



MACDL *Action Report*

Newsletter

MISSOURI ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

Newsletter **SUMMER 1989**

PRESIDENT'S LETTER

Dear Members:

As many of you are aware, we have had over the last year two successful seminars--one, our annual meeting in St. Louis, and the other a mini seminar in February which was handled by the Missouri Bar. Thanks to the diligent work of Sean O'Brien, Cecil Caulkins and J.R. Hobbs, those seminars have benefited the Organization in terms of profit. Also, through the efforts of Jim Wyrsh, Dan Viets, J. D. Williamson and Randy Scherr, successful results were obtained in our lobbying effort in Jefferson City, Missouri. At a time in which the passage of a wiretap bill was inevitable, the bill that was passed contained substantial input from members of this organization, especially Jim Wyrsh to whom we are eternally grateful.

We are also in the process of continuing to expand our relationship with the National Association of Criminal Defense Lawyers in what is called the Affiliates Council. We are now one of 36 affiliates of the National Association of Criminal Defense Lawyers and, in fact, have been in attendance at meetings of such council, in May and August, 1989. We are presently planning to coordinate a seminar with the National Associa-

tion Criminal Defense Lawyers in conjunction with our annual meeting in April, 1990. Further, you may be aware That a set of mini-seminars will be conducted in October of this year in conjunction with the Missouri Bar.

Lastly, we have developed a computerized system for billing, which should facilitate both the mailing of statements and membership services. A letter explaining the new procedure is enclosed. Should any of you ave any questions, please free to contact me, Francie Hall, my secretary Kathy Eye, or Darlene Wyrsh, a paralegal in our office.

The next Board meeting will be held on September 22, 1989, at the Crown Center Hotel, and you are invited to drop in at the hospitality suite set up at the hotel the evening of the 21st and the day of the meeting.

Thank you for your cooperation. I will look forward to seeing you at the Missouri Bar meeting.

Sincerely,


CHARLES E. ATWELL
President

Letter from the Editor:

Greetings and all that stuff! This is my first MACDL newsletter as editor. We want to find a fine name and I am open to suggestions. MACDL- Terradactyl has been suggested but I vetoed it (sorry, Joe). It was original, however. Anyone having any suggestions, please contact me at Municipal Courts Building, 1320 Market Street, Room #62, St. Louis, Missouri 63103.

We have a new roster of officers, and fine people they are indeed. It is our intention over the ensuing months to make this newsletter into a first class magazine for members of the Criminal Defense Bar, both private and public. Specific requests for information or reprints can be forwarded to the St. Louis address.

Please take an interest, we are "a wild bunch" but we're not Sam Peckinpah. Please support this publication and MACDL, as we are "liberty's last champions"

Dorothy Hirzy

UPCOMING EVENTS

September 21-22: MACDL Hospitality Suite at Crown Center during Missouri Bar meeting.

September 22; 4:00 pm
Board of Directors Meeting, MACDL Suite at Crown Center

October 1989: Mini-Seminars at several locations throughout Missouri--
Brochures will be mailed shortly.

Membership Directory

At last- firm plans are being implemented to produce a MACDL membership directory. Susan Hunt of Kansas City has volunteered to oversee the project. You will receive a letter and questionnaire from Susan in the next few weeks. Please give the questionnaire your prompt attention, and help us provide this valuable service to you, the members of MACDL.

Expungement of Drug Arrest Records

by Dan Viets, Columbia

Drug offenses committed by persons twenty-one years of age or younger at the time of the offense can be completely expunged from almost all official records under a provision of present Missouri Law, 195.290 RSMo.

The offender must have successfully completed a period of at least six months probation and not be guilty of any additional offenses since that time.

Expungement returns the offender " . . . to the status he occupied prior to such arrest and conviction." The offender may legally refuse " . . . to recite or acknowledge such arrest or trial or conviction in response to any inquiry made of him for any purpose."

(continued on page 4; column 2)

MACDL LEGISLATIVE REPORT

by Randy Scherr

The 1989 Legislative Session had to be characterized as the "Criminal Legislation Session of the '80's" with substantially more criminal law bills being filed than in previous years.

