

**SIXTEENTH CIRCUIT JUDICIAL COMMISSION
JACKSON COUNTY, MISSOURI
APPLICATION FOR CIRCUIT JUDGE**

***RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE
APPLICANT IS SELECTED AS A NOMINEE***

1. State your full name.

Dana Marie Altieri

2. State your date and location of birth.

December 19, 1975, Kansas City, Missouri

3. State your present principal occupation, place of work, and job title.

I am presently an attorney and a municipal judge.

Law Office of Dana M. Altieri, 218 Northeast Tudor Road, Lee's Summit, Missouri 64086: Attorney/Owner

City of Lee's Summit Municipal Court, 10 Northeast Tudor Road, Lee's Summit, Missouri 64086: Judge

City of Kansas City Municipal Court, 1101 Locust, Kansas City, Missouri 64106: Substitute Judge

4. Provide the following information concerning your eligibility for the office of Circuit Judge:

(a.) Are you at least thirty years of age? Yes.

(b.) Are you licensed to practice law in Missouri? Yes.

(c.) Have you been a citizen of the United States for at least ten years? Yes.

(d.) Have you been a resident of Jackson County for at least one year? Yes.

5. State whether you are able, with or without a reasonable accommodation, to perform the



essential functions of a Circuit Judge, including the ability to preside over trials, conduct legal research and analysis, attend court anywhere in the State of Missouri, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court. Yes.

6. State the year of your admission to the Missouri Bar and whether your license is and always has been in good standing. If not, please explain.

2002. My license is and always has been in good standing.

7. List any other states, courts, or agencies in which you have been licensed as an attorney, and state whether your license is and always has been in good standing.

State of Kansas (2002). My license is and always has been in good standing.

United States Federal District Court for the Western District of Missouri (2003). My license is and always has been in good standing.

United States Federal District Court of Kansas (2007). My license is and always has been in good standing.

United States Court of Appeals for the Eighth Circuit (2005). My license is and always has been in good standing.

8. Provide the following information for all colleges or universities, other than law schools, you have attended:

(a) Name and location of institution

(b) Dates attended and degrees received

(c) Significant activities, achievements, honors, and awards

(a) University of Missouri at Columbia, Columbia Missouri

(b) August 1994 – May 1998, Bachelor of Arts in Political Science, Minor in History

(c) Tri Sigma Sorority

During the fall semester of my senior year, I volunteered at St. Francis House one evening a week until I graduated from school and returned to

Kansas City, Missouri. St. Francis House offers food, shelter, clothing, and hospice care as needed for homeless men. Most of the individuals at the residence were battling with alcoholism or other mental health issues.

During my senior year I interned one day a week at a federal government office that dealt with constituent issues. For example, if an individual was having difficulty receiving their social security benefits for some reason, they could contact the office and we would investigate and work to resolve their issue.

(a) Beijing University, Beijing, China

(b) Summer 2000, Summer study program

(a) National Judicial College, Reno, NV

(b) 2011, Certificate of Completion for 32 hours of Evidence coursework

9. Provide the following information for all law schools you have attended:

(a) Name and location of law school

(b) Dates attended and degrees received

(c) Significant activities, achievements, honors, and awards

(a) University of Missouri at Kansas City, Missouri

(b) August 1998 – May 2001, Juris Doctor

(c) President Phi Alpha Delta Legal Fraternity

10. State whether you have ever been suspended or expelled as a student from any school or educational institution. If so, please explain. No.

11. List, in chronological order, all non-legal and legal employment you have held post-high school. Include the name and location of each employer, job title, dates of employment, and reason for termination of employment.

Non-legal Employment 1992-2000:

K-Mart, 601 North M 291 Highway, Lee's Summit, Missouri 64086. Cash register

operator, floor runner, cook, and front end supervisor from 1992-1996. I began working at K-Mart in 1992 immediately after I turned sixteen. I worked there until I went off to college, then I returned to work temporarily during my first two summer breaks from school.

