IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE

STATE OF MISSOURI,

Respondent,

v.

ARNOLD STEPHEN BARBER,

Appellant.

DOCKET NUMBER WD74279

MISSOURI COURT OF APPEALS WESTERN DISTRICT

DATE: November 13, 2012

APPEAL FROM

The Circuit Court of Adair County, Missouri The Honorable Karl A. DeMarce, Judge

JUDGES

Division IV: Welsh, C.J., Pfeiffer, J., and Ravens, Sp.J.

CONCURRING.

ATTORNEYS

Chris Koster, Attorney General Shaun J. Mackelprang, Assistant Attorney General Jefferson City, MO

Attorneys for Respondent,

James R. Hobbs and Nathan Owings Kansas City, MO

Attorneys for Appellant.



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

STATE OF MISSOURI,)
)
Respondent,)
v.) OPINION FILED:
) November 13, 2012
ARNOLD STEPHEN BARBER,)
)
Appellant.)

WD74279 Adair County

Before Division IV Judges: James Edward Welsh, Chief Judge, Mark D. Pfeiffer,

Judge, and Gary E. Ravens, Special Judge

Arnold Stephen Barber ("Barber") appeals the judgment of the Circuit Court of Adair County, Missouri ("trial court"), finding him guilty, after a jury trial, of two counts of tampering with a witness in violation of section 575.270 RSMo 2000. Barber raises seven points on appeal, including that the evidence was insufficient to support his convictions, that the trial court erred in allowing evidence of a conversation that Barber had with an attorney because the conversation was protected by the attorney-client privilege, and that the lack of a complete trial transcript of Barber's trial testimony prevents meaningful appellate review of his convictions.

REVERSED AND REMANDED.

Division IV holds:

Rule 30.04(a) requires inclusion of a trial transcript in the record on appeal so that the appellate court may review the transcript as it relates to the issues raised on appeal. When the transcript fails to include the defendant's entire direct testimony and much of his cross-examination, and the parties are not able to stipulate as to the substance of the missing testimony, the appellate court is not able to conduct a meaningful review of the issues raised in the defendant's appeal.

Opinion by: Mark D. Pfeiffer, Judge

November 13, 2012

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