

In The Supreme Court of Missouri
en banc

State of Missouri ex rel. Andrew Bailey,
Relator,

vs.

No. SC100707

The Honorable Bruce F. Hilton, Circuit Judge,
Respondent.

PRELIMINARY WRIT OF PROHIBITION

THE STATE OF MISSOURI to the Honorable Bruce F. Hilton,

WHEREAS, Relator has represented to the Supreme Court of Missouri that you, the said Honorable Bruce F. Hilton, Judge, Circuit Court of St. Louis County, have entered a consent order and judgment in Case No. 24SL-CC00422, entitled In re: Prosecuting Attorney, 21st Judicial Circuit, ex rel. Marcellus Williams, Movant/Petitioner, vs. State of Missouri, Respondent, vacating Marcellus Williams's first-degree murder conviction;

AND WHEREAS, Relator has represented that your consent order and judgment of August 21, 2024, violates the law of the State of Missouri;

NOW, THEREFORE, the Supreme Court of Missouri COMMANDS that on or before August 22, 2024, you either:

- (1) set aside said consent order and judgment and file notice with this Court that you will take action required by Section 547.031, including holding the evidentiary hearing previously scheduled and anticipated, permitting the Attorney General to participate pursuant to Section 547.031.2 and Section 27.060, and following such evidentiary hearing required by Section 547.031, applying the burden of proof set out in said statute, make findings of fact and conclusions of law as required by Section 547.031 in a timely manner, but no later than September 13, 2024; or
- (2) in the event you choose not to set aside said consent order and judgment, file a written return with the Supreme Court of Missouri in which you show cause, if you have any, why the Supreme Court of Missouri should not issue a permanent writ directing you to do as set out in (1).¹

IN ADDITION, if you choose not to do as set out in (1), you shall take no other action in this cause until further order of the Supreme Court of Missouri other than filing your return as set forth above.

¹ See Order issued contemporaneously herewith regarding administrative stays.

Herein fail not at your peril.



Given under my hand and seal of
said Court, at the City of Jefferson,
this 21st day of August, 2024.

Betsy Edgewood, Clerk

Alma Dickson, Deputy Clerk



Supreme Court of Missouri
en banc

SC100707

State of Missouri, ex rel. Andrew Bailey, Relator,
vs.
The Honorable Bruce F. Hilton, Circuit Judge, Respondent.

- Sustained
- Overruled
- Denied
- Taken with Case
- Sustained Until
- Other

Order issued: Relator's motion for an emergency or administrative stay of the circuit court proceedings and his motion to dispense with time limitations under Rule 84.24 are overruled as moot. In the event the Respondent does not set aside its order and proceed as set forth in paragraph 1 of the preliminary writ issued contemporaneously with this order, the Respondent may file a motion seeking an administrative stay of the execution date from this Court pending full resolution of these writ proceedings as contemplated by paragraph 2 of the preliminary writ.

By: Mary R. Russell
Chief Justice

August 22, 2024
Date