

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,)	No. ED91625
)	
vs.)	Appeal from the Circuit Court
)	of the City of St. Louis
ANTHONY ANDERSON, Appellant.)	FILED: September 29, 2009

Anthony Anderson appeals from the judgment upon his conviction by a jury of second-degree robbery, Section 569.030, RSMo 2000.¹ Anderson argues the trial court plainly erred when it: (1) applied a sentencing statute that became effective after the date of the offense because it violated ex post facto provisions and exceeded the maximum authorized by the sentencing statute in effect on the date of the offense; (2) established and found that Anderson is a persistent felony offender after the submission of Anderson's case to the jury; and (3) entered judgment and sentence against Anderson because the statute of limitations barred Anderson's conviction of the class B felony of robbery in the second degree.

AFFIRMED AND REMANDED FOR RE-SENTENCING.

Division Two holds: The trial court plainly erred when it applied Section 558.016.7(2) Cum. Supp. 2003, effective June 27, 2003, to enhance the penalty for the offense committed on June 5, 2003, and imposed a term of life imprisonment for Anderson's commission of the class B felony offense of robbery in the second degree. The trial court did not plainly err in finding that Anderson is a persistent felony offender after the submission of Anderson's case to the jury or in entering judgment and sentence against Anderson because his conviction was not barred by the statute of limitations.

Opinion by: Robert G. Dowd, Jr., J.
Sherri B. Sullivan, P.J. and Patricia L. Cohen, J., concur.

Attorney for Appellant: Gwenda R. Robinson

Attorneys for Respondent: Chris Koster, Shaun J. Mackelprang, Richard A. Starnes

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
SHOULD NOT BE QUOTED OR CITED.**

¹ All further statutory references are to RSMo 2000 unless otherwise indicated.