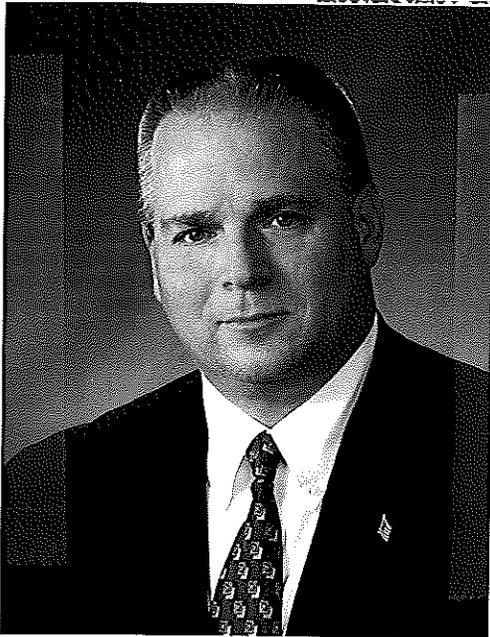


APPLICATION (Revised September 2011)

FIRST CIRCUIT JUDICIAL COMMISSION  
CIRCUIT JUDGE



QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS

NAME: Dean P. Waldemer

1. State your present principal occupation: **Chief Trial Attorney, Office of Prosecuting Attorney, St. Louis County, Missouri.**
2. Are you at least 30 years of age? **Yes**
3.
  - (a) How long have you been a citizen of the United States? **54 years**
  - (b) Have you been a resident of St. Louis County for at least one year immediately prior to the date of this application? **Yes**
  - (c) How long have you been a qualified voter of Missouri? **36 years**
4. Are you licensed to practice law in Missouri? **Yes**

List any other states, courts, or agencies in which you are licensed as an attorney:

**State of Illinois, May 1984.**

**U.S. District Court for the Eastern District of Missouri**

**U.S. Bankruptcy Court**

**U.S. Court of Appeals, 8<sup>th</sup> Circuit**

5. State the date you were admitted to the Bar in Missouri? **September 24, 1983**

Missouri Bar Number: **31026**

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:

**St. Louis University  
School of Business  
3674 Lindell Blvd.  
St. Louis, MO 63108  
June 1976 – May 1980  
B.S. in Business Administration  
Major: Accounting**

**St. Louis University  
School of Law  
3700 Lindell Blvd.  
St. Louis, MO 63108  
September 1980 – May 1983  
Juris Doctorate**

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

**The Village Store, 8915 Eager Road, Richmond Heights, MO 63117 (no longer in existence) delivery/errand boy for small store serving Audubon Park and Manhasset Village Apartments, 1970**

**Waldemer Lawn Service, 32 Middlesex Drive, Brentwood, MO 63144, self-employed grass cutting for 7 Brentwood area homes, Summers 1971-1975**

**Brentwood Swim Club, 2100 S. Central, Brentwood, MO 63144, substitute lifeguard, Summer – 1975**

**United Parcel Service, 13818 Rider Trail Drive, Earth City, MO 63045, High Volume Package Sorter, evening shift, April 1976 – November 1980**

**Robinson Steel Construction Corp., Crestwood, MO (no longer in business) Construction laborer, Summers 1979 – 1980**

**Johnson Contracting Company, Des Peres, MO (no longer in business), Construction laborer, Summer 1981**

**Missouri Court of Appeals, Eastern District, 709 Chestnut Street, St. Louis, MO 63101, Judicial Intern to Honorable George F. Gunn, Jr., January 1982--August 1982**

**Legal Services of Eastern Missouri, Inc., 4232 Forest Park Ave, St. Louis, MO 63108, Paralegal, Consumer and Rural Units, January 1983 – May 1983**

**Missouri Court of Appeals, Eastern District, 709 Chestnut Street, St. Louis, MO 63101, Law Clerk to Honorable Joseph G. Stewart, August 1983 -- February 1984**

**Office of Prosecuting Attorney, St. Louis County, 100 South Central, 2<sup>nd</sup> Floor, Clayton, MO 63105, Assistant Prosecuting Attorney, February 1984-December 1990, Chief Trial Attorney, January 1991 – Present**

**City of Town and Country, 1011 Municipal Center Drive, Town and Country, MO 63131, Municipal Judge, October 2004 – Present**

