

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

Appellant,

v.

DONALD EUGENE BROWN,

Respondent.

DOCKET NUMBER WD74114

Date: September 25, 2012

Appeal from:
Henry County Circuit Court
The Honorable Wayne P. Strothmann, Judge

Appellate Judges:
Division Four: Lisa White Hardwick, Presiding Judge, James E. Welsh and Cynthia L. Martin, Judges

Attorneys:
Richard M. Shields, Clinton, MO, for appellant.
Donald E. Brown, Pro Se, Versailles, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI

v.

DONALD EUGENE BROWN,

Appellant,

Respondent.

WD74114

Henry County

Before Division Four: Lisa White Hardwick, Presiding Judge, James E. Welsh and Cynthia L. Martin, Judges

The State of Missouri appeals the circuit court's dismissal of a felony charge against Donald Brown for second-degree domestic assault. The State contends the court erred in dismissing the charge under the Uniform Mandatory Disposition of Detainers Law (UMDDL), Section 217.450 et seq., RSMo, because it did not apply the current version of the statute.

AFFIRMED.

Division Four holds:

The circuit court did not err in dismissing the charge against Brown. The protections of the UMDDL were triggered on August 4, 2009, when the Henry County Sheriff's Department faxed a copy of Brown's arrest warrant on the domestic assault charge to the Department of Corrections (DOC). Under the version of Section 217.450.1 in effect at that time, Brown was required to show only that a "detainer ha[d] been lodged against him" in order to invoke his rights under the UMDDL. § 217.450.1,

RSMo 2000. Brown satisfied that requirement by showing that Henry County faxed the arrest warrant to the DOC and the DOC acknowledged the warrant as a detainer against him. The amended provisions of Section 217.450.1, RSMo Cum. Supp. 2009 – requiring a certified copy of the arrest warrant and a formal request for detainer – were not in effect at that time and, therefore, were not applicable.

Opinion by: Lisa White Hardwick, Presiding Judge

September 25, 2012

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