MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MAURICE P. WEBBER

APPELLANT,

v.

STATE OF MISSOURI

RESPONDENT.

DOCKET NUMBER WD83591

DATE: June 29, 2021

Appeal From:

Jackson County Circuit Court
The Honorable George E. Wolf III, Judge

Appellate Judges:

Division Four: Cynthia L. Martin, Chief Judge, Presiding, Lisa White Hardwick, Judge and Thomas N. Chapman, Judge

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Attorneys:

Damien De Loyola, Kansas City, MO, for appellant.

Shaun Mackelprang, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MAURICE P. WEBBER, APPELLANT,
v.
STATE OF MISSOURI, RESPONDENT.

WD83591 Jackson County

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Lisa White Hardwick, Judge, and Thomas N. Chapman, Judge

Maurice P. Webber appeals from a judgment denying his Rule 29.15 motion for post-conviction relief following an evidentiary hearing. Webber claims that the motion court clearly erred in denying the motion because his trial counsel was ineffective for failing to raise the statute of limitations as a viable defense to sexual offense charges involving a minor victim. Webber asserts that the motion court committed clear error in concluding that section 556.036.1, RSMo 1986, was the statute of limitations applicable to Webber's offenses. In particular, Webber claims that section 556.037, RSMo Supp. 1997, and not section 556.036.1, RSMo 1986, was the statute of limitations applicable to the crimes Webber committed and that, at the time the State filed charges against Webber, the statute of limitations had expired.

AFFIRMED.

Division Four holds:

We need not determine which statute of limitations was applicable to the crimes Webber committed because, even if we concluded that section 556.037, RSMo Supp. 1997, was the applicable statute of limitations, Webber failed to meet his burden to establish that his trial counsel's failure to argue the statute of limitations had expired fell below an objective standard of reasonableness and that Webber suffered prejudice therefrom. In particular, Webber failed to present any evidence to establish that the statute of limitations described in section 556.037, RSMo Supp. 1997, did not toll as to his offense or expire before the statute was amended by the General Assembly in 2004 to provide for an unlimited statute of limitations for those crimes of which Webber was accused and ultimately convicted.

Opinion by: Cynthia L. Martin, Judge June 29, 2021

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