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one to three sentence description of each case and its outcome. **N/A**
  - (b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one to three sentence description of each case and its outcome.
9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? **Yes**
10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed. **See attachment Question 10.**
11. Have you briefed or argued any case before any appellate court?  
If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case. **See attachment Question 11.**
12. Set forth any additional information that demonstrates the quality of your legal work as an attorney. **See attachment Question 12.**

13. Have you ever been convicted of a misdemeanor or felony? **No**  
If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:
14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem? **No**  
If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated:
15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? **No**  
If yes, provide details:
16. Have you ever been held in contempt of court? **No**  
If yes, provide details:
17. If you are or were a member of the Judiciary of the State of Missouri, please state:
- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct? **No**  
If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed:
  - (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. **No**  
  
If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:
  - (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? **No** If yes, provide details:
18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? **No**  
If yes, provide details:
19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:  
**Missouri Bar Association, September 1983 – present**  
**Illinois Bar Association, May 1984 – present**

**National District Attorney Association, March 1984 – present**  
**Missouri Association of Prosecuting Attorneys, March 1984 – present**  
**Association of Government Attorneys Involved in Capital Litigation,**  
**March 1990 – present**  
**Missouri Associate Circuit and Municipal Judges Association, October 2004 –**  
**Present.**

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

**Member, Grace Episcopal Church, Kirkwood, MO**  
**Parent leader, Troop 685, Boy Scouts of America**  
**Faculty member, National Advocacy Center, National District Attorneys**  
**Association, Columbia, South Carolina**  
**Past instructor, Missouri Office of Prosecution Trial Schools**  
**Instructor, St. Louis County / Municipal Police Academy**  
**Appointed to Missouri Supreme Court Committee for Revision of Supreme**  
**Court Rules 24.035 and 29.15, January 1994**  
**Appointed to Legislative Review Subcommittee of Criminal Law Committee for**  
**The Missouri Bar, 1995-1996.**

21. Do you now hold or have you ever held any elective or appointive public office or position?  
Yes

If yes, provide details:

**St. Louis County Prosecuting Attorney's Office, 100 South Central, 2<sup>nd</sup> Floor**  
**Clayton, MO 63105**

**Appointed-Assistant Prosecuting Attorney, February 1984 – December**  
**1990;**

**Appointed-Chief Trial Attorney, January 1991 – Present**

**City of Town & Country, 1011 Municipal Center, Town and Country, MO**  
**63131**

**Appointed-Municipal Judge, 2004-Present**

**Have served as provisional / substitute municipal judge on multiple occasions for the**  
**City(s) of Jennings and University City.**

**Assigned Special Prosecuting Attorney in cases in the Circuit Court of the City of St.**  
**Louis and the Circuit Court of Cole County**

22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. N/A If discharged from the military, was the discharge other than honorable? If military service continues, so state: N/A

23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:

**Illinois State Police Department Special Service Award, April 1998  
Multiple certificates of appreciation / letters of recognition from crime victims  
and law enforcement agencies**

24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

**Robert P. McCulloch  
St. Louis County Prosecuting Attorney  
100 South Central Ave., 2<sup>nd</sup> Floor  
Clayton, MO 63015  
314-615-2610**

**John M. Hessel  
Attorney at Law  
Lewis, Rice & Fingersh, L.C.  
600 Washington, Suite 2500  
St. Louis, MO 63101  
314-444-7600**

**William P. Grant  
Attorney at Law  
Margulis, Grant & Margulis, P.C.  
11 South Meramec Avenue, Suite 1330  
St. Louis, MO 63105  
314-721-6677**

**Lisa Jones  
Program Manager, Victim Services Division  
St. Louis County Prosecuting Attorney's Office  
7900 Carondelet Avenue, 1<sup>st</sup> Floor  
Clayton, MO 63105  
314-615-2600**

**Chief Jeffrey A. Keller  
Shrewsbury Police Department  
4400 Shrewsbury Avenue  
St. Louis, MO 63119  
314-647-5656**

25. State any additional data you deem relevant:

I am a lifelong resident of St. Louis County. I have been married for thirty-three years and have two children. I supported myself throughout college and law school. For the past seven years I have served as the Municipal Judge for the City of Town and Country where I have managed one of the largest municipal dockets in the area. I am comfortable in the courtroom as a judge.

