

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** appropriating \$2,873.00 from the fund balance of the 2010 General Fund for use by the Circuit Court to cover special prosecutor's fees.

**ORDINANCE #4282**, December 13, 2010

**INTRODUCED BY** James D. Tindall, County Legislator

WHEREAS, by order of the Circuit Court, special prosecutors are appointed to handle the prosecution of particular cases, most often when the Prosecuting Attorney's Office has a conflict of interest in the matter; and,

WHEREAS, special prosecutor Michael M. Spiegel has submitted an invoice in the amount of \$2,873.00 for special prosecutor fees which have been found to be reasonable and necessary by order of the Circuit Court; and,

WHEREAS, an appropriation is necessary to cover the cost of the special prosecutor; and,

WHEREAS, the County Executive recommends said appropriation; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, that the following appropriation be and hereby is made:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
General Fund			
Special Prosecution			
001-2810	Undesignated Fund Balance	\$2,873	
001-8004	56020 - Legal Services		\$2,873

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

*Greg D. Holden*  
Chief Deputy County Counselor

*William G. Snyder*  
Acting County Counselor

I hereby certify that the attached Ordinance, Ordinance #4282 introduced on December 13, 2010, was duly passed on December 13, 2010 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 6  
Abstaining 0

Nays 0  
Absent 3

This Ordinance is hereby transmitted to the County Executive for his signature.

12.13.10  
Date

*Mary Jo Spino*  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4282.

12/13/2010  
Date

*Michael D. Sanders*  
Michael D. Sanders, County Executive

Funds sufficient for this appropriation are available from the source indicated below.

ACCOUNT NUMBER: 001 2810  
ACCOUNT TITLE: General Fund  
Undesignated Fund Balance  
NOT TO EXCEED: \$2,873.00

December 8, 2010  
Date

*D. Craig Thom*  
Director of Finance and Purchasing

## Supplemental Appropriation Request Jackson County, Missouri

Funds sufficient for this transfer and appropriation are available from the source indicated below.

Date: December 8, 2010

ORD # 4282

<u>Department / Division</u>	<u>Character/Description</u>	<u>From</u>	<u>To</u>
<b>General Fund - 001</b>			
2810	Undesignated Fund Balance	2,873.00	
8004 - Special Prosecution	56020 - Legal Services		2,873.00

*Mary Rasmussen*  
Budgeting 12/8/10

# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4282

Sponsor(s): James D. Tindall

Date: December 13, 2010

SUBJECT	<p>Action Requested  <input type="checkbox"/> Resolution  <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Appropriating \$2,873.00 from the general fund undesignated fund balance to 001-8004-56020 Special Prosecutor fees pay a special prosecutor fee to Michael M. Spiegel per court order.</u></p>												
<p>BUDGET INFORMATION  <i>To be completed                  By Requesting                  Department and                  Finance</i></p>	<table border="1" data-bbox="334 569 1284 940"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$2,873.00</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$2,873.00</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT 001 2810 General Fund Undesignated Fund Balance</td> </tr> <tr> <td></td> <td>TO ACCT 001-8004-56020 Special Prosecutor Fund</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$40,000</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input type="checkbox"/> No budget impact (no fiscal note required)  <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:                  Department: Estimated Use: \$</p> <p>Prior Year Budget (if applicable): \$0.00                  Prior Year Actual Amount Spent (if applicable): \$35,513</p>	Amount authorized by this legislation this fiscal year:	\$2,873.00	Amount previously authorized this fiscal year:		Total amount authorized after this legislative action:	\$2,873.00	Amount budgeted for this item * (including transfers):		Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT 001 2810 General Fund Undesignated Fund Balance		TO ACCT 001-8004-56020 Special Prosecutor Fund
Amount authorized by this legislation this fiscal year:	\$2,873.00												
Amount previously authorized this fiscal year:													
Total amount authorized after this legislative action:	\$2,873.00												
Amount budgeted for this item * (including transfers):													
Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT 001 2810 General Fund Undesignated Fund Balance												
	TO ACCT 001-8004-56020 Special Prosecutor Fund												
PRIOR LEGISLATION	<p>Prior ordinances and (date):</p> <p>Prior resolutions and (date):</p>												
CONTACT INFORMATION	<p>RLA drafted by (name, title, &amp; phone): Shelley Kneuvean, Deputy Chief Administrative Officer</p>												
REQUEST SUMMARY	<p>Per court order, the county is directed to pay the special prosecutor fees to Michael M. Spiegel for handling the prosecution of a case in which the Jackson County Prosecutor's Office had a conflict of interest.</p>												
CLEARANCE	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing &amp; Department)  <input type="checkbox"/> Business License Verified (Purchasing &amp; Department)  <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>												
ATTACHMENTS	<p>Court Order</p>												
REVIEW	<p>Department Director: _____ Date: _____</p>												

