

Summary of SC90285, Charles W. Rentschler, et al. v. Jeremiah Nixon, et al., consolidated with SC90418, James Laney v. Jereniah Nixon, et al.

Appeals from the Cole County circuit court, Judge Jon Beetem

Both submitted on briefs Jan. 14, 2010; opinion issued April 6, 2010, and modified on Court's own motion May 11, 2010

Attorneys: Rentschler and Laney represented themselves. The state was represented by Caleb M. Lewis in the Rentschler case and Andrew W. Hassell in the Laney case, both of the attorney general's office in Jefferson City, (573) 751-3321.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: Inmates challenge amendments to the conditional release statute that were passed nearly 20 years ago, well after each man was convicted. In a unanimous decision written by Chief Justice William Ray Price Jr., the Supreme Court of Missouri affirms the trial court's judgments finding the challenged statute to be constitutionally valid. The inmates fail to meet their burden to prove the law, as amended, violates substantive due process, constitutional provisions regarding original purpose and single subjects of legislative bills, or the prohibitions against ex post facto and retrospective laws.

Facts: Charles Rentschler and two other men (collectively, Rentschler) each were convicted of second-degree murder or other violent felonies, and each was sentenced to life in prison. James Laney was convicted of aggravated rape and was sentenced, as a persistent offender, to 30 years in prison without the possibility of probation and parole. At the time each man was sentenced, the conditional release statute, section 558.011, RSMo 1978, was silent regarding whether felons were eligible for conditional release. In 1990, well after each man was convicted, the legislature amended section 558.011, making conditional release inapplicable to those convicted of "dangerous felonies as defined in section 556.061." Those "dangerous felonies" are defined to include forcible rape, which applies to Laney, and second-degree murder, which applies to Rentschler and the two other men. All the men filed suit, in two separate cases, alleging this amendment violates various constitutional provisions. The trial court granted judgment on the pleadings in favor of the state in both cases, finding section 558.011 valid under the United States and Missouri constitutions. The men appeal.

AFFIRMED.

Court en banc holds: (1) There is no constitutional or inherent right to early release from prison. Conditional release derives solely from statutes and is not protected by substantive due process. The retroactive application of the conditional release modification does not violate substantive due process.

(2) Rentschler's arguments that House Bill No. 974 – the 1990 bill that amended section 558.011, violates the state constitutional provisions regarding original purpose and single subjects – are time-barred equitably and do not overcome the presumption that the bill followed

constitutionally proper procedure. Although the legal bar of the statute of limitations may not be used because the state did not raise it as an affirmative defense, the doctrine of laches – which wards against neglect for unreasonable and unexplained delay to do what legally should have been done sooner – may apply to bar unreasonably tardy claims such as those here. Further, Rentschler’s arguments lack merit. A proper claim under article III, section 21 of the Missouri Constitution requires comparison of the purpose of the bill as introduced and as actually passed. Here, however, Rentschler claims the bill as passed changed the purpose of the previously enacted version of the statute. In addition, article III, section 23 of the Missouri Constitution mandates that a bill shall contain no more than one subject. Here, however, conditional release and sentencing both are subjects “relating to the department of corrections,” which was the overall purpose and subject matter of the bill.

(3) The amendment to section 558.011 is not an ex post fact law, which is prohibited by the United States and Missouri constitutions. Such laws affect only criminal matters – here, the sentences that Laney and Rentschler received. Section 558.011 specifically divides a conviction into a “sentence term” and a “conditional release term.” Any modification of the conditional release term cannot affect the sentence term originally imposed against Laney and Rentschler.

(4) Section 558.011 does not violate the prohibition on retrospective laws. Article I, section 13 of the Missouri Constitution prohibits a law that creates a new obligation, imposes a new duty, or attaches a new disability with respect to transactions or considerations already past as well as a law that impairs a vested right. Here, the law impairs no vested right nor creates a new disability. The board of probation and parole has plenary discretion in granting conditional release. Inmates have no right to conditional release until and unless the board actually issues a date for conditional release. The board’s consideration of whether to grant conditional release to any inmate is a mere possibility, nothing more.