It has been my honor and privilege to serve the citizens of St. Louis County for the past twenty-eight years as an assistant prosecuting attorney. The victims, witnesses, members of law enforcement and ordinary citizens I have encountered prosecuting criminals have had a profound impact on the person I am. It is these experiences that I believe will assist me in being a good judge.

Dean P. Waldemer – Attachment Question 10

10. Jury trials in the last five years:

State v. Leonard Taylor, 2104R-05338; February 2008; St. Louis County Circuit Court; Honorable James R. Hartenbach. I was second chair and supervised two attorneys, Al Key and J.B. Lasater in representing the State of Missouri in this Murder First Degree case. Defendant was represented by Karen Kraft, Beverly Beimdeck and Robert Wolfram of the Capital Division of the Public Defenders Office, 1000 St. Louis Union Station, Suite 300, St. Louis, MO 63103. The defendant murdered his girlfriend and her three (3) children aged 10, 6, and 5. Each victim had been shot at least once in the head. The defendant made several incriminating statements to relatives as he fled from St. Louis. The jury found the defendant guilty of four (4) counts of Murder in the First Degree and four (4) counts of Armed Criminal Action and returned a verdict of Death after the penalty phase.

State v. Larry Flenoid, 2100R-01979; January 2008; St. Louis County Circuit Court; Honorable Robert S. Cohen. I was first chair and represented the State of Missouri. Defendant was represented by Beth Davis-Kerry and Robert Steele of the Capital Division of the Public Defenders Office, 1000 St. Louis Union Station, Suite 300, St. Louis, MO 63103. The defendant broke into the home of his girlfriend's sister intending to murder her. While in the home he shot and killed the homeowner, kidnapped his girlfriend and then assaulted her. He fled the jurisdiction as the police approached and was on the top ten most wanted list for more than five (5) years. The jury found the defendant guilty of Murder in the First Degree, Assault First Degree, Burglary First Degree, Kidnapping, Unlawful Use of a Weapon and two (2) counts of Armed Criminal Action. The defendant was sentenced to Life Without the Possibility of Parole, consecutive sentences of thirty (30) years, life, seven years (7), thirty (30) years, life, and thirty (30) years imprisonment.

State v. Kenneth Baumruk, 0511-CR00094; February 2006; St. Charles County Circuit Court; Honorable Lucy D. Rauch. I was first chair and represented the State of Missouri. Defendant was represented by David Kenyon and Robert Steele of the Capital Division of the Public Defenders Office, 1000 St. Louis Union Station, Suite 300, St. Louis, MO 63103. On May 5, 1992, this defendant shot and killed his wife during a divorce hearing in Division 38 of the St. Louis County Courthouse. He was wounded in a gun battle with police after he had shot two (2) lawyers, a bailiff, a court security officer, and attempted to shoot several police officers and investigators. Due to his injuries he claimed memory loss for all of the events and claimed mentally incompetent to stand trial. The jury found the defendant guilty of Murder in the First Degree and returned a verdict of Death after the penalty phase.

State v. Vincent McFadden, 2103R-00005; March 2005; St. Louis County Circuit Court; Honorable John A. Ross. I was second chair and we represented the State of Missouri in this Murder First Degree case. Defendant was represented by Karen Kraft and Sharon Turlington of the Capital Division of the Public Defenders Office, 1000 St. Louis Union

Station, Suite 300, St. Louis, MO 63103. This defendant shot and killed a young man in Pine Lawn in retaliation for the victim testifying against the defendant's fellow gang members. The defendant was identified at the scene and by a fingerprint on a cigar wrapper he left behind. The jury found the defendant guilty of Murder in the First Degree and returned a verdict of Death after the penalty phase.

State v. Johnny A. Johnson, 2102R-03834; January 2005; St. Louis County Circuit Court; Honorable Mark D. Seigel. I served as co-counsel and we represented the State of Missouri in the Murder First Degree case. Defendant was represented by Beverly Beimdeck and Beth Davis-Kerry of the Capital Division of the Public Defenders Office, 1000 St. Louis Union Station, Suite 300, St. Louis, MO 63103. The defendant abducted six-year old Casey Williamson from her home in Valley Park, MO and took her to an abandoned glass factory near the Meremac River. The defendant attempted to sexually assault the victim while she was trapped in an abandoned concrete oven and when she resisted his assault he beat her to death with a rock. The jury found the defendant guilty of Murder in the First Degree, Kidnapping, Attempt Forcible Rape and Armed Criminal Action and after the penalty phase returned a verdict of Death.

