

FILED

SEP 03 2010

STENICA, UNSTATED
CERENDA, UNSTATED
CIRCUIT COURT
COLE COUNTY, MISSOURI



**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

09AC-CR03516

STATE OF MISSOURI ex rel. ALYSSA)
D. BUSTAMANTE,)

Relator,)

v.)

WD72892

THE HONORABLE PATRICIA)
JOYCE, JUDGE, 19TH JUDICIAL)
CIRCUIT,)

Respondent.)

ORDER

The court acknowledges the filing of Relator's "Application for a Writ of Mandamus or Prohibition and Suggestions in Support of the Application, With Attached Exhibits" and "Motion to Proceed in Forma Pauperis," on September 2, 2010.

The court grants Relator leave to proceed in forma pauperis.

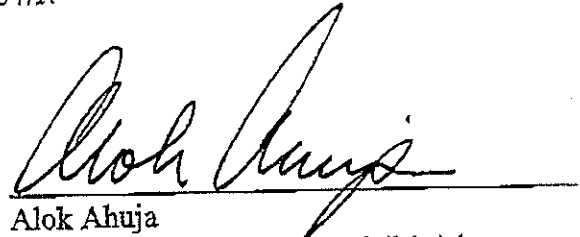
The Respondent is directed to provide suggestions in opposition to the Application for a Writ of Mandamus or Prohibition in *State re rel. Alyssa D. Bustamante v. The Honorable Patricia Joyce*, WD72892, on or before September 13, 2010.

Without limitation, the Respondent is requested to address the following issues:

- (1) Whether the underlying case, 09AC-CR03516, is the proper proceeding in which to raise this claim;
- (2) The applicability of sections 167.031 and 167.164 RSMo.; and

(3) Whether the Cole County Sheriff is either a "person in this state having charge, control or custody of a child not enrolled" in school pursuant to section 167.031, or subject to the first sentence of section 167.164.1.

Dated this 3rd day of September, 2010.



Alok Ahuja
Acting Presiding Judge, Writ Division

Karen King Mitchell, Judge, concurs.

cc: Janet M. Thompson, Esq.
Fax: 573-884-4921
Attorney for Relator

The Honorable Patricia Joyce
Cole County Circuit Court
Fax: 573-634-9208
Respondent

Brenda A. Umstattd
Cole County Circuit Clerk
Fax: 573-635-0796

Mark Richardson, Esq.
Cole County Prosecuting Attorney
Fax: 573-634-7797