Summary of SC100369, *State ex rel. Lamar Lamont Woods, Gregory Ponray Crawford, Jessica Monique Jean Carter, Christopher Lamont Robbins, Tyrell Welch, Gennise Mackey, and Toron Mitchell v. The Honorable Catherine Dierker*

Proceedings originating in the St. Louis circuit court
Argued and submitted January 4, 2024; opinion issued March 5, 2024

Attorneys: Woods was represented by Brendan Kottenstette of the public defender's office in St. Louis, (314) 340-7626. The state was represented by Gregory M. Goodwin of the attorney general's office in Jefferson City, (573) 751-3321.

This summary is not part of the opinion of the Court. It is provided 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: A criminal defendant seeks a writ of mandamus ordering the circuit court to conduct a preliminary hearing within 48 hours. In a unanimous decision written by Judge Ginger K. Gooch, the Supreme Court of Missouri quashes its preliminary writ. The state's filing of an indictment against the defendant renders this writ case moot, and no exception to the mootness doctrine applies by which this Court could exercise its discretion to reach the merits of the case.

Facts: In June 2023, the state filed a felony complaint against Lamar Lamont Woods charging him with three counts of first-degree rape. Woods moved for mandamus relief, alleging the circuit court violated Rule 22.09(a), resulting in him being confined in jail with no bond for 162 days on the criminal complaint, with his preliminary hearing delayed for 129 days beyond the rule's 30-day deadline. Woods alleged the St. Louis circuit court and the circuit attorney's office have a practice of failing to adhere to Rule 22.09(a)'s mandatory deadlines , resulting in criminal defendants remaining in confinement on felony charges without a preliminary hearing while the state pursues a grand jury indictment. This Court issued a preliminary writ of mandamus. The following day, the state filed a grand jury indictment charging Woods with two counts of first-degree rape, one count of first-degree sodomy, one count of armed criminal action and one count of unlawful possession of a firearm. Woods now seeks the preliminary writ be made permanent.

PRELIMINARY WRIT QUASHED.

Court en banc holds: (1) The indictment filed against Woods rendered this case moot. Because Woods has been indicted on the same charges at issue in the complaint, he no longer is entitled to a preliminary hearing on those charges. Any relief this Court might issue in mandamus would have no practical effect on any existing controversy.

(2) The "capable of repetition yet evading review" exception to the mootness doctrine does not apply because Woods has not established this issue is capable of repetition or will recur. The record reflects the respondent judge was appointed recently and was not involved with the case until November. The record further reflects the respondent judge has conducted preliminary hearings during her time on the bench, has revised forms and taken other steps to promote compliance with Rule 22.09(a), and has entered an order regarding good cause to continue the preliminary hearing in this matter.