Other notable jury trials:

State v. Lee Jones, 2193R-00178; November 2001; St. Louis County Circuit Court; Honorable Emmett O'Brien. I was first chair and represented the State of Missouri. Defendant was represented by Felecia Jones of the Office of Public Defender, 100 South Central Ave, 2<sup>nd</sup> Floor, Clayton, MO 63105. In 1988 this defendant shot a man and a woman who he believed had given information to the police about his drug activities in the City of Kinloch. The female victim died from a gunshot wound to her head but the male victim survived being shot in the face and testified at trial. This defendant was a wanted fugitive for more than ten (10) years until he was arrested by the FBI living under a false name in Detroit, MI. The jury found the defendant guilty of Murder in the First Degree, Assault First Degree and Armed Criminal Action and he was sentenced to Life Without the Possibility of Parole plus consecutive sentences of thirty (30) years, life, and thirty (30) years imprisonment.

State v. Kenneth Baumruk, 2198R-01736; May 2001; St. Louis County Circuit Court; Honorable Mark D. Seigel. I was first chair and represented the State of Missouri. Defendant was represented by Joseph Green and Larry Bagsby, private counsel through a contract with the Capital Division of the Public Defenders Office, 1000 St. Louis Union Station, Suite 300, St. Louis, MO 63103. On May 5, 1992, this defendant shot and killed his wife during a divorce hearing in Division 38 of the St. Louis County Courthouse. He was wounded in a gun battle with police after he had shot two (2) lawyers, a bailiff, a court security officer, and attempted to shoot several police officers and investigators. Due to his injuries he claimed memory loss for all of the events and claimed mentally incompetent to stand trial. The jury found the defendant guilty of Murder in the First Degree and returned a verdict of Death after the penalty phase. Missouri Supreme Court reversed the case finding that it should not have been tried in the same courthouse where the shooting took place.

State v. Andre Cole, 2198R-04946; January 2001; St. Louis County Circuit Court; Honorable David Lee Vincent. I was second chair and we represented the State of Missouri in this Murder First Degree case. Defendant was represented by the late Dorothy Hirzy. The defendant broke into his ex-wife's home and stabbed her along with a friend before fleeing the area. His wife survived her serious injuries after emergency surgery but her companion died of multiple stab wounds. The jury found the defendant guilty of Murder in the First Degree and returned a verdict of Death after the penalty phase.

State v. Paul T. Goodwin, 2198R-01227; September 1999; St. Louis County Circuit Court; Honorable Emmett O'Brien. I was first chair and represented the State of Missouri. Defendant was represented by Terry J. Flanagan and Leonard Buckley, 133 S. 11<sup>th</sup> Street, Suite 350, St. Louis, MO 63102-1140. This defendant broke into his former neighbor's home and sexually assaulted the 66 year old victim. After the sexual assault he threw the victim down her basements stairs, went down the stairs where he struck her numerous times in the head with a hammer and left her in a pool of her own blood. Discovered hours later by her daughter, the victim died in surgery attempting to treat her multiple skull fractures. The jury found the defendant guilty of Murder in the First Degree and returned a verdict of Death after the penalty phase.

State v. Thomas Cunningham, 2196R-00975A; April 1997; St. Louis County Circuit Court; Honorable Bernhardt Drumm. I was first chair and represented the State of Missouri. Defendant was represented by Thomas O'Grady of the Charles M. Shaw Law Firm. Defendant was the ringleader of five (5) individuals who broke into a home to collect a drug debt and while there terrorized a woman and her young children. In addition to beating the occupants, the defendants four (4) companions sexually assaulted a nine year old girl in the home. The jury returned verdicts of guilty against the defendant on charges of Burglary First Degree, Assault First Degree, Armed Criminal Action, Forcible Sodomy, Attempt Forcible Rape, Attempt Forcible Sodomy, Robbery Second Degree and Assault Third Degree (2 counts) and recommended more than one hundred (100) years imprisonment.

