valid Operator's License

a. if now valid

1. defective equipment

2. \$75.50 fine

b. if not valid-no amendment

Failure to Register Motor Vehicle

a. if registered now: \$10.50 fine plus costs

b. if not registered now: \$30.50 fine plus costs

Possession of Marijuana or Paraphernalia – Drug Court (see attached information)

Leaving the Scene (12 point violation)

a. SES 2 years probation, AND

b. 40 hours Community Service, AND

c. Victim Impact Panel, AND

d. SATOP if applicable, AND

e. 8 hours driving school

****DAMAGE OVER \$1,000.00 – consider filing felony****

Resisting Arrest – 30 days in jail, no exceptions



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Traffic Docket

General Rules: no continuances over 6 months

If defendant failed to appear add \$50.00

Speeding and Non-Accident Moving Violations

Defective Equipment amendment Schedule:

****If in construction zone add \$250.00**** to the original traffic fine of signs are posted and workers are present otherwise add \$35.00.

Speeding: (beware of speed limit and speed zones)

1-15 over \$100.50

16-19 over \$125.50

INTERMEDIATE LICENSE---no amendments for 302.020 ticket

- a. can amend companion ticket (prosecutors discretion)

Driving Without Insurance

- a. if had insurance at the time of ticket-dismiss ticket
- b. if a current copy of proof of insurance provided to Prosecutor amend to Defective Equipment with fine of \$150.50 plus Court costs.
- c. if no insurance **must** see judge, no amendment

Overweight Tickets (truck driver)

If defendant has an attorney:

1. reduce by 1/3 to 1/2 of weight depending on tickets and priors
2. use equation: 1st 1000 pounds is \$35., then \$.10 per pound for each pound over
3. if two overweight tickets—plea to higher one (amounts above) and dismiss second

False ID- SIS 1 year ADP and MIP course

Defendant Requests a Jury Trial

- a. copy ticket
- b. get an explanation from defense attorney as to why
- c. find out the trial date
- d. prepare for trial

**KANSAS CITY COMMUNITY CENTER
MISDEMEANOR DRUG COURT**

1. Clients who appear before Judge Bushur in Division 33 of the Jackson County Circuit Court may be referred to Commissioner David Fry, Division 50 and provided the opportunity to participate in Misdemeanor Drug Court.
2. These clients will be referred for Assessment at 103 N. Main Street, Independence, Missouri. At completion of the assessment appointment, the clients will be instructed to report to the KCCC Independence office at 103 N. Main Street at 8:00 pm on the first Thursday after their assessment to attend orientation.
3. At orientation, clients will be provided information relative to the requirements of the Misdemeanor Drug Court program, including:
 - (a) Attend Treatment for a period of six months.

Phase I – One Month: Groups twice per week, Tue & Thur @ 7:00 pm.
Individual Session Once per week as scheduled

Phase II – Three Months: Groups twice per week as in Phase I
Individual session twice per month

Phase III – Two Months: Groups once per week
Individual Session once per month
 - (b) Urine testing will occur on a weekly, random basis, through calling the KCCC Drop Line (816 474-4664) daily to check to see if their assigned color (BLUE) is scheduled to drop that day. If their color is scheduled for drop, clients are to go to the Independence office between the hours of 5:30 pm and 8:30 pm to provide a urine specimen. If work hours prohibit this, client can drop at the Kansas City office between the hours of 12:30 pm and 8:30 pm.
 - (c) Clients will be provided a copy of group rules, general program requirements, and the date they are to begin regular treatment at orientation.
 - (d) Clients who are in need of adjunct services, such as medical, dental, housing, transportation assistance, etc., will be referred to the assigned Client Advocate.
 - (e) Clients will appear in Court before Commissioner Fry as scheduled. At each court appearance, clients must pay a fee as determined by the court. (\$25.00)

Jackson County Prosecutor DWR Diversion Program

Overview

The DWR Diversion Program is an 8 month supervised Diversion with the goal for the offender to have his license re-instated and become insured.

Qualifications

The Defendant must be represented by a licensed attorney. The Defendant's Attorney must enter His or Her Appearance in the case.

Diversion program must be entered at earliest opportunity in the case. Cases on the Trial docket will not automatically qualify unless defendant was not previously represented by attorney.

Defendants with 2 or more failures to appear will not automatically qualify and will be allowed in the program only with a special exemption from the Prosecutor.

Specifics of the Program

Northland Dependency and Midwest ADP will be in the prosecutor's office on **Tuesdays 9:00am to 11:00am only** to screen defendants for this program. **Your client must appear in order to sign up for this program.**

Upon acceptance into the program the Court has agreed that the case shall be in a diversion status on the Court's docket. A court date will be set eight months out giving the defendant time to complete the program. No extensions shall be given.

The supervising agency will provide to the Prosecutor a Certificate of Completion when the defendant has completed the program. The prosecutor will dismiss the case after receipt of notice of completion of the program.

Accompanying tickets must be handled at the same time diversion program entered.

A fee of \$200.00 will be charged by the supervising agency that can be paid during the diversion period. Payment of the fee is a condition of the diversion program

The Prosecutor's Office shall be the sole determiner of final completion or violation of the diversion program. If the Defendant fails to meet any of the requirements or violates the conditions of the program, the case will be placed on the Court's trial docket at the request of the Prosecutor.

As a requirement of entry into this program the defendant shall be required to stipulate to the testimony of the arresting officer and that defendant was operating a motor vehicle with a suspended or revoked license.

As a requirement of entry into this program the defendant shall waive his rights to a jury and speedy trial.

If during the pendency of the program the sole reason that is preventing reinstatement of the defendant's license is the suspension from the pending case the defendant shall request through the supervising agency a compliance letter. If the supervising agency is satisfied that the remaining obstacle to reinstatement is a suspension from the pending case the supervising agency will request the Court to order a compliance letter to be produced by criminal records.

Once Defendant has signed up for the program a Traffic Diversion Order will be completed with the signature of the Prosecutor and agent of Supervising Agency. This form will be brought to Division 33 to obtain a Court date. Once form is completed the attorney will walk the paperwork up to Criminal Records and stay until it is processed.