



Missouri Court of Appeals
Southern District

In Division

STATE OF MISSOURI, EX REL.
SAI-JAHN CARTER,

Relator,

v.

THE HONORABLE ROBERT MAYER,

Respondent.

No. SD39084

Filed: October 31, 2025

ORIGINAL PROCEEDING IN MANDAMUS

PERMANENT WRIT IN MANDAMUS ISSUED

Sai-Jahn Carter (“Carter”) petitions this Court for a writ of mandamus compelling the Honorable Robert Mayer (“the circuit court”) to enter an order that Carter be released from the Missouri Department of Corrections (“MDC”) and placed on probation pursuant to the requirements of section 559.115.3. The circuit court filed an answer and admitted all of allegations Carter set forth in his petition. In light of the parties’ filings, we issued a preliminary writ of mandamus. We now make said writ permanent and direct the circuit court to release Carter on probation.

Factual and Procedural Background

Carter pleaded guilty to one count of third-degree assault against a special victim and one count of resisting arrest. The circuit court sentenced him to concurrent incarceration terms of seven and four years respectively, recommended placement in a **“120-Day Program”** under section 559.115, and directed MDC to “provide a report and recommendation whether probation should be granted” within the required timeframe.

Upon his arrival at MDC on September 9, 2024, Carter was assessed and placed in the short-term mandated substance abuse program. On December 6, 2024, the board of probation and parole submitted a first report to the circuit court, noting Carter had incurred some conduct violations but rated him “satisfactory in all areas of his treatment review.” The report concluded that “Carter will successfully complete” his treatment program and that “his 120th day is 01/07/25 and he will be released on that date, unless otherwise ordered by the Court.” On December 23, 2024, the circuit court issued an order that Carter would be released from MDC effective January 7, 2025, and placed on supervised probation for a period of three years.

On the day of his planned release, January 7, 2025, the board of probation and parole issued a supplemental report, alleging Carter had incurred two new conduct violations. The details of those allegations were that Carter violated MDC rule 30.1 on January 3, 2025, by bunking in a wing to which he was not assigned and violated MDC rules 10.1 and 18.1 on January 6, 2025, by shoving another inmate off a footlocker into a sergeant. Regarding Carter’s planned release, the report stated only as follows:

Carter is scheduled to be released on his 120th day of 01/07/25 and has been provided an Order of Supervised Probation. These violations have not been adjudicated as they have just occurred. If it is the intent of the Court to deny his probation and rescind the current Order of Probation, this office will need that denial immediately.

(Citation modified.)

The same day the board of probation and parole issued its supplemental report, the circuit court ordered that Carter's sentences of incarceration be executed. The circuit court's order, issued without first conducting a hearing, stated, without elaboration, that it would be an "abuse of discretion" to release Carter on probation.

Discussion

Carter asserts and we agree that mandamus is appropriate in light of the aforementioned factual and procedural background and the following statutory requirements:

When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, *the offender shall be released on probation* if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, the division of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. *The court shall follow the recommendation of the department unless the court determines that probation is not appropriate.* If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence *only after conducting a hearing on the matter within ninety to one hundred twenty days from the date the offender was delivered to the department of corrections.*

Section 559.115.3 RSMo. Cum.Supp. (2022) (emphasis added).

"A defendant may challenge the denial of probation required by Section 559.115.3 via a writ of mandamus." *State ex rel. Wynn v. Lipke*, 712 S.W.3d 880, 881 (Mo.App.

2025). “While, ordinarily, mandamus does not control the exercise of a trial court’s discretionary powers, if the respondent’s actions are incorrect as a matter of law, then that action is considered an abuse of discretion and mandamus is appropriate.” *Id.* at 881-82.

Here, the circuit court erred as a matter of law. Under the plain language of the aforementioned statute, because the board of probation and parole timely reported that Carter will successfully complete his 120-day program and provided his probationary release date, the circuit court was *required* to hold a hearing before denying his release on probation. *See, e.g., State ex rel. Valentine v. Orr*, 366 S.W.3d 534, 541 (Mo. banc 2012); *State ex rel. Wynn*, 712 S.W.3d at 882; *State ex rel. Young v. Elliott*, 565 S.W.3d 711, 715 (Mo.App. 2018). We note and acknowledge that no such hearing is required under this statute in the event an offender has *not* successfully completed a 120-day program. *E.g., State ex rel. Newton v. Johnson*, 496 S.W.3d 516, 521 (Mo.App. 2016). However, the board of probation and parole’s later-filed supplemental report, although alleging subsequent conduct violations, does not indicate that those violations prevented Carter from completing his 120-day program or otherwise affected his probationary release date.

We recognize the extraordinary difficulty in conducting a hearing in the situation thrust before the circuit court where it received new information on the 120th day after Carter’s delivery to MDC. Nevertheless, that date was the statutory deadline for a mandatory hearing if the circuit court believed that probation was not appropriate for Carter. *See State ex rel. Mertens v. Brown*, 198 S.W.3d 616, 618 (Mo. banc 2006)

(“Once 120 days passed and the trial court failed to hold a hearing, the trial court was required to place Mertens on probation.”).

Decision

The preliminary writ of mandamus is made permanent. The circuit court is directed to order that Carter be released on probation.

BECKY J. WEST, J. – OPINION AUTHOR

JEFFREY W. BATES, J. – CONCURS

MATTHEW P. HAMNER, J. – CONCURS