

Summary of SC90542, *State ex rel. Dwight Laughlin v. Michael Bowersox*

Writ proceeding originating in the Newton County circuit court

Argued and submitted May 5, 2010; opinion issued Aug. 23, 2010

Attorneys: Laughlin was represented by Ginger Gooch of Husch Blackwell Sanders LLP in Springfield, (417) 268-4000, and the state was represented by Andrew W. Hassell 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: A man convicted in 1993 for burglary and property damage of a post office seeks this Court's relief from his conviction, in a writ of habeas corpus (releasing a person held in violation of state or federal law), alleging the trial court lacked jurisdiction over his crimes because they occurred on federal property. In a unanimous decision written by Judge Michael A. Wolff, the Supreme Court of Missouri orders the man discharged from his sentence. The state ceded jurisdiction over the property it sold to the federal government for the establishment of a post office and did not retain the right to prosecute criminal acts allegedly committed there. The federal constitution gives the federal government "exclusive" jurisdiction over the property. As such, the man was convicted by a state court without jurisdiction to do so. Neither the passage of time nor the failure of the man's previous counsel to raise the issue in an earlier appeal can confer jurisdiction on the circuit court.

Facts: Dwight Laughlin was charged, as a prior and persistent offender, with first-degree burglary and first-degree property damage for unlawfully entering and damaging property in the United States post office in Neosho. In 1993, he was convicted of both charges and was sentenced to consecutive sentences in prison of 30 years for the burglary and 10 years for the property damage. He appealed and, while the appeal was pending, also moved to vacate the judgment pursuant to Rule 29.15. In the latter motion, he argued the trial court lacked jurisdiction because "it was a federal offense thereby preempting state court jurisdiction." The circuit court denied his claim, and Laughlin appealed its decision. Neither appeal, however, raised the issue of jurisdiction, and the court of appeals affirmed both judgments. Laughlin seeks habeas corpus relief, challenging the Newton County circuit court's jurisdiction over his criminal case. This Court granted its writ in March 2010.

PETITIONER ORDERED DISCHARGED.

Court en banc holds: (1) Laughlin is entitled to discharge from his sentence because the trial court lacked subject-matter jurisdiction over his criminal case. Subject-matter jurisdiction is the authority of a court to hear and decide a case. Although Missouri courts generally have subject-matter jurisdiction over criminal cases under article V, section 14 of the Missouri constitution, no state – including Missouri – can grant subject-matter jurisdiction over matters that are within the exclusive jurisdiction of the federal courts. Section 12.010, RSMo, gives the state's consent to the federal government's purchase of land on which to establish and maintain post offices. Section 12.020, RSMo, cedes jurisdiction over that land to the United States, reserving to the

state the right to serve process there but not to prosecute crimes committed on the property. These statutes recognize article I, section 8, clause 17 of the United States Constitution, which grants to the federal government “exclusive” jurisdiction over all property the federal government purchases with consent of a state government for certain “needful [b]uildings.” When the United States purchased the land on which to build the Neosho post office, Missouri had ceded jurisdiction over that land to the federal government, whose constitution deprives Missouri’s courts of the authority to enforce state laws on this federal property. That Laughlin may have been in Missouri and not on federal property when he acquired the instrumentalities of his alleged acts or formed the requisite intent to commit the crimes, or that Laughlin’s actions may have affected the state in some way, does not permit the state to usurp the federal government’s exclusive jurisdiction over the post office land. Therefore, Missouri had no jurisdiction to prosecute Laughlin for crimes committed at the Neosho post office.

(2) Because the circuit court lacked authority to try Laughlin, his failure to appeal the jurisdiction issue in the earlier appeals cannot confer subject-matter jurisdiction on a court whose jurisdiction was void from the beginning. Habeas relief subsequent to a post-conviction relief motion under Rule 29.15 or Rule 24.035 is not barred when a petitioner such as Laughlin can demonstrate a jurisdictional defect. Lack of jurisdiction is precisely what habeas corpus originally was intended to remedy. Here, the time period for filing a post-conviction relief motion under Rule 29.15 has passed, and Laughlin may seek a writ of habeas corpus under Rule 91.06 to challenge his illegal confinement under the judgment of a court that lacked subject-matter jurisdiction. A collateral attack of a state court’s subject-matter jurisdiction is allowed when the federal courts had exclusive jurisdiction over the matter. No preclusion doctrine can confer jurisdiction on a state court whose judgment was void from the beginning. Accordingly, if a criminal judgment is entered by a court without jurisdiction to do so, such a proceeding always should be found to be void, whether determined on direct appeal or in a habeas proceeding.