Summary of SC98546, *State of Missouri v. Matthew James Lee McCord*
Appeal from the Greene County circuit court, Judge David C. Jones
Argued and submitted December 17, 2020; opinion issued April 6, 2021

Attorneys: McCord was represented by Jedd C. Schneider of the public defender's office in Columbia, (573) 777-9977. The state was represented by Julia Rives of the attorney general's office in Jefferson City, (573) 751-3321.

This summary is not part of the opinion of the Court. It is provided 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 registered sex offender appeals from the judgment convicting him of residing within 1,000 feet of a school. In a 6-0 decision written by Judge W. Brent Powell, the Supreme Court of Missouri affirms the judgment. Because the statute's plain language indicates that "school" encompasses where student instruction takes place, which includes inside a school building and outside on school grounds, the sex offender resided within 1,000 feet of a school for purposes of the statutory offense.

Facts: Matthew McCord is a registered sex offender. In 2017, he was charged with two counts of failure to register and one count of residing within 1,000 feet of a school in violation of section 566.147, RSMo. McCord's residence was within 1,000 feet of a middle school's property line but not within 1,000 feet of the actual middle school building. Following a bench trial (before the judge rather than a jury), the circuit court found McCord guilty as charged, sentenced him to concurrent terms of four years in prison on each count, suspended execution of his sentence and placed him on probation. McCord appeals.

AFFIRMED.

Court en banc holds: The term "school" as used in section 566.147.1(2), RSMo, refers to an institution where instruction is given. Instruction is given both inside the school building and outside on school grounds. Such an interpretation is consistent with the legislature's intent to protect school children by precluding any chance of their interaction with sex offenders. Because McCord's residence was within 1,000 feet of the middle school grounds, there was sufficient evidence to support his conviction.