Lee's Summit R-7 School District, 301 Northeast Tudor Road, Lee's Summit, Missouri 64086. Substitute teacher from 1994-1996. This was a temporary job during my first two winter breaks from school.

Cracker Barrel, 3304 Clark Lane, Columbia, Missouri 65020. Server 1996-1997. I resigned when I was able to make substantially more money serving at Shiloh Bar and Grill.

Shiloh Bar and Grill, 402 East Broadway, Columbia, Missouri 65201. Server 1997-1998. I resigned because I returned to Kansas City to attend law school.

Applebee's, 1501 Northeast Douglas Road, Lee's Summit, Missouri 64086. Server and bartender 1998-2000. I resigned once I was in law school and got a job enabling me to do legal work.

Legal employment:

Moore, Hennessy & Freeman, P.C., 4435 Main Street, Kansas City, Missouri 64111. Law Clerk 2000-2001. I resigned from this employment because it was a temporary law clerk position and the firm was focused in construction litigation. I did not want to specialize in construction litigation, and resigned to study for the bar exam and obtain alternate employment.

Circuit Court of Jackson County, Missouri, 415 East 12th Street, Kansas City, Missouri 64106. Law Clerk to the Honorable Judge Jay A. Daugherty, Division 13 from 2001-2003. This was a two year position. I completed my two years, and actually stayed a little longer at the request of Judge Daugherty. I ultimately resigned to start my own law practice.

National American University, 3620 Arrowhead Avenue, Independence, Missouri 64057. Instructor 2002-2004. I had always wanted to teach, so I taught paralegals seeking paralegal certification. I really enjoyed this job. I ultimately resigned because my private practice was beginning to grow rapidly, and I needed to use my time serving my clients and developing my practice.

Law Office of Elizabeth Unger Carlyle, 200 Northeast Douglas Road, Lee's Summit, Missouri 64063. Associate 2003-2005. This was a part-time temporary position until I was able to build my own private practice into full-time employment.

Law Office of Dana M. Altieri, 218 Northeast Tudor Road, Lee's Summit, Missouri 64086. Owner / attorney 2003-present.

I opened my law firm after my clerkship and continue to maintain my private practice. From 2005-2011 I had a law partner and operated as Altieri and Kelly, L.L.C. In 2011, I was offered the opportunity to work as the substitute municipal judge for Kansas City, Missouri, and scaled back my practice to have more time to devote to my judicial duties.

City of Lee's Summit Municipal Court, 10 Northeast Tudor Road, Lee's Summit, Missouri 64086. Judge 2010-present.

City of Kansas City Municipal Court, 1101 Locust Street, Kansas City, Missouri 64106, Substitute Judge 2011-present.

12. Describe the nature and extent of your experience as a practicing attorney in the trial and appellate courts, and explain how such experience demonstrates the quality of your legal work.

State experience

My legal career is very well-rounded, and has always been focused on litigation. My private practice is a combination of civil, criminal and domestic law. The civil portion of my practice has consisted of a variety of civil issues that often settle prior to filing. I have handled many remarkable cases including personal injury, contract, and accident cases.

In addition, I still carry with me the significant civil experience received while clerking for Judge Daugherty in Division 13. I researched and drafted orders and judgments for a variety of civil issues, including Motions for Summary Judgment, Motions to Dismiss, Discovery Motions, Motions to Quash, etc.

My criminal experience in state court is abundant as I have litigated several felony cases and co-chaired felony trials. One example is a case where I co-chaired a jury trial, **State of Missouri v. Uddin**, 07CY-CR03324. Mr. Uddin was accused of briefly touching the breasts and genitals of a minor outside of her clothing at a local casino. The jury found Mr. Uddin not guilty. I did not include actions such as that of Mr. Uddin in my list of tried cases as I co-chaired these cases, and was not the primary attorney at trial as denoted in question 13. I have litigated a variety of state felony cases including assault, robbery, driving while intoxicated and driving while suspended.

