

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

WAYNE STALLSWORTH

APPELLANT,

**v.
SHERIFF OF JACKSON COUNTY,
MISSOURI**

RESPONDENT.

DOCKET NUMBER WD78536

DATE: May 31, 2016

Appeal From:

Jackson County Circuit Court
The Honorable James F. Kanatzar, Judge

Appellate Judges:

Division One: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Attorneys:

Kevin L. Jamison, Gladstone, MO, for appellant.

R. Travis Willingham, Kansas City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

WAYNE STALLSWORTH,

APPELLANT,

v.

SHERIFF OF JACKSON COUNTY,
MISSOURI,

RESPONDENT.

No. WD78536

Jackson County

Before Division One: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Wayne Stallsworth appeals from the trial court's judgment affirming the Sheriff of Jackson County's denial of Stallsworth's application for a concealed carry permit pursuant to section 571.101. Stallsworth argues that the trial court erred in affirming the denial because the full gubernatorial pardon of Stallsworth's 1960 burglary conviction rendered him eligible for a concealed carry permit.

AFFIRM.

Division One holds: At the time Stallsworth applied to renew his concealed carry permit, section 571.101.2(3) provided that an applicant is ineligible for a permit if he has either pleaded guilty to a felony or has been convicted of a felony. Pursuant to *Hill v. Boyer*, 480 S.W.3d 311 (Mo. banc 2016), and *Guastello v. Department of Liquor Control*, 536 S.W.2d 21 (Mo. banc 1976), a gubernatorial pardon obliterates the fact of the conviction, but the guilt remains. Because section 571.101.2(3) disqualifies applicants based on the fact of the conviction (those applicants who have been convicted of a felony) and based on guilt (those applicants who have pleaded guilty to a felony), an applicant who pleaded guilty to a felony and later received a gubernatorial pardon remains ineligible for a concealed carry permit. Stallsworth pleaded guilty to burglary in 1960 so that the later gubernatorial pardon did not render him eligible for a concealed carry permit.

Opinion by Cynthia L. Martin, Judge

May 31, 2016

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