

FILED

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI APR 28 2010
DIVISION IV

BRENDA A. UMSTATTD
CLERK CIRCUIT COURT
COLE COUNTY, MISSOURI

STATE OF MISSOURI,)
)
 Plaintiff,)
)
 vs.)
)
 ALYSSA DAILEN BUSTAMANTE,)
)
 Defendant.)

Case No. 09AC-CR03516

**STATE'S SUGGESTIONS IN OPPOSITION TO
DEFENDANT'S MOTIONS REQUESTING SPECIAL CLOTHING,
SPECIAL EDUCATION, AND SPECIAL EX PARTE (SECRET) FILINGS**

Comes now the State of Missouri, by and through Prosecuting Attorney Mark A. Richardson, and in opposition to defendant's motions for special treatment states the following suggestions:

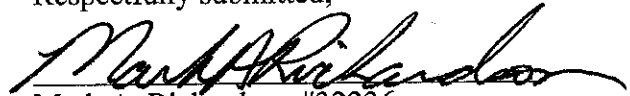
1. The Court should deny defendant's motion given the ruling in *Deck v. Missouri*, 544 U.S. 622 (2005). The constitution has been interpreted as prohibiting visible shackles during the trial before the jury. The State has learned that the Court Marshall and Sheriff have already developed a non-visible restraint for the defendant when she appears before the jury. There is no need to dictate the type of restraint, visible or non-visible, in appearances before the Court. If the concern is with public media broadcast of the defendant at the pre-trial court appearances, then the Court should restrict the media from obtaining or filming the defendant in pre-trial hearings.

2. The Court should deny defendant's motion for special education on the basis that the motion is not cognizable before this Court. Defendant seems to be suggesting that she is due special treatment. However, the rules and regulations she is held under are up to the Sheriff as her custodian to afford her the constitutional rights to which any inmate is entitled—not to accord special treatment to her.

3. The Court should deny defendant's motion for special, secret, or ex parte filings because both parties must operate under the rules and laws that are in place for the trial of criminal cases. There is no authority for a Court to approve ex parte contact between the court and one party. To make a special rule for this defendant is not necessary to ensure her a fair trial.

WHEREFORE, the State requests an order of this Court denying defendant's motion for special treatment.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that a true copy of the above and foregoing was hand-delivered to Donald Catlett, attorney for the defendant, on the 28th day of April, 2010.


Mark A. Richardson