	Finance (Budget Approval): <i>If applicable</i>	<i>Mary Rasmussen</i>	Date: <i>12/8/10</i>
	Division Manager:	<i>[Signature]</i>	Date: <i>12/8/10</i>
	County Counselor's Office:		Date:

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:
001 2810 Undesignated Fund Balance	Undesignated Fund Balance, General Fund	\$2,873.00

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY, MISSOURI

STATE OF MISSOURI

Plaintiff,

ADMIN. ORDER NO. 2010- 135  
(Appting Admin Order No. 2009-061)

vs.

Case No: 0916-CR00621-01

Division 5, Presiding Judge

CURTIS D. FORD

Defendant.


**ORDER FOR SPECIAL PROSECUTOR FEES**

Now on this day, upon consideration of the Special Prosecutor's Invoice for special prosecutor fees in the above-captioned cause in the amount of \$2,872.50, and the Court finding that the fees are reasonable and necessary,

**IT IS HEREBY ORDERED** that payment shall be made to Michael M. Spiegel, Special Prosecutor, in the amount of \$2,872.50 for special prosecutor fees.

**IT IS SO ORDERED.**

Dated: SEPTEMBER 30, 2010

  
\_\_\_\_\_  
W. STEPHEN NIXON,  
Presiding Judge

**Certificate of Service**

Copies mailed/faxed SEPTEMBER 30, 2010 to the following:

COURT ADMINISTRATOR

MICHAEL M. SPIEGEL  
1600 NE CORONADO DR, STE 337  
BLUE SPRINGS, MO 64014

*/s/ Jessie James*

\_\_\_\_\_  
Jessie James, Law Clerk, Division 5

**SPECIAL PROSECUTOR FEES APPROVAL FORM**

Please review the attached invoice for special prosecutor fees and approve as submitted or modify.

Please return this form and any attached documents to Division 5.

Thank you.

CASE: STATE OF MISSOURI v. CURTIS D. FORD  
0916-CR00621-01

TRIAL JUDGE: Judge Schieber

SPECIAL PROSECUTOR: MICHAEL M. SPIEGEL

REQUESTED FEE: \$2,872.50


FILED  
SEP 16 2010

FILED-CIRCUIT COURT  
JACKSON CO MO-KC  
2010 SEP 16 AM 11:07

✓ APPROVED AS SUBMITTED

\_\_\_\_\_ MODIFIED FEE AMOUNT

9/15/10  
DATE

  
The Honorable Robert M. Schieber

S21



**RAINS AND SPIEGEL, LLC**  
ATTORNEYS AT LAW

A Limited Liability Company  
1600 NE Coronado Dr., Suite 337  
Blue Springs, Missouri 64014  
www.rainsandspiegel.com

MARK E. RAINS  
MICHAEL M. SPIEGEL\*  
LAURIE M. SCHULZE\*

\*admitted in Missouri and Kansas

Telephone  
(816) 229-2132

Fax  
(816) 229-0489

E-mail: mspiegel@rs-law.net

August 25, 2010

Hon. Steve Nixon  
415 E. 12<sup>th</sup> Street  
Division 5, 4<sup>th</sup> Floor  
Kansas City, MO 64106

FILED  
DIVISION

AUG 25 2010

Re: State v Ford, 0916-CR00621

CIRCUIT COURT OF JACKSON COUNTY.

