

Minutes of May 30, 2017



Supreme Court of Missouri

en banc

May 30, 2017

▼

OPINION BY DRAPER, J.

SC95800 [State ex rel. Christine Delf, Relator, vs. The Honorable Darrell E. Missey, Respondent.](#)

PRELIMINARY WRIT QUASHED. Fischer, Wilson and Russell, JJ., concur; Breckenridge, C.J., dissents in separate opinion filed; Stith, J., concurs in opinion of Breckenridge, C.J. Powell, J., not participating.

OPINION BY RUSSELL, J.

SC95932 [State ex rel. Jeffrey Merrell, Prosecuting Attorney, Relator, vs. The Honorable Robert Craig Carter, Respondent.](#)

PRELIMINARY WRIT MADE PERMANENT. Breckenridge, C.J., Fischer, Stith, Draper and Wilson, JJ., concur. Powell, J., not participating.

MOTIONS FOR REHEARING

SC95713 In the Matter of the Petition of Missouri-American Water

Company for Approval to Change its Infrastructure System Replacement Surcharge (ISRS), and Missouri Public Service Commission, Respondents, vs. The Office of Public Counsel, Appellant.

Appellant's motion for rehearing overruled. Powell, J., not participating.

APPLICATIONS FOR TRANSFER AND RECOMMENDATIONS FOR TRANSFER

SC95914 State of Missouri, Respondent, vs. Ardell Fields, Appellant.

Appellant's application for transfer from the Missouri Court of Appeals, No. ED103288, denied.

SC96032 Jakib Propst, Appellant, vs. State of Missouri, Respondent.

Respondent's application for transfer from the Missouri Court of Appeals, No. ED103322, sustained and cause ordered transferred.

SC96083 In re: Rodney L. Lincoln, Petitioner, vs. Jay Cassady, Superintendent, Jefferson City Correctional Center, Respondent.

Petitioner's application for transfer from the Missouri Court of Appeals, No. WD79854, denied.

SC96087 State of Missouri, Respondent, vs. Joseph Fountain Perry, Appellant.

Respondent's application for transfer from the Missouri Court of Appeals, No. WD78653, sustained and cause ordered transferred.

SC96208 State of Missouri, Respondent, vs. Hoyt Douglas McMullen, Appellant.

Appellant's application for transfer from the Missouri Court of Appeals, No. ED103654, denied.

SC96210 Amie Wieland, Respondent, vs. Owner-Operator Services, Inc., Appellant.

Appellant's application for transfer from the Missouri Court of Appeals, No. WD79414, sustained and cause ordered transferred.

SC96229 State of Missouri, Respondent, vs. Michael B. Casey, Appellant.

Appellant's application for transfer from the Missouri Court of Appeals, No. ED103699, denied.

SC96213 Richard Brown, Appellant, vs. Missouri Board of Probation and Parole, Respondent.

Appellant's application for transfer from the Missouri Court of Appeals, No. WD79139, denied.

SC96306 State of Missouri, Respondent, vs. Calvin Brown, Appellant.

Respondent's application for transfer from the Missouri Court of Appeals, No. ED103366, denied.

SC96307 S.S.S., L.W.V. and M.T.S.-V., Respondents, vs. C.V.S., Appellant.

Respondents' application for transfer from the Missouri Court of Appeals, No. ED104249, sustained and cause ordered transferred.

SC96310 Jim Pepper, et al., Appellants, vs. St. Charles County, Missouri, et al., Respondents.

Appellants' application for transfer from the Missouri Court of Appeals, No. ED104394, denied.

SC96312 Owners Insurance Company, Appellant, vs. Gary Parkison and Judith Parkison, Individually, and John Vest as Class Representative for the Estate of Betty Vest, Respondents.

Appellant's application for transfer from the Missouri Court of Appeals, No. ED103652, denied.

SC96314 Coy Conaway, Appellant, vs. State of Missouri, Respondent.

Appellant's application for transfer from the Missouri Court of Appeals, No. ED104130, denied.

SC96315 David Glenn Latham, Appellant, vs. State of Missouri, Respondent.

Appellant's application for transfer from the Missouri Court of Appeals, No. SD34306, sustained and cause ordered transferred.

SC96322 Roy Medlin, Appellant, vs. RLC, Inc., Respondent, and Jeremiah J. Hayes, et al., Respondents.

Appellant's application for transfer from the Missouri Court of Appeals, No. SD34265, denied.

SC96323 Joshua Daniel Hewitt, Appellant, vs. State of Missouri, Respondent.

Appellant's application for transfer from the Missouri Court of Appeals, No. SD34409, denied.

SC96327 Zachariah J. Peterson, Appellant, vs. State of Missouri, Respondent.

Appellant's application for transfer from the Missouri Court of Appeals, No. WD79397, denied.

SC96329 Michael Garland, Appellant, vs. Director of Revenue, Respondent.

Appellant's application for transfer from the Missouri Court of Appeals, No. WD79528, denied.

SC96330 Richard Gattenby, Respondent, vs. Treasurer of the State of Missouri-Custodian of the Second Injury Fund, Appellant.

Appellant's application for transfer from the Missouri Court of Appeals, No. WD80052, denied.

SC96331 Joan Bray, Respondent, The Reporters Committee for Freedom of the Press, American Civil Liberties Union of Missouri Foundation, and Christopher S. McDaniel, Respondents, Guardian News and Media, LLC, et al.,

Respondents, vs. Anne L. Precythe, in her official capacity as Director of the Missouri Department of Corrections, Matt Briesacher, in his official capacity as Deputy Counsel of the Missouri Department of Corrections, and Missouri Department of Corrections, Appellants.

