MICHAEL J. HURNEY
CITY PROSECUTOR

P.O. Box 234, Galena, Missouri 65656
Court: (417) 357-6226

Attorney Directions Packet

THE ENCLOSED INFORMATION IS TO BE USED ONLY BY ATTORNEYS OF THE MISSOURI BAR

Last revised 2/28/26 (adjusted court date info; clarification)

Sir/Madame:
I serve in different prosecution roles in the area. While many of you are familiar with my stance and policies, some are not. I hope this brief orientation assists you. If you need anything, please reach out; email is generally the best means.

Some brief reminders:

- **Court Information**
  - The Court's contact information is as follows:

    City of Galena Municipal Court
    (A division of the 39th Circuit, Stone County, Missouri)

    - Court Clerk: Carmen Malloy
    - Court Phone: (417) 357-6226
    - Court Email: Carmen.Malloy@courts.mo.gov
    - Court website: https://galenacityhall.org
    - Mailing: P.O. Box 234, Galena, MO 65656

    - Prosecutor Contact: End of this letter

  - Court Dates:
    - Municipal Court is *typically* held on the 2nd Thursday of each month at 5:00 PM (CST). The Honorable Mark Rundel sits as city judge.
      - *Please check CaseNet for the court date assigned on your specific case(s), as the court date is sometimes tweaked due to personnel scheduling.*

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- The courtroom is located in City Hall, 113 E. 4th Street, Galena.

- MEETING/CONFERENCE NOTE: The Prosecutor generally conducts short meetings during court times. While pro-se defendants are also seen, attorneys are given preference in line. <u>One-on-one with the prosecutor during actual court times is generally very limited</u>.
    - With that said, please use your office's resources to handle all matters (filings, requests for offers, relaying extenuating circumstances, etc.) prior to the court days, as much as possible. This can be done via email (preferred) or via telephone.

- REQUIRED APPEARANCES: The PA will not endorse, and the Court generally will not allow, disposition of cases such as theft, DWI, BAC, Traffic Accidents, and other "non-routine" matters without in-person appearance(s) by the defendant. Out-of-area attorneys need to be mindful of appearance requirements when undertaking cases. Generally, routine traffic matters (speeding, lane violations, stop signs, etc.) can be disposed of without in-person appearance by using the offer request information below.

- **<u>CaseNet</u>**
    - <u>EOA</u>: Please make a timely an Entry of Appearance via Missouri CaseNet.
        - If, for some reason, your electronic access is impaired, please contact the court clerk for further direction.
        - Entering an appearance does NOT constitute a Request for Offer/Disposition. Please consult the submission guidelines below.

    - <u>Continuances</u>: First continuances are generally granted by the Court, upon motion, without problem.
        - The City has a standing objection to second(+) continuances and WILL ask for a warrant unless the request is for good cause. Please contact my office via email to discuss your reasoning before e-filing your request for 2nd+ continuances. Generally, the Court likes to see it noted in the motion that the PA has agreed to the 2nd+ Continuance and the reasoning for the delay.

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- Discovery: Please E-file Discovery Requests via CaseNet *AND* email the request to us as well; this will facilitate a faster response.
  - Keep in mind that discovery for municipal cases (R. 37.54) is different than upper divisions (R. 25). Please limit your discovery requests to the authorized materials for the certain case types with statutorily-authorized discovery (RSMo §479.162).
  - Provide an email address on the Discovery Request; discovery is generally forwarded electronically and a confirmation answer e-filed.

- **Requests for offers**
  - Before contacting us, please READ THIS INFORMATION THOROUGHLY:

    - To obtain a disposition offer, please generate a request letter or formal email, and email it to us directly (email address follows, near bottom). **Your initial request must include the following**:
      1. General case information, identifiers, and Case #
      2. Your contact info, including a return email address
      3. Any special requests/information to be considered
      4. For traffic cases, the request MUST include the results of the DIP screening that you did with your client.

    - *Explanations for the above*:
      - Special Requests: Your office MUST be upfront in your initial contact regarding any special requests, alternative dispositions requests (SIS, Deferral, etc.), and any special considerations we need to know (ie, inability to pay). We can discuss those via e-mail.
        - NOTE: Once a plea offer packet is sent to your office and the Court, it will NOT be changed or reconsidered electronically. This means, the offer will not be reconsidered unless there is an in-person appearance by counsel and the matter is discussed face-to-face.
          - For example, a common amendment for a minor speeding ticket is “Defective Equipment” with a

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fine due in full. Once that offer packet is issued to you and the Court, it will not be changed. (Making changes is unfair to the resources of the City and hampers the plea-bargaining process. Further, it adds confusion for all personnel, including court personnel.) If your client is having financial hardships or there are other concerns, the time to have discussed that was in your initial letter-meaning BEFORE the offer packet was generated.

