



In the Missouri Court of Appeals
Eastern District
WRIT DIVISION TWO

STATE OF MISSOURI, ex rel.)	ED104243
Robert Parks,)	
Franklin County Prosecuting Attorney,)	
)	
Relator,)	
)	Writ of Prohibition
v.)	
)	20R039500052
)	
THE HONORABLE DAVID L. HOVEN,)	
Associate Circuit Judge, Division VI,)	
Twentieth Judicial Circuit)	
401 East Main Street)	
Union, Missouri 63084)	
)	FILED: July 12, 2016
Respondent.)	

The Franklin County Prosecuting Attorney, Robert Parks, (Relator) has filed a petition for writ of prohibition seeking to prohibit the Respondent, the Honorable David L. Hoven, from setting aside the guilty plea and vacating the judgment and sentence in State v. Mark Sumpter, case number 20R39500052. We issued a preliminary order.

THE PRELIMINARY ORDER IN PROHIBITION IS MADE PERMENENT.

Writ Division Two Holds: Respondent erred in setting aside Sumpter's guilty plea and in vacating Sumpter's judgment and sentence, because Sumpter failed to show manifest injustice to withdraw his guilty plea as required under Mo. R. Crim. P. 29.07(d) (2015), and because the judgment and sentence were properly entered.

Opinion by: Gary M. Gaertner, Jr.,
Lawrence E. Mooney, P.J. and James M. Dowd, J., concur.

Attorneys for Relator: Matthew W. Houston
Attorneys for Respondent: John W. Peel

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT
HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD
NOT BE QUOTED OR CITED.**