

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

ROSS D. BRAND,	) ED93504
	)
Movant/Appellant,	) Appeal from the Circuit Court
v.	) of Washington County
	)
STATE OF MISSOURI,	) Honorable Kenneth W. Pratte
	)
Respondent/Respondent.	) Filed: June 15, 2010

Ross D. Brand (Appellant) appeals from the judgment of the motion court denying, without an evidentiary hearing, his Supreme Court Rule 24.035 motion for postconviction relief from his conviction and sentence in the trial court after pleading guilty of being a prior offender residing within 1000 feet of a school or child care facility, in violation of Section 566.147 RSMo 2006.

REVERSED and REMANDED.

Division Two Holds: The motion court erred in denying Appellant's Rule 24.035 motion because his conviction and sentence are in violation of Article I, Section 13 of the Missouri Constitution's prohibition against retrospective laws, in that Section 566.147 is retrospective as applied to Appellant, who pled guilty to the underlying sex offense in 1999, prior to the statute's effective date of 2004, and thus the statute unconstitutionally imposes a new obligation upon Appellant for a prior conviction. F.R. v. St. Charles County Sheriff's Department, 301 S.W.3d 56 (Mo.banc 2010).

Opinion by: Sherri B. Sullivan, P.J. Robert G. Dowd, Jr., J. and Patricia L. Cohen, J., concur.

Attorney for Appellant: Alexa I. Pearson  
Attorneys for Respondents: James B. Farnsworth and Chris Koster

<b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b>
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