Missouri Court of Appeals
Southern District

In Division

STATE OF MISSOURI EX REL.
BRANDON LEE RUTZ,

Relator,

v.

THE HONORABLE R. CRAIG CARTER,
CIRCUIT JUDGE,

Respondent.

Case Number SD39403

Filed: September 4, 2026

ORIGINAL PROCEEDING IN PROHIBITION

PRELIMINARY WRIT OF PROHIBITION MADE PERMANENT

Brandon Rutz (Relator) filed a writ of prohibition with this Court asking that the Honorable R. Craig Carter (Respondent Judge), presiding judge of the 44th Judicial Circuit: (1) take no further action to revoke Relator's parole; (2) be prohibited from proceeding in any manner in Wright County case number 23WR-CR00481-01; and (3) be directed to eliminate the jail board bill assessed against Relator. We issued a preliminary writ, which we now make permanent. *See* ***State ex rel. Unnerstall v. Berkemeyer***, 298

S.W.3d 513, 516 (Mo. banc 2009); ***State ex rel. Jackson v. Parker***, 496 S.W.3d 559, 563 n.8 (Mo. App. 2016).

Factual and Procedural Background

The factual record is undisputed. On August 10, 2023, Relator pled guilty to the D felony of burglary in the second degree in Wright County case number 23WR-CR00481-01. *See* § 569.170 RSMo (2016). He was sentenced to seven years in the Missouri Department of Corrections (DOC). Execution of this sentence was suspended, and he was placed on a five-year term of probation. As a special condition of probation, Relator was ordered to pay restitution in the amount of $830.35.

On April 30, 2024, Relator was ordered to complete a court-ordered detention sanction as a condition of his probation. After a 120-day program, Relator was released on probation.

On February 18, 2025, Respondent Judge revoked Relator's probation, executed the previously imposed seven-year sentence in DOC, and ordered Relator to "pay restitution per order filed as a condition of parole." On June 11, 2025, Relator was released from DOC by order of the Board of Probation and Parole (Board), pursuant to § 217.690 RSMo Cum. Supp. (2021).

On July 9, 2025, the Prosecuting Attorney of Wright County filed a motion to revoke Relator's parole due to failure to pay any restitution. On July 10, 2025,

Respondent Judge issued a summons for Relator to appear in court on the Motion to Amend and/or Revoke Parole on July 29, 2025.

On November 18, 2025, Respondent issued an arrest warrant (the "parole warrant") for Relator and ordered no bond. Relator was arrested on the parole warrant and confined in the Wright County Jail from November 21, 2025, to November 25, 2025. As a result, he incurred a jail board bill in the amount of $180. On November 25, 2025, Respondent Judge entered a docket entry ordering the parole warrant to be recalled and continuing Realtor on parole.

On February 4, 2026, Relator filed a petition for a writ of prohibition with this Court. On February 18, 2026, we issued a preliminary writ of prohibition in this proceeding.

Discussion and Decision

The issue presented by this writ petition is identical to the issue we addressed and decided in *State ex rel. Prettyman v. Honorable Lynette Veenstra*, SD39402, on September 4, 2026. We agree with that decision and apply its rationale here. For the reasons explained in *Prettyman*, the Respondent Judge lacked the statutory authority to hold a parole revocation hearing or to revoke Board-granted parole for Relator, who has been committed to and remains in the legal custody of DOC. Accordingly, we make our preliminary writ permanent. Respondent Judge is prohibited from taking any further action in Relator's criminal case, *State v. Brandon Lee Rutz,* Wright County case number

23WR-CR00481-01, except to eliminate the November 2025 jail board bill in the amount of $180 assessed against Relator. Respondent Judge is required to do so because he lacked the statutory authority to arrest Relator in an attempt to revoke his parole.

JEFFREY W. BATES, J. – OPINION AUTHOR

MATTHEW P. HAMNER, J. – CONCUR

BRYAN E. NICKELL, J. – CONCUR