State v. Stanley Hall, 2194R-00892; March 1996; St. Louis County Circuit Court; Honorable Emmett O'Brien. I was first chair and represented the State of Missouri. Defendant was represented by Teoffice Cooper and Beth Davis-Kerry of the Capital Division of the Public Defenders Office, 1000 St. Louis Union Station, Suite 300, St. Louis, MO 63103. The defendant abducted Dillard's clerk, Barbara Woods, on a frigid night in January 1994 from the parking lot of South County Center and took her to the McKinley Bridge where she was shot and thrown over the bridge railing into the icy Mississippi River below. Her partial remains were found nine (9) months later near the river at Chester, IL. Her blood and hair were found frozen to the bridge railing shortly after the defendant was arrested on the bridge. The jury found the defendant guilty of Murder in the First Degree, Kidnapping, Robbery First Degree and Armed Criminal Action and after the penalty phase returned a verdict of Death.

State v. Thomas Brooks, 2198R-00698; August 1995; St. Louis County Circuit Court; Honorable James R. Hartenbach. I was second chair and we represented the State of Missouri in this Murder First Degree case. Defendant was represented by Kevin Curran and Beth Davis-Kerry of the Capital Division of the Public Defenders Office, 1000 St. Louis Union Station, Suite 300, St. Louis, MO 63103. The defendant, a recent parolee from the Department of Corrections, pulled ten (10) year old Cassidy Senter off the street into his home where he attempted to rape her. When she resisted, he beat her to death with a board, wrapped her body in a comforter and eventually dumped her body in an alley in the City of St. Louis. The jury found the defendant guilty of Murder in the First Degree, Kidnapping, Attempt Rape and Armed Criminal Action and after the penalty phase returned a verdict of Death.

State v. Harold Newton, Jr., 2191R-003321B; March 1993; St. Louis County Circuit Court; Honorable Emmett O'Brien. I was first chair and represented the State of Missouri in this Murder First Degree case. Defendant was represented by Scott Rosenblum and Ramona Martin, 120 South Central Avenue, Clayton, MO 63105. The defendant along with two (2) co-defendants abducted the victim off of the streets of Kirkwood in front of a witness who called 911. As the Kirkwood Police attempted to stop the vehicle, the defendant shot the victim five (5) times in the chest killing him as the police were in pursuit. The defendant's fingerprints were recovered from the vehicle and he was identified by the witness as the kidnapper despite evading the police on the night of the crime. The jury found the defendant guilty of Murder in the First Degree, Kidnapping, and Armed Criminal Action and after the penalty phase returned a verdict of Life without the possibility of probation or parole.

State v. Norman Brown, 2191R-006139; February 1993; St. Louis County Circuit Court; Honorable James R. Hartenbach. I was first chair and represented the State of Missouri in this Murder First Degree case. Defendant was represented by Joel Schwartz, 120 South Central Avenue, Clayton, MO 63105. This fourteen (14) year old certified juvenile was the accomplice of Herbert Smulls in the robbery of a Chesterfield jewelry store where the husband and wife proprietors were each shot multiple times ending the life of the husband. The jury found the defendant guilty of Murder in the First Degree, Assault in the First Degree, Robbery First Degree (2 counts) and Armed Criminal Action (2 counts) and recommended sentences of Life without the possibility of probation or parole, Life, thirty (30) years, thirty (30) years, fifteen years (15) and fifteen (15) years imprisonment.

State v. Herbert Smulls, 2191R-004593; November 1992; St. Louis County Circuit Court; Honorable William Corrigan. I was first chair and represented the State of Missouri in this Murder First Degree case. Defendant was represented by Karen Kraft and Teoffice Cooper of the Capital Division of the Public Defenders Office, 1000 St. Louis Union Station, Suite 300, St. Louis, MO 63103. The defendant robbed a jewelry store in Chesterfield, MO where he shot both the husband and wife proprietors multiple times. He and his juvenile accomplice ransacked the store and took numerous loose diamonds as they fled the scene leaving the victims for dead. Although the husband died from his

wounds, his wife survived her wounds and called 911 enabling the police to apprehend the defendant. The jury found the defendant guilty of Murder in the First Degree, Assault in the First Degree, Robbery First Degree (2 counts) and Armed Criminal Action (2 counts) and after the penalty phase returned a verdict of Death.

In addition to the jury trials listed above, I have tried numerous other felony jury trials as both first and second chair. A complete list dating back to 1984 is available upon request. The cases include murder, assault, armed robbery, kidnapping, domestic assaults, sexual offenses and white-collar crimes. In my career I have prosecuted twenty-five (25) murder cases with ten (10) involving the death penalty. I have tried hundred(s) of bench trials involving felonies, misdemeanors and traffic offenses as well as civil cases brought under Supreme Court Rule 29.15 after each jury trial. In cases involving the death penalty, the post-conviction trials can be more complex and lengthy than the underlying criminal jury trial.