Dear Judge Nixon:

BY MS

Please find my attached motion for payment of special prosecutor fees and an order for the same. I have reduced my hourly rate to \$150 per hour from my regular rate of \$250.

Please find the attached motion for fees with an itemized bill and an order for signature, I would ask that you review my fees and issue an order for payment. Prior to submission of my fee order to you, I checked with Division 15 and Judge Schieber advised that he did not need the motion sent to him, but to send it directly to you. Should you have any questions please contact me.

RAINS AND SPIEGEL, LLC

  
MICHAEL M. SPIEGEL

MMS/lsk  
Enclosures

RAINS AND SPIEGEL, LLC  
ATTORNEYS AT LAW

1600 NE Coronado Drive, Suite 337  
Blue Springs, MO 64014  
www.rainsandspiegel.com  
816-229-2132

August 25, 2010

Special Prosecutor  
Michael M. Spiegel, Bar No. 49658

Client No. 568  
Invoice No. 11295

In reference To: Curtis D. Ford  
0918-CR00621

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
06/05/09 MMS Obtain file and review case	0.50 150.00/hr	75.00
06/19/09 MMS Preparation of amended complaint, information and request	0.50 150.00/hr	75.00
06/24/09 MMS Court Appearance for preliminary hearing, travel	1.00 150.00/hr	150.00
07/14/09 MMS Copy discovery; email opposing counsel; preparation of plea offer.	0.25 150.00/hr	37.50
07/15/09 MMS Court appearance and travel time.	1.50 150.00/hr	225.00
10/21/09 MMS Court Appearance and travel	1.00 150.00/hr	150.00
11/20/09 MMS Revise estimate; email opposing counsel; review file.	0.40 150.00/hr	60.00
12/02/09 MMS Court Appearance, travel time.	1.50 150.00/hr	225.00
02/03/10 MMS Court Appearance; conference with Independence Police Department detective; travel to Police Department to get photos.	2.75 150.00/hr	412.50
02/19/10 MMS Conference with Public Defender.	0.20 150.00/hr	30.00
04/05/10 MMS Travel time; court appearance.	1.50 150.00/hr	225.00

Special Prosecutor  
Client No. 568

	<u>Hrs/Rate</u>	<u>Amount</u>
04/12/10 MMS Conference with Police Dept.	0.30 150.00/hr	45.00
04/13/10 MMS Conference with crime victims.	0.35 150.00/hr	52.50
04/14/10 MMS Meet with victims to review photos and damages, and to discuss restitution; conference with Police Dept.	2.75 150.00/hr	412.50
05/27/10 MMS Travel time, plea negotiation with Police Department; conference with Judge.	1.50 150.00/hr	225.00
07/16/10 MMS Travel time, court appearance, guilty plea.	1.50 150.00/hr	225.00
07/21/10 MMS Email opposing counsel; prepare Motion to Transfer Probation.	0.35 150.00/hr	52.50
08/24/10 MMS Phone call to court, phone call to Midwest ADP to coordinate probation transfer, letter to Midwest ADP regarding restitutions; letter to victims regarding restitutions.	1.30 150.00/hr	195.00
<b>For professional services rendered</b>	<b>19.15</b>	<b>\$2,872.50</b>
Balance due		<u><u>\$2,872.50</u></u>

PLEASE INCLUDE YOUR ACCOUNT NUMBER ON YOUR CHECK.  
If you have any questions regarding your bill, please contact our office.  
A finance charge of 1.5% per month will be assessed to accounts 30 days past due.

