MISSOURI COURT OF APPEALS
WESTERN DISTRICT

C.S., APPELLANT,

v.

MISSOURI STATE HIGHWAY PATROL CRIMINAL JUSTICE INFORMATION SERVICE; LAFAYETTE PROSECUTING ATTORNEY, RESPONDENTS.

DOCKET NUMBER WD86693

DATE: DECEMBER 24, 2024

Appeal From:

Lafayette County Circuit Court
The Honorable Dennis A. Rolf, Judge

Appellate Judges:

Division One Judges: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge, Janet Sutton, Judge

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Attorneys:

Scott C. Hamilton, Lexington, for Appellant,

Kyungwoong Han, Kansas City, for MO State Highway Patrol Criminal Justice Info; Kristen L. Hilbrenner, Dawn J. Boyer, Lexington, for Respondents

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

C.S., APPELLANT,

v.

MISSOURI STATE HIGHWAY PATROL CRIMINAL JUSTICE INFORMATION SERVICE; LAFAYETTE PROSECUTING ATTORNEY, RESPONDENTS.

WD86693 Lafayette County

Before Division One Judges: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge, Janet Sutton, Judge

C.S appeals the circuit court's denial of his petition to expunge a conviction for unlawful use of a weapon with marijuana possession under Section 571.030(11), RSMo. C.S. contends the court erred in determining that he was not convicted of a "marijuana offense" eligible for expungement under Section 2.10(7)(a)(c) of Article XIV of the Missouri Constitution.

REVERSED AND REMANDED.

Division One holds:

The circuit court misapplied the law in determining that a conviction for unlawful use of a weapon with possession of marijuana is not a marijuana offense under the expungement provision of Article XIV. For purposes of constitutionally mandated expungement, "marijuana offense," as used in Section 2.10(7)(a)(c) includes any charged crime that, but for the use, possession, cultivation and distribution of marijuana would not be a crime. Because C.S.'s possession of the weapon would not otherwise have been a crime without the possession of marijuana, his conviction under Section 571.030(11), RSMo, is a marijuana offense eligible for expungement under Article XIV. The judgment is reversed and remanded to the circuit court with instructions to expunge the conviction.

Opinion by: Lisa White Hardwick, Judge December 24, 2024

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