

**IN THE CIRCUIT COURT OF WARREN COUNTY, MISSOURI
12th JUDICIAL CIRCUIT
CITY OF WARRENTON MUNICIPAL DIVISION**

**MUNICIPAL COURT OPERATING ORDER #2
OPEN ACCESS TO COURT SESSIONS AND RELATED ORDERS**

Effective Date: Revised November 1, 2015

GENERAL ORDERS

I. GENERAL RULE.

A. Except as limited in these General Orders, every session in this Court shall be public and every person may freely attend the same.¹

B. All Court personnel, including, but not limited to, prosecutors, Court administrators, bailiffs and police officers, shall abide by this General Rule, except for permitted limitations set forth in these General Orders.

C. Each defendant shall sign in upon his or her arrival for his or her assigned docket setting. Court personnel will pull the sign in sheet 30 minutes after the Court starts calling the docket and will ensure that all persons waiting in line to enter the Courtroom at such time are allowed to sign in. Those persons signing the sign in sheet will be considered to have appeared on time for their assigned docket setting. Defendants arriving after the sign in sheet has been pulled (i.e., i.e., more than 30 minutes late), shall, unless good cause is shown, be deemed to have failed to appear at the required date and time.

II. EXCEPTIONS AND LIMITATIONS TO THE ABOVE GENERAL RULE.

A. Disruptive Persons.

If any person attending a Court session shall become disruptive in any manner, including, but not limited to, talking in anything other than a respectful whisper when necessary, creating other noise, not remaining seated, or in any other way becoming disruptive as observed by the Court personnel, that person shall be first cautioned by Court personnel, and if the offensive conduct is not immediately corrected, removed from the Courtroom. The name of any defendant associated with the disruptive person shall be recorded. The defendant may be allowed to stay outside until the Judge permits re-entry to take up defendant's case.

¹ 476.170 RSMo

B. Persons under the Clear Influence of Alcohol or Drugs.

If any person attending a Court session shall appear to Court personnel be clearly under the influence of alcohol and/or drugs, that person shall be, if a defendant, asked for his or her name and then be asked to leave the Courtroom. The defendant shall be asked to remain outside the Courtroom for determination by the Court whether to continue the matter or take other action. If the affected person is not a defendant or witness in a trial, that person shall be removed from the Courtroom.

C. Appropriate Attire.

When a person who desires to enter the Courtroom is dressed in an inappropriate manner which, in the Court's discretion would tend to disrupt proceedings before the Court, Court personnel may, with the Judge's approval, require that said person leave the Courtroom until such time as the person is appropriately dressed, or the Judge may continue the case upon request of the prosecutor or defendant.

D. Overcrowding in Violation of the Fire Code.

In the event of large attendance, bailiffs, police officers and other Court personnel shall count the persons present in the Courtroom and shall limit access so as not to be in violation of the Fire Code.

When it appears to the Court during any single Court session, that there will be more persons attempting to enter the Courtroom than are permitted under the Fire Code, then the court shall take such appropriate action as would be consistent with all legal and constitutional requirements.

E. Children.

Unless present in Court as a defendant in a traffic case, persons under the age of seventeen (17) shall be accompanied by an adult. When a child becomes noisy or will not remain seated, the parent(s) or guardian(s) of that child will be asked to remove said child or children. The bailiff or police officer shall record the name of the defendant associated with the child, and ask that the defendant and children remain in the hallway or outside the Courtroom until their name is called on the docket. At such time as the defendant's name is called, the bailiff shall summon the family, including children, who may then enter the Courtroom for purposes of arraignment or other business with the Court.

The Court may exclude children if the nature of a matter being heard may be, in the Court's discretion, inappropriate to children.

The following language is permitted to be inserted on the Court website and, when appropriate, on Court correspondence, and on Court signage:

“It is strongly encouraged that children are not brought into the Courtroom. If children must be in the Courtroom, they must be well-behaved, quiet, and must not disturb Court.”

III. FACILITIES.

During trial sessions, the Courtroom shall be divided into a trial area and a spectator area. The trial area shall be separated from the spectator area by a railing, or a space if there be no railing. There shall be dedicated chairs for the prosecutor, for the defendant and for testifying witnesses.

IV. CLOSING OF THE COURTROOM.

Other than closure to those persons as set forth in Sections II.A. – II.E., if the Judge, prosecutor or defense counsel desires to close the Courtroom during any particular motion or trial, the Court will conduct a brief hearing on whether to enter an order to close the proceedings. Guidelines for such closure shall be as follows:

A. The proponent of closure must present a showing of a compelling interest for such closure and where that need is based upon a right other than the accused’s right to a fair trial, the proponent must show a “serious and imminent threat” to that right.

B. Anyone present in the Courtroom when the closure motion is made, must be given an opportunity to object to the closure.

C. The proposed method for curtailing open access shall be in the least restrictive means available for protecting the threatened persons’ interest.

D. This Court will weigh the compelling interest of the proponent of closure and the public.

E. The order shall be no broader in its application or duration than necessary to serve its purpose.

V. RETENTION OF RIGHTS.

The Judge retains the right to post and enforce additional rules of conduct in order to maintain the integrity and decorum of the Courtroom.

VI. OTHER RULES.

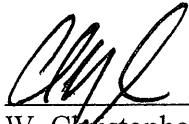
A. Court personnel shall not refuse entry by any person, whether defendant or other person, except and unless such person shall be in violation of the Court’s dress code, is acting in an inappropriate manner, or if such entrance would violate the Fire Code. Court personnel shall have the right to ask persons entering the Courtroom if they are a defendant or visitor, but only

for purposes of directing where to sit, or to mark a name off the docket. Court personnel shall have the right to check purses, camera bags, and similar items.

B. The Court's website and general correspondence shall not state that certain persons are prevented from attending any session of Court, except there may be reference to discouragement of children in Court, and that those not in compliance with the Court's dress code will not be admitted.

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

SO ORDERED:



W. Christopher McDonough
Municipal Judge
City of Warrenton, Missouri

Dated: November 1, 2015

cc: Hon. Wesley C. Dalton, Presiding Judge, 12th Judicial Circuit
Court Administrator
Prosecuting Attorney
City Attorney
Chief of Police