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE

STATE OF MISSOURI,	)	
	)	
Plaintiff,	)	ADMIN ORDER NO 2009-_____
	)	(Appting admin order No. 2009-069)
vs.	)	
	)	CASE NO. 0916-CR00621
CURTIS D. FORD,	)	
	)	
Defendant.	)	


**ORDER OF SPECIAL PROSECUTOR FEES**

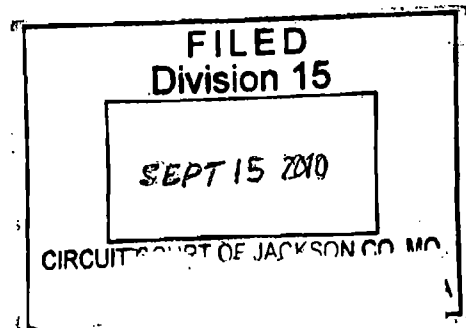
COMES NOW the Court and hereby grants Plaintiff's motion and orders the sum of \$2,872.50 to be paid as fees earned by the Special Prosecutor, Michael Spiegel, 1600 NE Coronado Drive, Ste 337, Blue Springs, MO 64015.

The court further finds that the fees submitted were reasonable and proper under the circumstances.

IT IS SO ORDERED.

9/15/10  
Date

  
Judge



*copies to the following  
on 9-15-10:  
Mike Spiegel, 229-0489  
Tiffany Greg, 889-2999  
Megan Mitchell, 889-7425  
Midwest ADP, 836-3567  
K. Coffin, JAA*

FILED  
Division 15  
SEPT 15  
2010  
CIRCUIT COURT OF JACKSON CO. MO.

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE

STATE OF MISSOURI, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CURTIS D FORD, )  
 )  
 Defendant. )

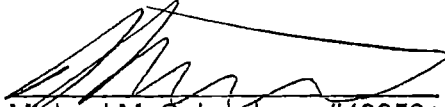
CASE NO. 0916-CR00621

**MOTION FOR APPROVAL OF SPECIAL PROSECUTOR FEES**

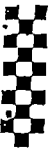
COMES NOW, MICHAEL M. SPIEGEL, and moves this honorable court for an order to pay Special Prosecution Fees in the above captioned matter. In support of his motion he has attached an itemized copy of his bill, and the order appointing him as the Special Prosecutor.

WHEREFORE Michael M Spiegel has performed professional services as the Court appointed Special Prosecutor, and should be awarded legal fees in said matter in the amount of \$2872.50 and for such other relief as the court finds to be just and appropriate.

RAINS & SPIEGEL, L.L.C.



Michael M. Spiegel #49658  
1600 NE Coronado Dr., Ste. 337  
Blue Springs, MO 64014  
Ph: (816) 229-2132  
Fax: (816) 229-0489  
Email: [m Spiegel@rs-law.net](mailto:m Spiegel@rs-law.net)  
SPECIAL PROSECUTOR



IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
IN KANSAS CITY

STATE OF MISSOURI,

ADM. ORDER NO. 2009-061  
CASE, NO 0916-CR00621

Plaintiff,

vs

Division 33

CURTIS D. FORD,

Defendant.

ORDER

Now on this day, the Court takes up for consideration the Motion of the Jackson County Prosecuting Attorney for the Appointment of a Special Prosecutor coming on for consideration, and the Court having considered same.

IT IS HEREBY ORDERED that, pursuant to Section 56.110, RSMo., MICHAEL M. SPIEGEL, is hereby appointed as Special Prosecuting Attorney in this matter referred to in said application for appointment of Special Prosecutor.

IT IS FURTHER ORDERED that, upon completion of case the Special Prosecuting Attorney shall provide the Presiding Judge with an itemized statement of time to receive payment.

June 3, 2009  
DATE

W. Stephen Nixon  
W. STEPHEN NIXON, PRESIDING JUDGE

Copies mailed/faxed to:

- Kevin Harrell, Prosecuting Attorney
- Jeff Keal, Assistant Prosecuting Attorney
- Curtis D. Ford
- Michael Spiegel