MISSOURI COURT OF APPEALS
WESTERN DISTRICT

R.F.,
RESPONDENT

vs.

MARK S. OWEN, PLATTE COUNTY SHERIFF,
APPELLANT

DOCKET NUMBER WD83043

DATE: MARCH 10, 2020

Appeal from:

The Circuit Court of Platte County, Missouri
The Honorable Abe Shafer, V., Judge

Appellate Judges:

Division Four: Karen King Mitchell, Chief Judge, Cynthia L. Martin, Judge, and Edward R. Ardini, Jr. Judge

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Attorneys:

Bruce B. Brown, for Respondent

Erik G. Holland, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

R.F., RESPONDENT
v.
MARK S. OWEN, PLATTE COUNTY SHERIFF, APPELLANT

WD83043 Platte County, Missouri

Division Four: Karen King Mitchell, Chief Judge, Cynthia L. Martin, Judge, and Edward R. Ardini, Jr., Judge

R.F. filed an application for a concealed carry permit with the Platte County Sheriff. R.F. had previously pleaded guilty to a felony offense that had been expunged pursuant to section 610.140, RSMo. The Platte County Sheriff denied R.F.'s application based on the felony guilty plea, despite the expungement. The Circuit Court of Platte County reversed finding that, pursuant to section 610.140.9, an expunged offense cannot serve as an automatic disqualification of an applicant but may be a factor in denying a permit. The matter was remanded back to the sheriff for him to conduct a new review of R.F's application. The sheriff appealed.

AFFIRMED

Division Four holds:

Section 610.140.9 states that "[n]otwithstanding any provision of law to the contrary, an expunged offense, violation or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying [a permit under chapter 571]." Thus, although section 571.101.2(3), RSMo disqualifies an applicant with a prior felony guilty plea or conviction from obtaining a concealed carry permit, this provision must yield to section 610.140.9, which clearly prevents use of an expunged felony guilty plea or conviction as automatic grounds for denial of a concealed carry permit. Therefore, the trial court did not err in preventing the sheriff from using the expunged felony guilty plea as the sole basis for denying R.F.'s permit application.

Opinion by: Edward R. Ardini, Jr., Judge Date: March 10, 2020

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