MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, EX REL., ERIC SCHMITT, ATTORNEY GENERAL
APPELLANT

vs.

MUN CHOI, ET AL.,
RESPONDENTS

DOCKET NUMBER WD83427

DATE: FEBRUARY 2, 2021

Appeal from:

The Circuit Court of Boone County, Missouri
The Honorable Jeff Harris, Judge

Appellate Judges:

Division One: Thomas N. Chapman, Presiding Judge, Mark D. Pfeiffer, Judge and W. Douglas Thomson, Judge

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Attorneys:

Julie M. Blake, for Appellant

Logan Rutherford, for Respondents

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, EX REL, ERIC SCHMITT, ATTORNEY GENERAL, APPELLANT,

v.

MUN CHOI, ET AL., RESPONDENTS.

WD83427 Boone County

Before Division One Judges: Thomas N. Chapman, Presiding Judge, Mark D. Pfeiffer, Judge, and W. Douglas Thomson, Judge

This appeal involves a challenge by the State of Missouri, at the relation of Attorney General Eric Schmitt ("State") to section 110.010.B.4(a) of the University of Missouri System Rules and Regulations ("Rule") which operates to prohibit University of Missouri employees from possessing firearms in their vehicles on university campuses. The State appeals from the trial court's judgment in favor of Mun Choi and the Curators of the University of Missouri (collectively, the "University") entered in part on the pleadings and in part after a bench trial. On appeal, the State claims the trial court erred in: (1) finding the Rule does not conflict with section 571.030.6; RSMo, (2) holding the State has the burden of proof under strict scrutiny review; (3) finding the Rule survives strict scrutiny review; and (4) in admitting opinion testimony from lay witness, Dr. Mun Choi ("Dr. Choi"), President of the University of Missouri System.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

Division One holds:

Section 571.030.6 preempts the Rule which directly conflicts with the statute's mandatory directive that the State shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible, rendering the Rule void to the extent of the conflict. The State has the burden of proof under strict scrutiny review. The Rule is narrowly tailored to achieve the compelling state interest of promoting safety and reducing crimes and thereby survives strict scrutiny review. In light of our determination that the Rule survives strict scrutiny, we need not determine whether Dr. Choi's testimony pertaining to an alternative, alleged, compelling interest was proper.

Opinion by: W. Douglas Thomson, Judge Date: February 2, 2021

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