

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**JOSEPH P. SANFORD**

**APPELLANT,**

**v.**

**MISSOURI BOARD OF PROBATION AND PAROLE**

**RESPONDENT.**

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DOCKET NUMBER WD73098  
**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

DATE: November 8, 2011

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Appeal From:

Cole County Circuit Court  
The Honorable Jon Edward Beetem, Judge

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Appellate Judges:

Division Three: James E. Welsh, P.J., James M. Smart, Jr., and Joseph M. Ellis, JJ.

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Attorneys:

Joseph Sanford, Appellant Acting Pro Se, for **appellant**.

Stephen David Hawke, Jefferson City, MO, for **respondent**.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

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**JOSEPH P. SANFORD,**

**APPELLANT,**

**v.**

**MISSOURI BOARD OF PROBATION AND PAROLE,**

**RESPONDENT.**

No. WD73098

Cole County

Before Division Three: James E. Welsh, P.J., James M. Smart, Jr., and Joseph M. Ellis, JJ.

Joseph Sanford filed a petition for declaratory judgment against the Missouri Board of Probation and Parole (“Board”) seeking a declaration that he was entitled to consideration for good time credit because he qualified under section 558.041, RSMo 2000, and 14 C.S.R. 10-5.010. Sanford claimed that the Board’s policy violated state law by improperly denying him the opportunity to qualify for good time credit until after completion of an institutional treatment program that would not be available to him until after his time credit release date. He also claimed that he was entitled to consideration for good time credit based on his participation in other treatment programs. The Board filed a motion to dismiss, claiming that it had the discretion to set a good time credit date and that Sanford’s petition failed to state a claim for which relief could be granted. The circuit court entered a judgment granting the Board’s motion to dismiss, and dismissing Sanford’s petition for declaratory judgment for failing to state a claim for which relief could be granted.

On appeal, Sanford claimed 1) the circuit court erred in dismissing his petition for declaratory judgment by addressing the merits of the case and then dismissing his petition for failing to state a claim for relief; 2) the circuit court erred in finding that he failed to state a claim for relief; and 3) the circuit court should not have entered its judgment because the Board failed to respond to his interrogatories.

**DISMISSED.**

**Division Three holds:** Sanford was released from confinement while this appeal was pending. Accordingly, the appeal is now moot.

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