

SUPREME COURT OF MISSOURI

State ex rel. Gary D. Sampson, Jr. v. The Honorable William E. Hickie

573 S.W.3d 76 (Mo. banc 2019) · No. SC97002 · Decided May 21, 2019

SUMMARY

The Missouri Supreme Court held that the circuit court erred by placing Gary D. Sampson, Jr. on a third term of probation after he successfully completed a 120-day institutional treatment program. The court issued a permanent writ of mandamus directing the circuit court to reinstate Sampson's prior probationary term, while leaving the calculation of earned compliance credits and the question of probation expiration for further determination.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	George W. Draper III
JURISDICTION	Missouri
DECIDED	May 21, 2019
DOCKET	SC97002
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding in mandamus arising from the circuit court's denial of Sampson's motion to be discharged from probation and its setting of a probation violation hearing.
STANDARD OF REVIEW	Denial of a petition for a writ of mandamus is reviewed for abuse of discretion. An abuse of discretion occurs when the circuit court misapplies an applicable statute.
PRECEDENTIAL VALUE	Published en banc opinion of the Supreme Court of Missouri; precedential.

TOPICS

probation criminal procedure statutory interpretation appellate procedure remedies

PRACTICE AREAS

criminal procedure appellate procedure probation statutory interpretation extraordinary writs

QUESTIONS PRESENTED

1. Whether the circuit court had statutory authority to place Sampson on a new third term of probation after he successfully completed the 120-day institutional treatment program.
2. Whether the circuit court had authority to conduct a probation violation hearing after the probationary term allegedly expired through the application of earned compliance credits.

HOLDINGS

1. After successful completion of the 120-day program, section 559.036.4(3) authorized the circuit court only to release Sampson to continue serving his existing term of probation; it did not authorize the court to impose a new, modified, enlarged, or extended term based on the same violation.
2. The Court did not resolve whether the circuit court had authority to conduct the probation violation hearing because the circuit court's improper imposition of a new probationary term rendered the applicable probation period and earned-compliance-credit calculation uncertain. The circuit court was required first to reinstate Sampson's valid second term so the Board could recalculate the credits and determine whether probation had expired when the court manifested its intent to conduct a revocation hearing.

KEY QUOTATIONS

“once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation.”

“Unless both requirements are satisfied, the trial court loses the authority to revoke probation beyond the expiration of its term.”

FACTUAL BACKGROUND

Sampson pleaded guilty to possession of a controlled substance in November 2012 and was placed on a five-year term of probation. After probation was revoked and the execution of a six-year sentence was suspended, he was placed on another five-year term, later violated probation, and was placed in a 120-day institutional treatment program. After Sampson successfully completed the program, the circuit court imposed a new five-year probationary term instead of continuing his existing term. The State later moved to revoke probation, while Sampson argued that earned compliance credits had resulted in his statutory discharge.

PROCEDURAL HISTORY

Sampson pleaded guilty to possession of a controlled substance and received probation. After probation violations, revocation, a six-year sentence with suspended execution, and placement in a 120-day institutional treatment program, the circuit court granted him probation but improperly imposed a new five-year term rather than continuing his existing term. When the State later moved to revoke probation, Sampson moved for discharge, arguing that earned compliance credits had caused his probation to expire. The circuit court denied relief, and Sampson sought mandamus or prohibition; the Supreme Court of Missouri issued a preliminary writ and ultimately ordered a permanent writ of mandamus.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The circuit court must enter an order continuing Sampson's second term of probation after his dismissal from the 120-day institutional treatment program. The Board must then recalculate any earned compliance credits to determine whether Sampson was statutorily discharged when the circuit court manifested its intent to conduct a probation revocation hearing.

CASES CITED

- J.C.W. ex rel. Webb v. Wyciskalla, 275 S.W.3d 249, 254 (Mo. banc 2009)
- U.S. Dep't of Veterans Affairs v. Boresi, 396 S.W.3d 356, 359 (Mo. banc 2013)
- Furlong Cos. v. City of Kansas City, 189 S.W.3d 157, 165-66 (Mo. banc 2000)
- State ex rel. Hodges v. Asel, 460 S.W.3d 926, 927 (Mo. banc 2015)
- State ex rel. Robison v. Lindley-Myers, 551 S.W.3d 468, 471 (Mo. banc 2018)
- State v. Ajak, 543 S.W.3d 43, 52 (Mo. banc 2018)
- State v. Blankenship, 415 S.W.3d 116, 121 (Mo. banc 2013)
- State ex rel. Strauser v. Martinez, 416 S.W.3d 798, 801 (Mo. banc 2014)
- State ex rel. Weaver v. Martinez, 481 S.W.3d 127, 128 (Mo. App. E.D. 2016)
- Miller v. State, 558 S.W.3d 15, 20 (Mo. banc 2018)
- Ban v. State, 554 S.W.3d 541, 545-46 (Mo. App. E.D. 2018)