In addition to defending cases in state court, I have been appointed as a Special Prosecutor in Jackson County on four separate occasions.

I have represented well over two hundred (200) domestic clients. I have litigated a variety of domestic actions including divorce actions, paternity actions, contempt actions, family access actions, and grandparent visitation actions. Numerous Jackson County judges have appointed me as a Guardian ad Litem when they need a strong guardian ad litem, or when the cases are exceptionally difficult.

Federal experience

Since 2003, I have been accepting appointments under the Criminal Justice Act, 18 U.S.C. 3006A. I have been appointed one hundred thirty-five (135) times to represent indigent defendants in the federal system. I have represented individuals accused of bank robbery, being a felon in possession of a firearm, gun trafficking, defendants in multi-defendant drug conspiracies, counterfeiting, and defendants accused of fraud.

Of those 135 appointments, only one (1) client has appealed and none have filed any motions claiming that they received ineffective assistance of counsel.

The only client to file an appeal was found guilty following a jury trial. The issues raised on appeal were unrelated to my representation. The reason I have never had a client file an ineffective assistance of counsel claim stemming from my representation is that I get the best possible result under the circumstances of the case. These are not clients that choose me, but rather I was appointed to their case. They do not appeal because by the end of the case they feel confident that I have done everything I can and they are satisfied that I have secured the best possible result they would receive.

Municipal experience

The high quality of my work as a municipal court judge is best exemplified by the fact that other municipalities have requested I sit in their court. As referenced, I was appointed by the Presiding Judge of Jackson County to be the only Substitute Judge in the Kansas City Municipal Court. This appointment was by the request of the Presiding Judge of the Kansas City Municipal Court. I currently have an office in that building and I have heard hundreds of cases for that court. I have also been requested by and sat for the Raytown Municipal Court and the Jackson County Municipal Court. There are a number of other municipal judges who can sit for these courts, but I was specifically requested.

I am constantly working to improve myself as a municipal court judge. Two specific things that have enhanced the quality of my work as a municipal judge are the continuing education courses I take, as well as how aggressively involved I am with the court. I do not just show up, do my docket and leave, but rather I am very invested in the process.

To further my education, I attend seminars and conferences all over the country. I also serve as an instructor on the Missouri Municipal Judge Education Committee and provide

instruction to new judges, which keeps me updated on case law. An example of improving my education to be a better judge is my attendance at a four (4) day Evidence course at the National Judicial College in Reno, Nevada. I left there a better judge with a very good understanding of evidence and associated objections.

I have also enhanced myself as a judge by being very involved and hands-on with my court. For example, I put defendants on house arrest and decided I wanted to test the reliability. I therefore wore a house arrest and alcohol monitoring ankle bracelet for a week. I found I was not only impressed with the accuracy, but I also was shocked to learn the bracelet drove me crazy and would vibrate periodically. It was a constant reminder to me that someone was checking my behavior, which is valuable to a defendant. I tested for a week a proposed breathalyzer machine that was being suggested to my court and I found it very unreliable and inaccurate. I determined never to have one of my probationers use the machine.

I had probationers complaining that their drug patches were falling off. In response, I met with our provider and became educated on how the patch was applied. I also wore one for two (2) weeks and did everything I could to get it to come off on its own. I could not get the patch off, and that helped me evaluate the credibility of what a defendant might say about the patch allegedly falling off.

I audited a daylong Young Traffic Offenders program to see what message was being sent to the young drivers I ordered to attend this class. I was very impressed with the class and am a better judge for having audited the program.

The foregoing are some examples of how I have enhanced the quality of my work as a municipal judge.

13. Provide a representative list of at least ten cases in which you served as the primary attorney at trial or an administrative hearing. The list should include the style of each case, court or administrative agency, identification of your client, and the nature and date of disposition.

