

IN THE SUPREME COURT OF STATE OF MISSOURI

STATE ex.rel. MISSOURI PUBLIC,)
DEFENDER COMMISSION,)
J. MARTY ROBINSON, and)
ROD HACKATHORN)

Relators)

v.)

No. SC91150

THE HON. JOHN S. WATERS, and)

THE HON. MARK ORR,)

Respondents)

FILED
BARBARA D. STILLINGS
JAN 25 2011
CIRCUIT CLERK
CHRISTIAN COUNTY, MO

MOTION TO MODIFY PRELIMINARY WRIT

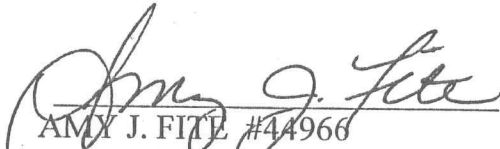
COMES NOW, the State of Missouri, by and through Amy J. Fite, Prosecuting Attorney and hereby requests the Court to modify its Preliminary Writ of Prohibition. Specifically, the State requests that Jared Blacksher be allowed to enter a plea of guilty, if he so chooses, and be sentenced by 38th Judicial Circuit Judge Mark Orr. In support, the Respondents state as follows:

- 1) On September 3rd, 2010, a plea agreement was reached between the State of Missouri and Jared Blacksher. The terms of the plea were a five (5) year sentence in the Missouri Department of Corrections executed pursuant to RSMo §559.115 with a one hundred and twenty (120) day institutional treatment callback (ITC).

- 2) The Board of Probation and Parole had secured an ITC bed-date for Mr. Blacksher starting immediately upon his plea of guilty. Mr. Blacksher was then to be transferred to the Missouri Department of Corrections on the September 9th, 2010 and to begin his treatment on Friday September 10th, 2010.
- 3) On September 3rd, 2010, 38th Judicial Circuit Judge Mark Orr received notice of the preliminary writ instructing him to take no further action on the case.
- 4) As a result of the preliminary writ, a plea was not entered, and Mr. Blacksher has now been incarcerated in the Christian County jail for over one hundred and twenty (120) days.
- 5) If Mr. Blacksher, was allowed to enter his plea, and had successfully completed his 120 ITC, then by January 11th, 2011 he would have been released from custody, and been placed on five (5) years of supervised probation.
- 6) On January 21, 2010, this office received a letter from the Jared Blacksher inquiring about the status of his case after being incarcerated for six (6) months. (Attached Exhibit #1).

WHEREFORE, for the reasons stated herein, the State of Missouri, by Prosecuting Attorney, Amy J. Fite is respectfully requesting this Court to grant the trial court the authority to allow the Defendant, if he so chooses, to enter a plea and be sentenced by 38th Judicial Circuit Judge Mark Orr.

Respectfully Submitted,



AMY J. FITE #44966

Prosecuting Attorney

Christian County, Missouri

Phone: (417) 581-7915

Fax: (417) 581-7918

E-mail: afite@christiancopros.org

CERTIFICATE COMPLIANCE AND SERVICE

I, Amy J. Fite, hereby certify as follows that a copy of the foregoing instrument has been sent this the 25th day of January, 2011, by hand-delivery or U.S. mail with postage pre-paid, to:

Hon. Mark Orr (Hand-delivery)
Circuit Judge for the 38th Judicial Circuit
Christian County Courthouse
110 W. Elm
Ozark, MO 65721

Hon. John S. Waters (Hand-delivery)
Associate Circuit Court Judge
Christian County Courthouse
110 W. Elm
Ozark, MO 65721

Barbara Stillings (Hand-delivery)
Christian County Circuit Clerk
P.O. Box 278
Ozark, MO 65721

Jared A. Blacksher (U.S. Mail)
Christian County Jail
110 Elm, Room 70
Ozark, MO 65721


J. Gregory Mermelstein (U.S. Mail)
Division Director, State Public Defender
Woodrail Centre
1000 West Nifong, Bldg. 7 - Ste 100
Columbia, MO 65203

Morris Mettler (U.S. Mail)
630 N. Robberson
Springfield, MO 65806

Stephen F. Hanlon (U.S. Mail)
Laura Fernandez (U.S. Mail)
2099 Pennsylvania Ave NW, Suite 100
Washington, DC 20006

J. Miles Sweeney (U.S. Mail)
Special Masters
2523 South Marlan
Springfield, MO 65804

Michael P. Gunn (U.S. Mail)
John R. Gunn (U.S. Mail)
1714 Deer Tracks Trail. Suite 240
St. Louis, MO 63131


AMY J. FITE #44966
Prosecuting Attorney

Dear Donovan D. Dobbs

I was wondering if progress was being made on the courts decision whether to have the public defenders take my case or not. I have been in custody for 6 months now and was wondering if this decision would be made soon. I know, theres a new prosecutor and I was thinking thats why the courts was waiting.

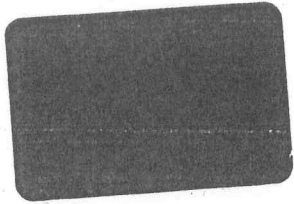
I would appreciate it if you would get back to me. I'm just wondering if theres a court date coming up soon or not. Thank you for your time.

Sincerely
David Bruce Blacksher

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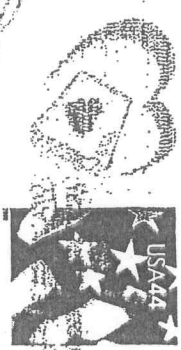
JAN 21 2011

ASSISTING ATTORNEY
CLERK OF COURT



James B. Bledsoe
PO Box 65721
Ozark, MO 65721

SPRINGFIELD NO 656
20 JAN 2011 PM 2 T



RECEIVED
JAN 21 2011
PROSECUTING ATTORNEY
SPRINGFIELD COURTHOUSE

Donovan D. Doherty
Prosecuting Attorney
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