

MISSOURI COURT OF APPEALS EASTERN DISTRICT  
OPINION SUMMARY

WRIT DIVISION ONE

STATE OF MISSOURI, ex rel.	)	No. ED103888
JESSICA A. WEAVER,	)	
	)	Writ of Prohibition
Relator,	)	
	)	
vs.	)	Cause No: 09SF-CR01918-01
	)	
HONORABLE SANDY MARTINEZ,	)	
Circuit Judge, Division 1, Twenty-Fourth	)	
Judicial Circuit,	)	
	)	
Respondent.	)	Filed: February 2, 2016

Jessica Weaver (Relator) seeks a writ of prohibition against the Honorable Sandy Martinez (Respondent) to prohibit Respondent from conducting a probation revocation hearing to determine whether Relator violated a third term of probation. Relator asserts that the trial court had no authority to place her on a third term of probation because Missouri law permits only two.

PETITION FOR WRIT OF PROHIBITION GRANTED

WRIT DIVISION ONE HOLDS: Under §559.036.5 and established Missouri precedent, a court may impose a new term of probation only once. When a court has no authority to impose a third term of probation, it likewise has no authority to conduct a hearing to adjudicate whether Relator violated that probation.

Opinion by: Lisa Van Amburg, Chief Judge

Sherri B. Sullivan., Judge, and Kurt S. Odenwald, Judge, concur.

Attorney for Relator: Ryan Martin

Attorney for Respondent: Jerrod Mahurin

**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.**