As a Municipal Judge in the City of Town and Country since 2004, I have presided over hundred(s) of bench trials involving violation(s) of municipal ordinances including stealing, domestic assault, trespass, property damage, driving while intoxicated, leaving the scene of an accident and all traffic offenses. These cases have included pro se defendants and those represented by attorneys.

Dean P. Waldemer -- Attachment Question 11

11.

I collaborated in the writing of the following brief(s). My co-counsel as indicated argued each of the cases before the court(s).

State ex rel. Baumruk v. The Honorable Mark D. Seigel, 150 S.W.3d 286 (Mo. banc 2004). The defendant, Kenneth Baumruk filed a writ of prohibition in the Missouri Supreme Court to bar the trial judge from remaining on a Murder First Degree case after a change of venue had been granted to St. Charles County. Co-Counsel J.B. Lasater presented the oral argument in the case. The Court made its preliminary writ absolute, barring Judge Seigel from remaining on the case. The defendant was subsequently tried in St. Charles County, found guilty, and sentenced to death.

State v. Edgar Futrell, ED74878, decision published without opinion on September 7, 1999. The defendant appealed his convictions after jury trial on charges of Delivery of Controlled Substance (cocaine), two counts, Trafficking Second Degree (cocaine base), and Possession with Intent to Distribute Controlled Substance (cocaine) two counts. The case was submitted on briefs without argument. Defendant's convictions were affirmed without opinion pursuant to Rule 30.25(b).

State ex rel. Baumruk v. The Honorable Ronald M. Belt, 964 S.W.2d 443 (Mo. banc 1998). The defendant, Kenneth Baumruk filed a petition for writ of mandamus to compel the trial judge to dismiss the pending Murder First Degree, Assault First Degree (8 counts), and Armed Criminal Action (9 counts) charges against him based upon a finding of mental incompetence to stand trial. Co-Counsel J.B. Lasater presented the oral argument in the case. In a 4-3 decision, the Court granted the defendant's request and ordered the judge to dismiss the pending charges.

As a law clerk and judicial intern at the Missouri Court of Appeals, Eastern District, (1982-1984) I performed legal research, drafted appellate opinions and reviewed final opinions for appellate judges, Honorable George F. Gunn, Jr. and Honorable Joseph G. Stewart.

Dean P. Waldemer – Attachment Question 12

12.

I have held the position of Chief Trial Attorney for the Office of Prosecuting Attorney since January 1991. As Chief Trial Attorney I am responsible for the supervision of the circuit trial staff for the office. The trial staff is comprised of twenty-seven (27) assistant prosecuting attorneys and four (4) team captains who represent the State of Missouri on all criminal matters pending in St. Louis County Circuit Court. In addition, I supervise seven (7) secretaries and the permanent records technician.

As Chief Trial Attorney I make case assignments to each of the attorneys based upon their experience, the nature of the offenses charged and current workloads. I provide the attorneys with felony recommendations based upon my experience and established policies within the office. I oversee their trial work and provide legal, ethical and strategic counsel on their cases. On an annual basis I complete performance evaluations for each employee.

I provide continuing legal education for the staff through frequent case law updates and legislative summaries. I have organized multiple in house seminars for the attorneys in the areas of trial preparation, jury selection, closing arguments and cross-examination. On a weekly basis I review the appellate opinions handed down for relevant changes in the law to be distributed to the entire staff.

Besides my managerial duties, I maintain a caseload of major violent crimes. I am responsible for the investigation, preparation and trial of these cases from issuance of charges through post conviction proceedings. During my career I have tried more than forty jury trials as lead counsel and a many cases as co-counsel. Those include more than twenty-five homicide cases many of which involved the death penalty.

I have many years experience in reviewing arrest warrant applications, prepared search warrants, drafted pleadings, interviewed child and adult victims, witnesses, drafted motions, argued motions and prosecuted defendants under almost every type of criminal charge under the Missouri code. I have appeared hundreds of times before the St. Louis County Grand Jury presenting cases and investigations.

