

City of Festus
Office of the Municipal Prosecuting Attorney

Recommendation / Discovery Procedures

Effective January 1, 2020, ordinance violations of the City of Festus will be heard in Jefferson County Circuit Court. Cases will be heard in Division 3, with the Honorable Judge Dianna Bartels presiding.

Attorneys requesting a recommendation shall proceed as follows:

- A request for a recommendation must be electronically filed through the Missouri e-filing system, and should include a motion to continue the case(s) to the next call docket. If there have been no previous requests for a continuance, this motion will be typically be granted. If the case is set for trial, no continuance will be granted without a court appearance.
- The prosecuting attorney will review the request and will email a recommendation to the defense attorney. **Please include your email address on your request for recommendation.**
- If you are entering your appearance on a case which is eligible to be paid through the violations bureau (most traffic tickets), you will receive a recommendation form signed by the prosecutor which may be paid prior to the next court date. If the prosecutor is recommending probation, or if, due to the particular circumstances of a case, a court appearance is required, the recommendation will so state.
- If you are entering your appearance on a case which is not eligible to be resolved through the violations bureau, a recommendation can be provided, but a court appearance may be required to dispose of the case. All non-traffic offenses, traffic cases involving an accident, DWI, driving while suspended/revoked, speeding more than 26 mph over the limit, and all other violations described in Missouri Supreme Court Rule 37.49(c) generally require a court appearance to dispose of the case.
- On cases which can be disposed through the violations bureau, recommendation forms signed by the prosecutor and the defendant can be submitted to the circuit clerk's office in person or by mail along with payment in full prior to the court date. If payment in full is not provide along with the signed recommendation, the defendant must sign & submit an **Agreement to Pay** form for approval by the judge.
- If the defendant is charged with no proof of insurance, please provide (either as an attachment to the request for a recommendation or via mail or email) to the prosecutor proof that your client was insured on the date of the ticket or is now insured. If your client is charged with driving while suspended/revoked or driving without a license, please mail or email a current driving record to the prosecutor. **Do not e-file driving records on case.net.**
- For cases involving a traffic accident, please provide proof to the prosecutor that all claims have been paid or that all claims will be paid by insurance, or by the defendant.
- **Discovery** – In accordance with Rule 37.54, the prosecuting attorney will provide a copy of the police report, if one exists, upon the filing of a request for discovery. If you are requesting photographs or videos, please mail a letter requesting copies of the video/photographs to:

Jennifer Schmitt, Prosecutor's Assistant
711 West Main Street
Festus, MO 63028

Please include a flash drive or blank DVD and a self-addressed stamped envelope to return the DVD/flash drive.

The Municipal Prosecuting Attorney can be contacted at the following address:

Brian Malone
714 Locust Street
St. Louis, Missouri 63101
bmalone@lashlybaer.com

Cases which can be disposed of without a court appearance may be paid by mailing the recommendation form signed by the prosecutor and defendant along with payment **in full** to the following address:

Jefferson County Circuit Clerk
P.O. Box 100
Hillsboro, Missouri 63050

Make checks payable to **Jefferson County Circuit Clerk**. Please write "**Festus Municipal**" and the case number in the memo line of the check. Do not mail cash.