- Requests for offers should be initiated at least 2 weeks prior to the assigned court date. Continuance information is listed above. Failure to schedule your cases and reach out in a timely manner does not constitute an emergency on our end; late submissions will likely require unnecessary, in-person appearances.

- Driver Improvement Program (DIP) Policy (For traffic-related cases.) The current policy may be found at the following link, which opens as a .pdf form:

  https://www.ozarkslg.com/downloads/galena-DIP.pdf

  (this is case-sensitive)

  Each attorney is responsible for screening their own client against the DIP policy and notifying us of the results. (1) Either the client is required to do a DIP (reason examples: ticket history, current charge type, etc.) or (2) they are not subject to doing a DIP. Remember, NOT ALL clients will require DIP! Please correctly screen them against the current policy.

  With the candor expected as officers of the Court, consulting with your client, verifying the information, and correctly reporting it is

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incumbent on your office. Failure to do so will cause your office to be on our must-appear list.

- These violations DO require a DIP Certificate to obtain an offer:
  - From 12 months preceding this violation date (thru the present date):
    - Had another traffic conviction (points)
    - Had a moving traffic ticket amended (ie no-points speed; parking amendment; defective equipment; etc)
    - Received a SIS or SES for a moving violation
  - Currently charged with speeding at 26+ over the limit
  - Currently charged with a significant violation—such as C&I, Accident, DWI/BAC, School Bus Violations, & Work or School Zone Tickets
  - When directed (prosecutor's discretion)

<u>DIP Submission Information</u>: If your client DOES require the DIP, most attorneys are simply submitting the DIP Certificate with their original request, thus saving time and back-and-forth emails.

However, if your client would like to know the proposed offer prior to taking a DIP, you can email asking for that preliminary offer information, with a *clear notation* that the DIP class is not yet done. We will respond with a proposal that is contingent on the completion of the DIP and no additional new charges. *No offer packets will be generated until the DIP certificate is turned in*.

- NOTE: DIP requirements are firm and not waived. I strive to treat everyone respectfully and fairly.

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- The DIP class is **not** SATOP. While SATOP is generally an additional requirement on alcohol-related offenses, DIP must be done separately.
- If you have an alcohol-related charge, I encourage you to have the DIP and SATOP done prior to case disposition; trust me – it's one less thing for your client to have to keep track of later.

- Offer Packets: For routine traffic matters (speeding, stop signs, lane violations, etc.): Once your request is timely received and the DIP Certificate is attached (when required), my staff or I will generally respond with an offer packet which may be used to dispose of the case electronically. Only one plea offer packet is generated per case and it will not be changed without a face-to-face meeting.
  - Directions for e-filing the plea and making payment will be in the packet. PLEASE do NOT pay on Casenet until such time as the Court approves the conversion and the new charge is listed in Casenet. Believe it or not, this has occurred often – attorneys have rushed and paid online, thus pleading guilty to the original charge!!

  If your case is a non-routine matter, such as a DWI, BAC, Assault, and so on, your initial request will be answered with a proposed disposition. It is incumbent upon you that we try to make disposition plans before the court date, as limited time is available on actual court days. Meaning, if the agreement is jail, fines, and/or probation, we need to agree to those terms and my office will try to have the paperwork prepared before court, thus expediting the process on actual court days.

- Contact with my office:
  - PLEASE re-read the above sections before you reach out. Step-by-step directions on how to request offers is spelled out above. All correspondence needs to follow the directions above.

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- If you need to contact my office, please provide your direct contact information, including your best e-mail address and phone numbers. I refuse to play phone-tag.
- The easiest contact with my office is via email:

  PAContact@OzarksLG.com
  (This email is private and is reserved for attorneys and their staff. This email is NOT to be used by defendants.)

  My office phone number is 417-465-4654, however email remains the best means of contact.

If any of the above has not answered your questions, please contact me as needed. I look forward to a smooth and fair disposition of your client's matter.

Sincerely yours,
/s/ Michael Hurney
Prosecuting Attorney for
the City of Galena