Two major bills of interest, both priorities of the House and Senate leadership and the administration, were the Drug bill and the Drug Intercept bill (wiretap).

The Drug bill - Senate Bill 215, codifies and expands criminal provisions dealing with controlled substances. It established several new offenses and increased penalties including the application of the death penalty in certain drug related crimes. The bill as originally filed contained a witness immunity provision; however, MACDL was successful in working with several Senators to have the provision deleted from an early Senate version.

The Drug Intercept bill, more commonly known as wiretap, was the result of a major push by law enforcement agencies and business groups across the state. The various bills as originally filed were totally unacceptable to MACDL. But through the efforts of Jim Wyrsh working with Representative Vernon Scoville, Chairman of the House Civil and Criminal Justice Committee, the bill was substantially modified.

The Drug bill has an effective date of July 1, 1990, while the Wiretap bill sunsets in 1994.

Several other bills of interest which failed to reach final passage were:

House Bill 69 - The use of municipal DWI convictions to enhance punishment;

House Bill 142 - Requiring restitution to victims as a condition of probation;

House Bill 335 - Witness immunity;

House Bill 587 - Including municipal violations under the Abuse and Lose law;

Senate Bill 10 - Allowing the use of ignition interlock devices in DWI cases;

Senate Bill 62 - Random drug testing of school bus operators;

MACDL opposed Senate Joint Resolution 17, a constitutional amendment prohibiting bail where the accused is a "threat to public safety and welfare". The resolution passed the Senate but was stalled in the House after the Civil and Criminal Justice Committee delayed action until late in the Session.

□

.....

Missouri's Reorganized Public Defender System

*by Joseph Downey,
Acting State Public Defender*

Three overriding themes have dominated the reorganization of the Missouri State Public Defender system. First, there has been an expansion of the trial services so that all counties in the state have indigent defense services provided by a public defender office. Second, there has been a separation of responsibilities so that as much as possible, appellate lawyers do only appeals, lawyers handling capital cases do only those cases, and the trial lawyers handle the rest. Finally, there is now a system of management that allows for supervision and training throughout the system, rather than leaving numerous offices to fend for themselves unless they cried for help.

(continued on page 4; column 1)

(PD System continued from page 3)

To accomplish all of this, new offices have been opened in the following cities - Kirksville, Maryville, Fulton, Sedalia, Harrisonville, Lebanon, Nevada, Buffalo, Kennett, West Plains, Monett, and Chillicothe. In addition, a new Special Defender Office has been opened in Springfield, to join the ones already in existence in St. Louis and Kansas City, to handle conflicts in the southwest Missouri area.

To accomplish the separation of functions, we have added attorneys in St. Louis, Kansas

the region. The Regional Defenders and their general areas of responsibility are as follows: Fred Duchardt, northwest; Lance Drury, northeast; Charlie Rogers, Kansas City and west central; Anne Hall, southwest; Peter Sterling, southeast; Cathy Kelly, St. Louis County and east central; Dorothy Hirzy, City of St. Louis.

We started opening the new offices July 1, and hope to have them all fully staffed by the end of October. In the midst of the reorganization, Terry Brummer, who had been the State Public Defender Director since 1982,

MACDL

P.O. BOX 15304

KANSAS CITY, MO 64106

**BULK RATE
U.S. POSTAGE
PAID
PERMIT NO. 1917
K.C., MO**

City, and Columbia to do appellate and PCR work, and to do capital litigation. Lew Kollias is in charge of the overall appellate and PCR work, and Kevin Curran is in charge of the capital litigation work.

In order to provide a management structure for the overall trial division, which of course has the bulk of the caseload, a separate Trial Division was set up with Joe Downey as the Director. The state is then broken up into seven regions, with a Regional Defender in charge of all the District Defender offices in

resigned to become Executive Director of a law firm in Kansas City, and the Public Defender Commission is in the process of selecting a permanent replacement for him. □

(Expungement continued from page 2)

Unfortunately, this provision of the law will be repealed effective August 28, 1989.

Therefore, anyone wishing to obtain an expungement must act immediately. If you have clients or former clients who might benefit from such an expungement, it is suggested that you contact them immediately. □