



In the Missouri Court of Appeals Western District

STATE OF MISSOURI,	)	
	Appellant,	)
v.	)	WD83734
	)	
ANTHONY STEVENSON,	)	FILED: May 18, 2021
Respondent.	)	

APPEAL FROM THE CIRCUIT COURT OF RAY COUNTY THE HONORABLE LORI J. BASKINS, JUDGE

**BEFORE DIVISION FOUR: CYNTHIA L. MARTIN, CHIEF JUDGE, PRESIDING,
LISA WHITE HARDWICK AND W. DOUGLAS THOMSON, JUDGES**

The State appeals the circuit court's order dismissing with prejudice a criminal complaint against Anthony Stevenson for failing to try him within 180 days of his request for disposition of the charges in violation of the Interstate Agreement on Detainers ("IAD"). The State contends that the court erred in granting Stevenson's motion to dismiss because he failed to demonstrate that he had complied with all of the IAD's requirements. For reasons explained herein, we affirm.

FACTUAL AND PROCEDURAL HISTORY

On October 4, 2018, the State filed a complaint charging Stevenson in Ray County with 14 counts of first-degree assault of a law enforcement officer and 13

counts of armed criminal action. On June 17, 2019, the Ray County Circuit Clerk received a packet of documents from the U.S. Department of Justice, Federal Bureau of Prisons by certified mail. The packet included a form signed by the warden of a federal prison in Illinois where Stevenson was in custody. It was addressed specifically to the Clay County Prosecuting Attorney and "to all other prosecuting officers and courts of jurisdiction listed below from which indictments, information or complaints are pending" against Stevenson. The warden offered to deliver temporary custody of Stevenson to Clay County pursuant to the IAD for disposition of his charges in Clay County and also authorized the Clay County Prosecuting Attorney to transfer Stevenson to authorities in Ray County for disposition of his charges in Ray County.

The packet included a letter from the warden to the Clay County Prosecuting Attorney stating that Stevenson had requested disposition of the pending charges in Clay County pursuant to the IAD. Another form in the packet noted the length of Stevenson's term of commitment to the Illinois federal prison, the time he had served, the time remaining to be served, and the amount of good time earned. The form stated that the detainers "currently on file" against Stevenson from the State of Missouri were filed by Clay County. The packet included an "Inmate Request to Staff" signed by Stevenson on June 12, 2019, in which he stated, "I would like to file under the Interstate Agreement on Detainers Act, for pending charges out of Clay County, MO and Ray County, MO." In response to this request, the staff member indicated, in the space marked

“Disposition,” “IAD Initiated on June 12, 2019.” The Ray County Circuit Clerk filed the packet of documents in the court file, and the Ray County Prosecuting Attorney received an eNotice from Case.net on June 17, 2019, that the packet had been filed.

On February 28, 2020, Stevenson filed a motion to dismiss the Ray County criminal case with prejudice pursuant to Articles III and V of the IAD. In his motion, Stevenson asserted that the packet of documents received by the Ray County Circuit Court on June 17, 2019, constituted a “request for a final disposition of the complaint pending against him pursuant to the [IAD]” and triggered the running of the 180-day time limit during which the IAD mandated that he be tried. Because Ray County had taken no action to proceed with prosecuting him by December 16, 2019, Stevenson argued that the IAD required dismissal of the Ray County charges with prejudice.

The court held a hearing on Stevenson’s motion to dismiss on March 24, 2020. The hearing was not recorded, so no transcript of the hearing was made. The next day, the court entered an order granting Stevenson’s motion and dismissing the criminal complaint with prejudice. The State appeals.

STANDARD OF REVIEW

“Whether the trial court properly interpreted and applied the IAD to the facts is a question of law which this [c]ourt reviews *de novo*.” *State v. Woods*, 259 S.W.3d 552, 555 (Mo. App. 2008). “To the extent the court’s application of the law was based upon the evidence presented, we defer to the court’s factual

findings and credibility determinations.” *Id.* When, as in this case, the circuit court does not make specific findings of fact, we “must assume that all facts were found in accordance with the result reached.” *State v. Revels*, 13 S.W.3d 293, 297 (Mo. banc 2000).

ANALYSIS

In its sole point on appeal, the State contends the circuit court erred in granting Stevenson’s motion to dismiss because Stevenson failed to show that he complied with all of the IAD’s requirements. The State asserts that, because Stevenson’s request for disposition of the charges against him did not meet the IAD’s requirements, the request did not trigger the IAD’s time limitations.

The IAD allows a prisoner in one state to request disposition of a criminal charges filed against the prisoner by a second state. *State v. Morrison*, 364 S.W.3d 779, 784 (Mo. App. 2012). The purpose of the IAD “is to encourage the expeditious and orderly disposition of charges outstanding against a prisoner and determination of the proper status of any and all detainers based on untried indictments, informations, or complaints.” *Id.* (citation omitted). “A detainer is a request filed by a criminal justice agency with the institution in which a prisoner is incarcerated, asking the institution either to hold the prisoner for the agency or to notify the agency when release of the prisoner is imminent.” *Id.* (quoting *Carchman v. Nash*, 473 U.S. 716, 719 (1985)).

To invoke the IAD, the prisoner must establish the following:

(1) the person is incarcerated in one state (sending state); (2) there are untried charges against the person in a second state (receiving state); (3) the receiving state has lodged a detainer against the person on the basis of the untried charges; and (4) the person has notified both the prosecuting attorney and the appropriate court of the prosecuting attorney's jurisdiction in the receiving state of his current place of imprisonment in the sending state and his request for final disposition of the untried charges.

