

AUG 0 4 2015

IN THE SUPREME COURT OF THE STATE OF MISSOURI

DAWN DZIUBA,
Relator

)
)
)
)
)
)
)

095174

CLERK, SUPREME COURT

v.

JUDGE COLLEEN DOLAN,
Respondent

MO Court of Appeals Case: ED103219

St. Louis Circuit Case: 14SL-CRO5229

WRIT SUMMARY

Relator: Dawn Dziuba

Respondent: Judge Colleen Dolan

Nature of Underlying Action: Relator is a defendant in the criminal cause of State of Missouri v. Dawn Dziuba, Cause No. 14SL-CRO5229. Respondent is Judge Colleen Dolan, judge of the Circuit Court of St. Louis County.

Action of Respondent Being Challenged: Judge Dolan’s failure to comply with the requirements of RSMo § 552.020.7 to hold a hearing where a report is contested and to have the defendant exercise her right to cross-examine witnesses and present evidence.

Relief Requested by Relator: Relator is entitled to an order of mandamus ordering Judge Dolan to hold a competency hearing pursuant to RSMo § 552.020.7 and to order Judge Dolan to permit Defendant to exercise her right to cross-examine the examiner because the examiner’s report was contested by defendant’s timely objection, in that RSMo § 552.020.7 provides that, “If any such report is contested, the court shall hold a hearing on the issue.” and that ... “ the party contesting any opinion therein shall have the right to summon and to cross examine the examiner who rendered such opinion and to offer evidence upon the issue.” Relator is entitled to a writ of prohibition prohibiting Judge Dolan from proceeding further until Judge Dolan holds a competency hearing pursuant to RSMo § 552.020.7.