Summary of SC97674, *State ex rel. Travis Jonas v. Dean Minor*
Original proceeding in habeas corpus
Argued and submitted March 3, 2020; opinion issued June 30, 2020

Attorneys: Jonas was represented by Amy E. Lowe of the public defender's office in St. Louis, (314) 340-7662. The state was represented by Caroline Coulter and Patrick J. Logan of the attorney general's office in Jefferson City, (573) 751-3321.

This summary is not part of the opinion of the Court. It has been prepared by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: An offender whose probation was revoked seeks a writ of habeas corpus to release him from prison on the ground his probation term had ended before the circuit court revoked his probation. In a 4-3 decision written by Judge Mary R. Russell, the Supreme Court of Missouri grants habeas relief. The circuit court lacked authority to revoke probation. Based on his time served on probation and the earned compliance credits he had accrued, the offender was entitled to discharge under state law once he completed his court-ordered restitution; therefore, the circuit court should have discharged him from probation before the state sought to revoke probation.

Judge W. Brent Powell dissents. By not timely advising the circuit court his probation had expired by operation of earned compliance credits, the offender is barred from seeking habeas relief. The offender failed to demonstrate he actually had been awarded sufficient earned compliance credits to entitle him to early discharge, his term had not yet expired, and the circuit court retained authority to revoke probation.

Facts: Travis Jonas pleaded guilty to a felony in July 2012. The circuit court sentenced him to seven years in prison, suspended execution of the sentence, placed him on five years' probation and ordered him to pay restitution as a condition of probation. Jonas made his last restitution payment in November 2015. Two months later, the state moved to suspend and revoke his probation for new violations. The circuit court suspended Jonas' probation in February 2016 and revoked it in May 2017, executing his seven-year prison sentence. Jonas sought postconviction relief, alleging he had acquired enough earned compliance credits to be discharged from probation before the circuit court suspended it. The circuit court overruled his motion. He then sought but was denied habeas relief in the circuit court in the county where he is imprisoned and the appeals court. Jonas now seeks this Court's writ of habeas corpus to release him from prison.

HABEAS RELIEF GRANTED.

Court en banc holds: (1) Although section 217.703.8 precludes review of earned compliance credits in postconviction relief proceedings under Rules 24.035 and 29.15, the statute does not prevent Jonas from challenging the calculation of earned compliance credits in a habeas action. A habeas claim that a person's detention violates the laws or constitution of the state or federal government is distinct from a proceeding in which a person seeks postconviction relief. The phrase "any motion for postconviction relief" in section 217.703.8 does not encompass habeas corpus.

(2) The circuit court should have discharged Jonas from probation in November 2015, when he made his last restitution payment. Section 217.703.1 requires the division of probation and parole to award earned compliance credits to any offender who meets the statutory requirements. By failing to reflect any accrued earned compliance credits for each month Jonas was in compliance, the division improperly calculated his discharge date. By April 2015, Jonas' actual time on probation and accrued earned compliance credits entitled him to discharge under section 217.703, pending payment of his court-ordered restitution in full.

(3) Although section 217.713.10 anticipates the division of probation and parole will provide 60 days' notice to the prosecuting attorney and the circuit court of an impending discharge, the division's failure to do so does not extend the date of Jonas' final discharge. Such notice is not a condition precedent to a probationer's discharge. Final discharge is derived by applying section 217.703.7 to determine when sufficient earned compliance credits have accrued; once Jonas completed restitution, the circuit court was divested of its authority to revoke probation under section 559.036.8, RSMo.

Dissenting opinion by Judge Powell: The author would quash the Court's writ of habeas corpus. He would find Jonas never advised the circuit court or otherwise objected his probation had expired by operation of earned compliance credits before the circuit court revoked his probation; therefore, he procedurally cannot petition for the extraordinary writ of habeas corpus. The author further would find Jonas has not demonstrated the division of probation and parole actually awarded sufficient earned compliance credits to entitle him to discharge before the circuit court revoked his probation. Legal entitlement to earned compliance credits should not be conflated with the actual award of such credits. Until the division actually awarded Jonas his earned compliance credits, he was not entitled to early discharge, his term had not yet expired and the circuit court retained authority to revoke probation.