As well as the trial work listed in question 10, I have represented the State of Missouri from arrest warrant through guilty plea in hundreds of cases involving offenses including murder, manslaughter, assault, robbery, kidnapping, domestic assault, drug cases, white-collar crimes and sexual offenses. I have tried hundreds of bench trials, post-conviction trials, and motion hearings. During the past year I completed two (2) such bench trials:

*Johnny Johnson v. State, 2107CC-01303, January 2011, St. Louis County Circuit Court, Honorable Mark D. Seigel. I was first chair and represented the State of Missouri. Movant was represented by Mr. Robert Lundt and Ms. Loyce Hamilton of the Capital Appellate Division of the Public Defender's Office, 1010 Market*

*Street, Suite 1100, St. Louis, MO 63101. Death row inmate filed a post-conviction action pursuant to Supreme Court Rule 29.15 alleging ineffective assistance of counsel and asserting new psychiatric defenses to the charges. Motion was denied after four (4) day bench trial. Drafted findings of fact, conclusions of law and order for court. Pending on appeal in the Missouri Supreme Court.*

*Kenneth Baumruk v. State, 0911-CV07100, November 15-17, 2010, St. Charles County Circuit Court, Honorable Lucy D. Rauch, I was first chair and represented the State of Missouri. Movant was represented by Ms. Jeanne Willibye and Ms. Valerie Leftwich of the Capital Appellate Division of the Public Defender's Office, 920 Main Street, Kansas City, MO 64105. Death row inmate filed a post-conviction action pursuant to Supreme Court Rule 29.15 alleging ineffective assistance of counsel and asserting new psychiatric defenses to the charges. Motion was denied after three (3) day bench trial. Drafted findings of fact, conclusions of law and order for court. Pending on appeal in the Missouri Supreme Court.*

In addition to my other duties, I serve as the custodian of records for the Office of Prosecuting Attorney. As such, I respond to all requests for information, oversee the release of available records and defend the office when records cannot be released. I have filed and argued motions to quash subpoenas for confidential documents in both Federal and State court in numerous civil actions.

I have been a frequent presenter to prosecuting attorneys and law enforcement officers on many aspects of the law including jury selection, courtroom testimony, jury instructions, discovery, closing argument and other subjects dealing with criminal law. I have taught at the National District Attorney's trial school as well as the Missouri Association of Prosecuting Attorneys trial school. Some of my professional presentations include:

- |               |   |
|---------------|---|
| December 2009 | Capital Litigation Initiative / Sponsor: OSCA<br>Topic: Jury Selection Issues in a Death Penalty Case<br>Location: Lodge of Four Seasons, Lake Ozark, MO  |
| October 2009  | Strategic Cross Examination Course / Sponsor: National District Attorneys Association – National Advocacy Center<br>Topic: Cross Examination of Expert Witnesses<br>Location: St. Louis University  |
| April 2008    | Missouri Prosecuting Attorneys Capital Litigation Training<br>Sponsor: Department of Justice and Missouri Office of Prosecution Services<br>Topic: Discovery Obligations and Issues in a Death Penalty Case<br>Location: Country Club Hotel, Lake Ozark, MO |

- February 2005      Approach Point Cross Examination Course / Sponsor: National District Attorneys Association – National Advocacy Center  
Topic: Demonstration Cross Examination  
Location: National Advocacy Center, Columbia, S.C.
- January 2003      Elected Prosecuting Attorney Training / Sponsor: Missouri Office of Prosecution Services  
Topic: The Missouri Sunshine Law-As Applied to Prosecutors  
Location: Jefferson City, MO
- August 2003      Trial Advocacy I Course / Sponsor: National District Attorneys Association – National Advocacy Center  
Topic: Closing Argument Demonstration  
Location: National Advocacy Center, Columbia, S.C.

### Biographical Sketch

Mr. Waldemer is the Chief Trial Attorney for the St. Louis County Office of Prosecuting Attorney in Clayton, Missouri. He is a graduate of St. Louis University and St. Louis University Law School. He has been a prosecutor since January of 1984 and was named Chief Trial Attorney in January of 1991. In this position, he supervises the criminal trial staff assistant prosecutors and support staff while maintaining a caseload of major violent crimes. Awarded the Illinois State Police Department-Special Service Award in 1998 for the joint prosecution of a kidnapping and capital murder case with Illinois law enforcement. In addition, he has served as the municipal judge for the City of Town and Country, Missouri since 2004. Mr. Waldemer is married and resides in Kirkwood with his two children.