In the Missouri Court of Appeals
Eastern District

WRIT DIVISION FOUR

RICHARD HOLDEN, Relator, v. THE HONORABLE TIMOTHY MILLER, ASSOCIATE CIRCUIT JUDGE, 23RD JUDICIAL CIRCUIT, Respondent.	)	No. ED114079 Writ of Mandamus Filed: December 23, 2025

Appeal from the Circuit Court of Jefferson County
The Honorable Timothy S. Miller, Judge

Introduction

Richard Holden ("Holden") petitions this Court for a Writ of Mandamus for the purpose of compelling the Honorable Timothy S. Miller ("Respondent") to admit Holden to bail. This Court makes the Preliminary Order in Mandamus permanent. Respondent is ordered to set aside his order denying Holden bond, conduct a bond hearing, and set an appropriate bond as outlined in Supreme Court Rule 33.01.[1]

[1] All references are to Missouri Supreme Court Rules (2025).

Background

Holden is 45 years old, and a longtime resident of Greensburg, Louisiana. He has been a truck driver for 20 years. During his tenure as a truck driver, Holden held a valid commercial driver's license ("CDL")[2] in good standing and had no history of traffic violations. He was employed by Transfinity Logistics to drive a semi-truck from New Orleans to Chicago. On September 28, 2025, Holden was driving northbound on I-55 when he allegedly caused an eight-vehicle crash which resulted in three fatalities. At the scene, Holden was cooperative with the officers who investigated the crash.

Subsequently, Holden was charged with three (3) class E felonies of involuntary manslaughter in the second degree. The State alleged Holden caused the deaths of three Victims by colliding with the vehicles the Victims were occupying, and he did so with criminal negligence in that he failed to maintain a safe distance of travel. The State's probable cause statement, submitted by the Missouri Highway Patrol, made no allegations Holden was intoxicated, under the influence of any substance, or that he was distracted while driving by any device such as a cell phone or radio. Notably, the probable cause statement has sections to include whether there was a belief "defendant will not appear in court to respond to a criminal summons" or "defendant poses (1) a danger to a crime victim [or] (2) a danger to the community or to any other person," which were left blank. In its request for an arrest warrant and conditions of release, the State requested bond be denied pursuant to Rule 33. The basis of their request was

[2] Holden's CDL was revoked following the car crash.

Holden is "both a danger to the community and a flight risk" because Holden has "no ascertainable ties to Missouri and is a resident of another state" and was "a holder of a commercial driving privilege and [had] the ability to drive further semi-trucks." Respondent denied Holden bond.

Holden filed a petition for writ of mandamus with this Court. We issued a preliminary order in mandamus and ordered Respondent to file his answer and suggestions in opposition to the petition for a writ. Respondent has filed an answer and suggestions in opposition. This Court has dispensed with briefing and argument as necessary in the interest of justice. Rule 84.24(i).

Standard of Review

"[M]andamus is an extraordinary remedy effective to compel performance of a particular act by one who has an unequivocal duty to perform the act." *State ex rel. Rosen v. Smith*, 241 S.W.3d 431, 433 (Mo. App. E.D. 2007) (quoting *Gould v. Missouri State Bd. of Registration for the Healing Arts*, 841 S.W.2d 288, 290 (Mo. App. E.D. 1992)) (internal quotations omitted). "A writ of mandamus is appropriate where it is necessary to prevent great injury or injustice." *State ex rel. Farley v. Jamison*, 346 S.W.3d 397, 399 (Mo. App. E.D. 2011). A petitioner seeking mandamus relief "must allege and prove that it had an unequivocal, clear, specific right to the thing claimed." *Id*. "Mandamus does not issue except in cases where the ministerial duty sought to be coerced is definite, arising under conditions admitted or proved and imposed by law." *Furlong Cos., Inc. v. City of Kansas City*, 189 S.W.3d 157, 166 (Mo. banc 2006).