Respondents' application for transfer from the Missouri Court of Appeals, No. WD79893 consolidated with WD79894 and WD79895, denied.

SC96332 State of Missouri, Respondent, vs. Jerry J. Swartz, Appellant.

Appellant's application for transfer from the Missouri Court of Appeals, No. WD79058, denied. Fischer, J., not participating.

SC96333 State of Missouri, Respondent, vs. Daniel Duot Ajak, Appellant.

Appellant's application for transfer from the Missouri Court of Appeals, No. WD78932, sustained and cause ordered transferred.

SC96334 In re the Matter of State of Missouri, Department of Social Services, Family Support Division, Respondent, vs. Michael Shipley, Appellant.

Appellant's application for transfer from the Missouri Court of Appeals, No. WD79993, denied.

SC96335 E.S. (K.) D., Respondent, vs. J.A.K., F.K., and J.K., Appellants.

Appellant J.A.K.'s application for transfer from the Missouri Court of Appeals, No. WD79567, denied.

SC96336 James E. Brady, III, Appellant, vs. Patrick B. Starke, and Patrick B. Starke, Attorney at Law, P.C., Respondents.

Appellant's application for transfer from the Missouri Court of Appeals, No. WD79291, denied. Fischer, J., not participating.

SC96341 State of Missouri, Respondent, vs. Vicki Leann Gilmore, Appellant.

Appellant's application for transfer from the Missouri Court of Appeals, No. SD34309, sustained and cause ordered transferred.

SC96351 Joseph Smith and Andrew Shayatovich, Appellants, vs. Maryland Casualty Company, Respondent.

Appellants' application for transfer from the Missouri Court of Appeals, No. SD34328, denied.

SC96354 Chaille Anderson Lindo, Respondent, vs. John Thomas Higginbotham, Appellant.

Appellant's application for transfer from the Missouri Court of Appeals, No. ED103930, denied.

WRITS AND OTHER ORIGINAL PROCEEDINGS

SC95948 State ex rel. Nathaniel M. Hack, Petitioner, vs. Jay Cassidy, Respondent.

Petition for writ of habeas corpus denied without prejudice

pursuant to Rule 84.22(a).

SC96014 State ex rel. Michael L. Davis, Petitioner, vs. Michael Bowersox, Respondent.

Petition for writ of habeas corpus denied without prejudice pursuant to Rule 84.22(a).

SC96023 State ex rel. Joshua Wolf, Petitioner, vs. Jay Cassady, Respondent.

Petition for writ of habeas corpus denied without prejudice pursuant to Rule 84.22(a).

SC96266 State ex rel. Jeremy A. Davis, Petitioner, vs. Cindy Griffith, in her capacity as Warden, Potosi Correctional Center, Respondent.

Petition for writ habeas corpus denied.

SC96269 State ex rel. Charles Bondurant, M.D., and Richard Wolkowitz, M.D., Relators, vs. The Honorable Kevin M. Crane, Respondent.

Petition for writ of mandamus denied.

SC96251 State ex rel. William Brent Rousan, Petitioner, vs. Jay Cassady, Superintendent, Respondent.

Petition for writ of habeas corpus denied without prejudice pursuant to Rule 84.22(a).

SC96308 State ex rel. Robert Oliver Peter John Amick, Relator, vs.

The Honorable Mark Calvert, Respondent.

Petition for writ of mandamus sustained. Preliminary writ ordered to issue returnable to Court en banc in thirty days.

SC96309 State ex rel. Jay F. Hauser, D.D.S., P.C., d/b/a Premier Dental Partners, Relator, vs. The Honorable Robert H. Dierker, Respondent.

Petition for writ of prohibition denied.

SC96316 State ex rel. Happy Gopher Parcel Express, Inc., Relator, vs. The Honorable Joan L. Moriarty, Respondent.

Petition for writ of mandamus denied.

SC96317 State ex rel. BNSF Railway Company, Relator, vs. The Honorable Joan L. Moriarty, Respondent.

Petition for writ of mandamus denied.

SC96297 State ex rel. Devotion E. Baker, Petitioner, vs. The Honorable Sandra C. Midkiff and Jay Cassady, Respondents.

Petition for writ of habeas corpus denied.

SC96300 State ex rel. Edward Anderson, Petitioner, vs. Cindy Griffith, Respondent.

Petition for writ of habeas corpus denied without prejudice pursuant to Rule 84.22(a).

Petitioner's motion for show cause order overruled as moot.

SC96325 State ex rel. Robert B. Cornelius, Petitioner, vs. Michael Bowersox, Respondent.

Petition for writ of habeas corpus denied without prejudice pursuant to Rules 91.02(a) and 84.22(a).

SC96340 State ex rel. Millsap & Singer, Relator, vs. The Honorable David H. Miller, Respondent.

Petition for writ of prohibition denied.

SC96344 State ex rel. Kansas City Southern de Mexico, S.A. de C.V., Relator, vs. The Honorable Ellen H. Ribaudó, Respondent.

Petition for writ of prohibition denied.

SC96352 State ex rel. Boyd Chism, Relator, vs. The Honorable Jennifer M. Phillips, Respondent.

Petition for writ of prohibition or, in the alternative, mandamus denied.

SC96311 State ex rel. Maurice Penny, Petitioner, vs. James Hurley, Respondent.

Petition for writ of habeas corpus denied.

Day - to - Day,

Patricia Breckenridge
Chief Justice

The next regular conference of Court en Banc will be on June 27, 2017.

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