OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

CORDELL NICHOLS, JR,	)	No. ED109897
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
	)	Case No. 2022-CC00200-01
vs.	)	
	)	Honorable Craig E. Hellmann
THOMAS MCCARTHY,	)	
	)	
Respondent.	)	Filed: December 14, 2021

The petitioner, Cordell Nichols, Jr., appeals the judgment entered by the Circuit Court of the City of St. Louis in favor of the respondent, Judge Thomas McCarthy, in this declaratory judgment action. Nichols sought a declaration that Missouri Supreme Court Rule 33.01(c) requires the circuit court to consider a defendant's ability to pay when setting monetary conditions of release in the *initial* arrest warrant in criminal cases.

AFFIRMED.

DIVISION THREE HOLDS: We must interpret and apply the rules as the Supreme Court writes them. We cannot read selected portions of the rule in isolation so as to omit crucial language. Likewise, we cannot add language to a plainly worded rule to impose additional requirements on parties or the courts.

We hold Rules 22.04 and 33.01 require only that the court rely on available information—meaning information present or ready for immediate use—when setting bond in an *initial* arrest warrant. Generally, information regarding a defendant's ability to pay is not available to the court when it issues the initial warrant. Only if the information available at the time includes information regarding the defendant's ability to pay is the court required to consider it. Therefore, we further hold that the rules do not impose upon police, prosecutors, and courts an obligation to investigate a defendant's financial resources and ability to pay before an *initial* warrant for arrest can be issued under Rule 22.04. We affirm the trial court's judgment.

Opinion by: Angela T. Quigless, J.

Philip M. Hess, P.J., and Colleen Dolan, J.

Attorney for Appellant: Matthew G. Mueller, MGM Law LLC

Attorney for Respondent: James J. Simeri, Office of the Missouri Attorney General

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.