Discussion

Article I, section 20, of the Missouri Constitution provides "all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great." "It 'may be said generally … that one accused of crime is entitled to bail as an absolute right, subject to the limitation that it should be denied in capital cases where the proof is evident or the presumption great.'" *Lopez-Matias v. State*, 504 S.W.3d 716, 718 (Mo. banc 2016) (quoting *Ex parte Burgess*, 309 Mo. 397, 274 S.W. 423, 426 (1925)). This right to "bail" is the right of an accused to be released prior to trial in all but capital cases. *Id*.

Under article I, section 20, "the only purpose of bond is to secure the appearance of the defendant at the trial." *State v. Jackson*, 384 S.W.3d 208, 215 (Mo. banc 2012) (quoting *State ex rel. Corella v. Miles,* 303 Mo. 648, 262 S.W. 364, 365 (1924)). While "Missouri expanded the purpose of bail to include protection of crime victims by adopting article I, section 32(2), [it] ***did not*** thereby permit use of bail to keep a defendant from being released." *Id.* (emphasis added). Pursuant to article I, section 32, section 544.455[3] and Rule 33.01 allow a "trial court to 'impose conditions on bail to protect others as well as to secure defendant's return or even deny bail if the State shows that the defendant poses a danger to the victim or public.'" *Lopez-Matias*, 504 S.W.3d at 720 (quoting *Jackson*, 384 S.W.3d at 215–16). Additionally, section 544.455 and Rule 33.01 "give the trial [court] broad discretion in setting bail amounts and allow the judge to

[3] All references are to Mo. Rev. Stat. 2000 (2013).

decide whether and how to set bail on a case-by-case basis following careful consideration of relevant factors." *Jackson*, 384 S.W.3d at 216. Pursuant to Rule 33.01(e), a trial court should consider the following factors:

> [T]he nature and circumstances of the offense charged; the weight of the evidence against the defendant; the defendant's family ties, employment, financial resources, including ability to pay, character, and mental condition; the length of the defendant's residence in the community; the defendant's record of convictions; the defendant's record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings; whether the defendant was on probation, parole or release pending trial or appeal at the time the offense for which the court is considering detention or release was committed; and any validated evidentiary-based risk assessment tool approved by the Supreme Court of Missouri.

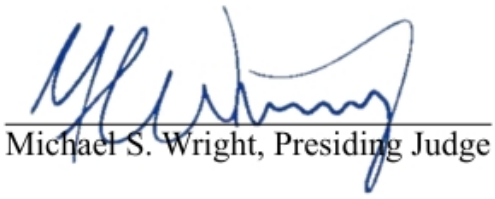
The Supreme Court of Missouri has made clear, "[b]ail is not to be used as a means of punishment." *Jackson*, 384 S.W.3d at 216.

Respondent contends it was presented with information that went directly to both the critical factors of safety of the community and flight risk. We disagree. Neither Missouri law nor Rule 33.01 grants the trial court the blanket authority to deny bond because of a belief that a defendant, upon his release, *might* not appear in court simply because he is not a resident of Missouri and previously held a valid CDL. Here, Holden is not charged with a capital offense; rather, he is charged with three class E felonies, which makes him eligible for bond. Holden does not have a criminal record and there is no basis in the record to support the contention he is a danger to the community. Holden's residence in another state, in and of itself, does not make him a flight risk. Nothing in the record about Holden's background or history suggests he will not appear for court as ordered.

Therefore, Respondent erred in denying Holden bond.

Conclusion

Accordingly, the Preliminary Order in Mandamus is made permanent. Respondent is ordered to set aside his order denying bond, conduct a bond hearing immediately, set a bond compensatory with the charges and not fixed at more than is necessary to secure Holden's appearance,[4] and place reasonable conditions, if any, for release, that are compliant with Rule 33.01.



Michael S. Wright, Presiding Judge

John P. Torbitzky, Chief Judge and
Renée Hardin-Tammons, Judge concur.

[4] This Court finds its necessary to emphasize, that "[s]ince the only purpose of bond is to secure the appearance of the defendant at the trial, any bail fixed at more than is necessary to secure that appearance is excessive." *Jackson*, 384 S.W.3d at 216 (quoting *Corella*, 262 S.W. at 365). "If bail is set higher than necessary to secure the defendant's appearance or to protect the public, it constitutes an impermissible punishment, contrary to the venerable presumption that a defendant is innocent until proven guilty." *Id*.