

IN THE CIRCUIT COURT OF WARREN COUNTY, MISSOURI

STATE OF MISSOURI,)	
Plaintiff,)	
)	
vs.)	Cause No. 18BB-CR00005-01
)	
NIPPER, Brittany Lynn)	
Defendant.)	

DISMISSAL

COMES NOW the State of Missouri, by and through its attorney Kelly L. King, Prosecuting Attorney for the County of Warren and dismisses the above captioned matter without prejudice for the following reasons:

1. The present cause is set for jury trial on September 25, 2023.
2. There are six cases set for trial on that date.
3. The number one setting is State v. Holiday wherein the defendant is charged with murder in the second degree.
4. Because the State was preparing for a murder trial, it filed a motion to remove the present case from the trial docket pursuant to Warren County Local Court Rule 2.4.3.
5. That motion was filed on September 18, 2023.
6. Despite two requests for a hearing on the motion, the Court declined to grant the State a hearing.
7. Defense Counsel for Mr. Holiday filed a motion to continue, which was heard on Friday, September 22, 2023.
8. The Court denied defense counsel’s motion to continue.
9. On September 22, 2023, the Court entered a docket entry stating the cause will remain on the docket and jury selection may be continued to another day later in the week as needed. The Court further ordered counsel to be available for trial “if needed later in the week.”
10. The Court’s ruling unreasonably expects the State to be prepared for six trials on the same date.
11. The Court’s ruling further prohibits the State from notifying the victims and witnesses of a specific trial date.
12. The Court’s ruling leaves the State with no alternative to dismissing and refileing the charge.

WHEREFORE, for the foregoing reasons, the State dismisses the case without prejudice.

/s/ Kelly L. King

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