Summary of SC98268, *State of Missouri v. David M. Barnett*
Appeal from the St. Louis County circuit court, Judge Joseph L. Walsh III
Argued and submitted March 4, 2020; opinion issued April 14, 2020

Attorneys: Barnett was represented by Rosemary E. Percival of the public defender's office in Kansas City, (816) 889-7699; the state was represented by Evan J. Buchheim 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 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 of first-degree murder appeals the circuit court's judgment sentencing him to two terms of life in prison without the possibility of probation or parole, challenging the constitutional validity of the sentencing statute under United States Supreme Court precedent regarding the sentencing of juvenile offenders. In a unanimous decision written by Chief Justice George W. Draper III, the Supreme Court of Missouri affirms the judgment. The sentencing statute is constitutional under United States Supreme Court precedent explicitly defining juvenile offenders as those younger than 18 years, which is binding on this Court.

Facts: In 1996, when he was 19 years old, David Barnett broke into his grandparents' home and stabbed them to death. A jury found him guilty of two counts each of first-degree murder and armed criminal action and one count of first-degree robbery. The circuit court sentenced him to death for each murder count and consecutive life sentences for the remaining counts. A federal court later determined Barnett had been denied effective assistance of counsel and remanded (sent back) the case. The state declined to seek the death penalty. At the time of his crimes, section 565.020, RSMo, required first-degree murder to be punished by either death or life imprisonment without eligibility for probation or parole. Barnett asked the circuit court to impose a lesser sentence, arguing section 565.020 was unconstitutional as applied to him and the principles the United States Supreme Court applied in requiring individualized sentencing procedures for juvenile offenders also should apply to him. The circuit court rejected Barnett's claims and sentenced him to life in prison without eligibility for parole. Barnett appeals.

AFFIRMED.

Court en banc holds: Section 565.020 is constitutional as applied to Barnett. This Court is bound by United States Supreme Court cases explicitly delineating offenders 18 years and older as adults. This Court has no authority to redefine, expand or overrule these Supreme Court decisions beyond the limits of their express holdings. Barnett's policy considerations are better addressed to the legislature, which has authority to amend section 565.020.