

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

CHRIS KOSTER, ATTORNEY GENERAL,

Respondent,

v.

WILLIAM E. WALLS,

Appellant.

**DOCKET NUMBER WD70845
MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

Date: May 18, 2010

Appeal from:
Cole County Circuit Court
The Honorable Patricia S. Joyce, Judge

Appellate Judges:
Division One: Lisa White Hardwick, Presiding Judge, James M. Smart, Jr. and Alok Ahuja, Judges

Attorneys:
William E. Walls, Appellant Pro Se, Licking, MO, for appellant.
Laura E. Elsbury, Esq., Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS -- WESTERN DISTRICT

CHRIS KOSTER, ATTORNEY GENERAL

Respondent,

v.

WILLIAM E. WALLS,

Appellant.

WD70845

Cole County

Before Division One Judges: Lisa White Hardwick, Presiding Judge, James M. Smart, Jr. and Alok Ahuja, Judges

Appellant William E. Walls is currently incarcerated in the Department of Corrections. On February 3, 2004, the State filed a petition against Walls in the Circuit Court of Cole County, seeking reimbursement for the costs of his incarceration pursuant to the Missouri Incarceration Reimbursement Act, §§ 217.825 to 217.841, RSMo ("MIRA"). On June 29, 2004, the circuit court granted summary judgment in the State's favor. Walls appealed to this Court. We affirmed in a summary order pursuant to Rule 84.16(b). *State ex rel. Nixon v. Walls*, 167 S.W.3d 809 (Mo. App. W.D. 2005).

On January 15, 2009, Walls filed a motion to set aside the circuit court's June 29, 2004 judgment under Supreme Court Rule 74.06(b), arguing that the 2004 judgment was "void," because the Attorney General lacked "good cause" in 2004 to believe that Walls had sufficient assets to justify the filing of a MIRA petition under § 217.831.3. The trial court denied the motion on January 26, 2009. Walls appeals.

AFFIRMED.

Division One holds:

A judgment is "void" under Rule 74.06 only if the court that rendered it lacked jurisdiction of the parties or the subject matter or acted in a manner inconsistent with due process of law. While the Missouri Supreme Court held in

State ex rel. Nixon v. Peterson, 253 S.W.3d 77 (Mo. banc 2008), that the existence of “good cause” was a condition precedent to the Attorney General’s filing of a MIRA petition, and that the defendant in a MIRA action could challenge the existence of “good cause,” the Supreme Court explicitly held that the existence of “good cause” was not a jurisdictional prerequisite to the State’s recovery. *Id.* at 83-84 n.6. Although Walls argues that *Peterson* and other appellate decisions issued after the 2004 judgment against him “changed the law” with respect to the “good cause” requirement, that requirement has existed in § 217.831.3 since 1995. Although post-2004 decisions may have clarified the manner in which “good cause” challenges should be raised and resolved, they did not “change the law” in existence when the judgment against Walls was entered. We also reject Walls’s argument that the entry of the 2004 judgment denied him due process of law. Walls fully participated in the 2004 litigation both in the circuit court, and by prosecuting an appeal to this Court; we rejected Walls’s challenges to the 2004 judgment on their merits. No due process violation has been shown.

Opinion by: **Alok Ahuja, Judge**

May 18, 2010

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