

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI,
APPELLANT**

vs.

**GREGORY ALLAN RODGERS, RESPONDENT
RESPONDENT**

DOCKET NUMBER WD74912

DATE: FEBRUARY 5, 2013

Appeal from:

The Circuit Court of Boone County, Missouri
The Honorable Deborah Daniels, Judge

Appellate Judges:

Division Three: Alok Ahuja, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Attorneys:

Karen L. Kramer, for Appellant

Stephen S. Wyse, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, APPELLANT

v.

GREGORY ALLAN RODGERS, RESPONDENT

WD74912

Boone County, Missouri

Before Division Three: Alok Ahuja, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Rodgers was charged with unlawful possession of a firearm in violation of section 571.070 RSMo. The trial court granted Rodgers's motion to dismiss the charge based on Rodgers's having a valid Florida license to carry concealed weapons or concealed firearms, which was not suspended for Rodgers's failure to appear on a municipal ordinance violation. The State appeals.

AFFIRMED

Division Three Holds:

The meaning of "fugitive from justice" as used in section 571.070.1(2) is ambiguous, and the ambiguity of the term is strictly construed against the government and in favor of Rodgers. Rodgers was not a "fugitive from justice" under section 571.070.1(2). The trial court did not err in granting Rodgers's motion to dismiss the charge against him under section 571.070.

Opinion by: Victor C. Howard, Judge

Date: February 5, 2013

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