

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

|                                |   |                                  |
|--------------------------------|---|----------------------------------|
| MICHAEL A. LUMETTA,            | ) | No. ED99678                      |
| Respondent,                    | ) |                                  |
|                                | ) | Appeal from the Circuit Court of |
| vs.                            | ) | St. Charles County               |
|                                | ) |                                  |
| SHERIFF OF ST. CHARLES COUNTY, | ) | Honorable Frederick L. Westhoff  |
|                                | ) |                                  |
| Appellant.                     | ) | Filed: November 19, 2013         |

The Sheriff of St. Charles County (the Sheriff) appeals the judgment of the Circuit Court of St. Charles County ordering him to issue Michael A. Lumetta (Lumetta) a certificate of qualification for a concealed carry endorsement pursuant to section 571.101 (Supp. 2011). The Sheriff argues the circuit court erred because section 571.101.2(2) disqualifies Lumetta from obtaining a certificate of qualification for a concealed carry endorsement given his guilty plea to a firearm-related misdemeanor.

REVERSED AND REMANDED.

Division Three Holds: Section 571.101.2(2) (Supp. 2011) clearly and unambiguously disqualifies a person from obtaining a certificate of qualification for a concealed carry endorsement if the person has been convicted of a crime classified as a misdemeanor under the laws of any state and punishable by imprisonment of one year or less that involves a firearm. Lumetta was convicted in 1986 of an offense classified as a misdemeanor and punishable by imprisonment of one year or less that involved a firearm. Therefore, section 571.101.2(2) disqualifies Lumetta from obtaining a concealed carry endorsement. We reverse and remand to the circuit court with instructions to vacate the order requiring the Sheriff to issue Lumetta a certificate of qualification for a concealed carry endorsement.

Opinion by: Angela T. Quigless, J.

Mary K. Hoff, P.J., Kurt S. Odenwald, J., Concur.

Attorney for Appellant: Robert E. Hoeynck

Attorney for Respondent: Jeremy D. Hollingshead

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