



TWENTY-SECOND JUDICIAL CIRCUIT OF MISSOURI  
CIVIL COURTS BUILDING  
10 NORTH TUCKER BLVD.  
ST. LOUIS, MISSOURI 63101

MICHAEL F. STELZER  
PRESIDING JUDGE

AREA CODE 314  
622-4809

To: Task Force Committee Members  
Date: February 23, 2021

BY EMAIL ONLY

The Court is in receipt of your request to present on our pretrial procedures and any relation they may have to the recent riot at the St. Louis City Justice Center (CJC). The Court must respectfully decline this request.

The Judiciary functions as an independent and separate branch of government. We are bound to uphold the law and to be fair and impartial to those litigants who appear before us. We are also bound by the Code of Judicial Conduct as set out in Rule 2 of the Missouri Supreme Court Rules. Specifically Rule 2.2-10 forbids the Court from discussing any pending or impending matter. That same rule does allow the Court to explain court procedures. However, the Court is limited in discussing its pretrial procedures with the task force due to the pending federal litigation against the 22<sup>nd</sup> Judicial Circuit and several individual judges. See Dixon v. City of St. Louis et al., Case No. 4:19-cv-0112-AGF. The Dixon lawsuit alleges that the 22<sup>nd</sup> Judicial Circuit's pretrial procedures and practices violate the United States Constitution. The Dixon plaintiffs, represented by the Arch City Defenders, have recently petitioned the federal judge to broaden the scope of that lawsuit.

The Court has continued to provide a forum for preliminary hearings during the pandemic and other than an interruption from March 2020 through June 2020, has continuously seated a Grand Jury during the pandemic. Any slowdown in the felony docket is related almost exclusively to our inability to safely bring jurors back into the building. The lack of jurors impacts not only those defendants who request a jury trial but also impacts guilty pleas and dismissals. Without jurors in the building the parties may not be as willing to reevaluate their cases. Such reevaluation often leads to cases being disposed of without a jury trial. Notably, in 2019, when we had jurors in the building, the total cases pending was 1,512, 85

felony jury trials went to verdict and felony guilty pleas totaled 1,109. In 2020, the pandemic year, when we had jurors in the building for approximately 10 weeks, the total cases pending was 1,906, 20 felony jury trials went to verdict and felony guilty pleas totaled 438. The pandemic does not prevent the parties from reaching plea agreements on pending cases. The Court, however, cannot force the parties to reach such agreements.

The Court is continuously monitoring COVID conditions in the community and within the Courthouses to aide in determining when we can safely resume jury trials. The Court currently has several priority felony trials scheduled in March and April of 2021 if we determine that jury trials can safely resume.

Historical data shows that the number of confined pretrial detainees was decreasing prior to the pandemic and has continued to decrease since the pandemic began. The pending felony caseload has risen several hundred cases during the pandemic but, the number of pretrial detainees has leveled off at approximately 800. The vast majority of pretrial detainees are being held on federal charges or A and B state felony charges. There are less than 10 misdemeanor detainees per item #3 below.

The Court has provided the attached documentation which the task force may find helpful.

1. Grand Jury reports from 2017-2020 some of which include reports on conditions at MSI and CJC.
2. GPS data from the Court from January of 2020-present. This data shows the increased number of individuals released on GPS. The Court has requested \$350,000 in its budget in an effort to absorb this cost rather than pass it on to the defendants.
3. Felony Report February 2021.

Sincerely



Michael F. Stelzer  
Presiding Judge 22<sup>nd</sup> Judicial Circuit