Id. (citing § 217.490, Art. III, § 1¹). "If these four criteria are met, then the receiving state must bring the person to trial on the untried charges within 180 days of the notification and request for disposition, or the charges must be dismissed." *Id.* (citing § 217.490, Art. III, § 4). The prisoner has the burden of proving the four criteria were met. *Id.* Once the prisoner presents evidence establishing his compliance with the IAD's requirements, the burden then shifts to the State to produce evidence showing that there was good cause to delay the trial past 180 days. *Id.*

Here, it is undisputed that Stevenson was incarcerated in a federal correctional institution in Illinois and that there were charges pending against him in Ray County; therefore, he met the first two criteria. The State asserts that Stevenson failed to establish the third criterion, *i.e.*, that a detainer was lodged against him by any criminal justice agency in Ray County, and the fourth criterion, *i.e.*, that the Ray County Prosecuting Attorney received notice of his request for disposition of the charges pending against him.

¹ All statutory references are to the Revised Statutes of Missouri 2016.

Looking first at the detainer requirement, “Missouri courts have already decided that a detainer must be lodged against a prisoner *before* he can invoke the protections of the IAD.” *State v. Delong*, 348 S.W.3d 866, 869 (Mo. App. 2011). Indeed, “the lodging of a detainer against the prisoner is a fundamental procedural requirement of § 217.490 and must have occurred *before* a request for disposition of the untried charges can be effective.” *Id.* at 871.

The documents in the packet that the Ray County Circuit Court received from the federal correctional institution where Stevenson was imprisoned stated that a detainer had been filed against Stevenson by the Clay County Prosecuting Attorney with respect to the untried charges in Clay County. While the documents did not expressly state that Ray County had also filed a detainer against Stevenson, in one of the documents, the warden of the federal correctional institution gave the Clay County Prosecuting Attorney the authority to transfer Stevenson to the “custody of appropriate authorities” in Ray County for his untried charges in Ray County. Based upon the warden’s authorization to transfer Stevenson to Ray County, the circuit court could have reasonably inferred that Ray County had, in fact, lodged a detainer against Stevenson for the untried charges in that county.

Because we have no transcript of the hearing on Stevenson’s motion, we do not know what, if any, additional information was presented to the court to support such an inference. Rule 81.12(a) requires that the record on appeal “contain all of the record, proceedings, and evidence necessary” to determine the

issue on appeal, and the rule places the burden of preparing this record on the appellant. Rule 81.12(b) and (c). The State argues that the circuit court's decision not to record the hearing prevented it from obtaining a transcript. The State, however, could have obtained a stipulation from Stevenson's counsel detailing the information presented at the hearing and provided that stipulation to this court pursuant to Rule 81.12(f)(1). What the State cannot do is file an incomplete record on appeal and then argue that the incomplete record does not support the court's implicit finding that Ray County had lodged a detainer against Stevenson for the untried charges.

The State next argues that Stevenson failed to prove that the Ray County Prosecuting Attorney received notice of his request for disposition of the charges. The IAD provides that, when a prisoner requests disposition of untried charges, the warden or other official having custody of the prisoner must forward the request, along with other required information, to the appropriate prosecuting official and court by registered or certified mail, return receipt requested. § 217.490, Art III, § 2. The 180-day limitations period is triggered only when the prosecuting attorney and the appropriate court receive the required documents. *State v. Smith*, 686 S.W.2d 543, 546 (Mo. App. 1985).

Courts in this state have construed the IAD to "place the onus of compliance upon the officials of the incarcerating and receiving states, rather than upon the prisoner. The officials are generally in a better position to advance the case and to secure cooperation from each other than is the prisoner." *State ex*

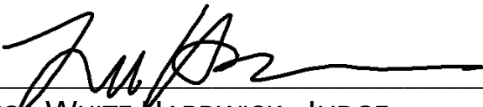
rel. Suitor v. Stremel, 968 S.W.2d 221, 223 (Mo. App. 1998) (quoting *State v. Walton*, 734 S.W.2d 502, 503 (Mo. banc 1987)). Consequently, “if the prisoner makes a good-faith effort to invoke the [IAD], and he omits nothing essential to the statute’s operation, his failure to comply strictly with its requirements will not be fatal to his claim.” *Id.* Written notice to both the prosecuting attorney and the appropriate court of the request for disposition of the untried charges is an essential requirement of the IAD. *Woods*, 259 S.W.3d at 557.

The record before us indicates that the federal correctional institution in Illinois where Stevenson was incarcerated sent his request and supporting documents only to the Ray County Circuit Clerk. The Ray County Prosecuting Attorney did, however, receive notice of the request because Case.net’s eNotice History shows that she received an eNotice on June 17, 2019, informing her that Stevenson’s request for disposition and supporting documents had been filed. Supreme Court Rule 103.08 provides that “[s]ervice shall be made to registered users through the electronic filing system,” and that such service is “complete upon transmission.” Given that Missouri provides for service of documents through the electronic filing system and the record conclusively shows that the Ray County Prosecuting Attorney received actual notice of Stevenson’s request for disposition of the untried charges through that system, we find that Stevenson made a good-faith effort to invoke the IAD and omitted nothing essential to Section 217.490’s operation. Because the record established that Stevenson was not brought to trial within 180 days after he properly invoked the IAD on June 17,

2019, the circuit court did not err in dismissing the criminal complaint against him with prejudice. Point denied.

CONCLUSION

The order dismissing the criminal complaint with prejudice is affirmed.



LISA WHITE HARDWICK, JUDGE

ALL CONCUR.