

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

In re the Matter of:	)	No. ED103252
	)	
STATE OF MISSOURI ex rel.	)	Appeal from the Circuit Court
SHAKIRA FRANKLIN,	)	of St. Charles County
	)	
Relator,	)	Hon. Erin S. Burlison
vs.	)	
	)	Writ of Mandamus
HONORABLE ERIN BURLISON,	)	Cause No. 1511-FC00683
Circuit Court Judge of St. Charles County,	)	
	)	Filed:
Respondent.	)	September 8, 2015

Shakira Franklin (“Relator”) seeks a writ of mandamus to compel the Honorable Erin Burlison (“Respondent”) to uphold her initial order granting a change of venue and transferring the case from St. Charles County to Grundy County. We entered a preliminary order of mandamus, and Respondent filed a timely answer and suggestions in opposition.

PRELIMINARY WRIT MADE PERMANENT AS MODIFIED.

Writ Division Three holds:

Respondent’s order transferring the case to Grundy County was not invalid, although it was decided under the wrong venue statute and is therefore erroneous. Because the parties did not consent to annulment of that transfer order and because the papers had already been sent to and received by Grundy County, Respondent was without authority to set that transfer order aside. The set-aside order must be vacated and the original transfer order reinstated. Further relief must be requested in the receiving court.

Opinion by: Robert G. Dowd, Jr., P.J.  
Angela T. Quigless, J. and Sherri B. Sullivan, J., concur.

Attorney for Relator: Stephen J. Bardol

Attorneys for Respondent: Mary Ann Weems, Eric M. Tuncil

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
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