

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

LESTER A. STONE,

Appellant

v.

MISSOURI DEPARTMENT OF CORRECTIONS,
PROBATION & PAROLE BOARD.

Respondents

DOCKET NUMBER WD71161

DATE: May 25, 2010

Appeal From:

Circuit Court of Cole County, MO
The Honorable Richard G. Callahan, Judge

Appellate Judges:

Division Four: Thomas H. Newton, C.J., James Edward Welsh and Gary D. Witt, JJ.

Attorneys:

Lester A. Stone, Mineral Point, MO

Appellant Acting Pro Se,

Attorneys:

Stephen D. Hawke, Jefferson City, MO

Counsel for Respondents

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**LESTER A. STONE, Appellant, v. MISSOURI DEPARTMENT OF
CORRECTIONS, PROBATION & PAROLE BOARD, Respondents**

WD71161

Cole County

Before Division Four Judges: Thomas H. Newton, C.J., James Edward Welsh and Gary D. Witt, JJ.

Lester A. Stone appeals the circuit court's judgment denying his petition for writ of mandamus. On appeal, he contends that he is entitled to mandamus relief because the Missouri Department of Corrections and the Missouri Board of Probation and Parole have a clear ministerial duty to recalculate his mandatory minimum prison term pursuant to the 1994 and 1999 amended versions of section 558.019, RSMo.

AFFIRMED.

Division Four holds:

When the legislature amended section 558.019 in 1994 and 1999, the legislature clearly expressed its intent regarding the applicability of the amendments. Both the 1994 and 1999 versions of section 558.019.7 state that "[t]he provisions of this section shall apply only to offenses occurring on or after August 28, 1994." Stone committed robbery in the first degree in February 1990. He was sentenced as a class X offender under section 558.019, RSMo Cum. Supp. 1990, and his mandatory minimum prison term was properly calculated on that basis. The legislature's subsequent amendments to the statute do not apply to Stone's mandatory minimum prison term for this offense. The circuit court properly denied his petition for writ of mandamus.

Opinion by: James Edward Welsh, Judge

May 25, 2010

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.