United States v. Patricia A. Foreman, 07-CR-00326-01-FJG

Honorable Fernando J. Gaitan

United States District Court for the Western District of Missouri

Jury Trial

I represented Defendant Patricia Foreman. Mr. Eugene Porter represented the United States.

On September 30, 2008 a jury found Ms. Foreman guilty on all four counts of a four count Indictment charging her with one count of social security fraud and three counts of theft of government money. Ms. Foreman received government benefits, such as social security disability and housing benefits, while allegedly failing to disclose substantial amounts of money she was being gifted by a friend.

On February 4, 2009 Ms. Foreman was sentenced to a year and a day on each of the four counts, to run concurrent, along with \$42,506 in restitution to the United States. I have been re-appointed to represent Ms. Foreman three subsequent times whereby it has been alleged that she has violated the terms of her Supervised Release following her release from custody.

Copowycz v. Copowycz, 16DR98-06783

Honorable Marco A. Roldan

Circuit Court of Jackson County, Missouri Division 16

Bench trial

I represented Petitioner Cynthia Copowycz. Mr. Dennis Rowland represented Respondent John Copowycz.

Ms. Copowycz had been trying to collect a civil Judgment against her ex-husband for 9 ½ years without success. On May 13, 2009 after a contested civil contempt hearing where both parties were represented by counsel, the Judge found Mr. Copowycz to be in civil contempt and remanded him to the Jackson County jail. As the Respondent was taken into custody by the Jackson County Sheriff, he decided to purge himself of the contempt order, and finally paid Ms. Copowycz the \$34,556.64 that she had been owed for nearly a decade.

Van Hook v. Visnich, 0716-FC11611

Honorable Michael W. Manners

Circuit Court of Jackson County, Missouri Division 2

Bench Trial

I was the Guardian ad Litem for minor child P.V. Mr. Howard Chamberlain represented the Petitioner. Mr. William Gnefkow represented the Respondent

I was appointed by Judge Manners as Guardian ad Litem to represent the best interests of

a minor child where it was alleged that P.V. was being neglected or abused by her mother. The extent of each party's evidence was their own testimony and no additional witnesses. I conducted a thorough investigation as the Guardian ad Litem, including home visits, surveillance and the employment of a private investigator. At the conclusion of the trial, the court adopted my Parenting Plan as the judgment of the Court.

Casa v. Blair, et al., 0816-FC00911-01

Honorable Sherrill L. Rosen

Circuit Court of Jackson County, Missouri Division 42

Bench Trial

I represented Intervenor Kathy Blair. Mr. Brett Shirk represented Petitioner Lauren Casa. Ms. Leslie Lawson represented Respondent Jeremy Blair.

I represented paternal grandmother Kathy Blair who intervened in a Motion to Modify in a custody case filed by her former daughter in law. Ms. Blair had been a constant and significant figure in her grandson's life since his birth. However, after her son (the child's father) went to prison, she was denied all contact and visitation by the mother. The court entered Judgment on September 28, 2010 in Ms. Blair's favor granting Ms. Blair regular grandparent visitation rights with her grandson whom she had not seen in nearly two (2) years.

McMannama, et al. v. McMannama, 0616-FC11187

Honorable Thomas Clark

Circuit Court of Jackson County, Missouri Division 3

Bench Trial

I represented Petitioner Bobbie L. Wensell. Mr. Lloyd Koelker represented Respondent Alfred C. McMannama.

Ms. Wensell and Mr. McMannama were in a relationship which resulted in the birth of their minor child C.M. Since birth, C.M. had always lived with her mother in Independence, Missouri but would spend the summer with her father who lived on a military base in Louisiana. The parties never formalized this arrangement through a Judgment of the court. When C.M. was 9 years old, she went to see her father for the summer. Abruptly and without notice, Mr. McMannama decided to keep C.M. in Louisiana, enrolled her in school, stopped paying support, and cut off all contact between

C.M. and her mother. Until that time, C.M. had lived exclusively with her mother, but her mother did not have a Judgment of the court she could enforce.

A different attorney initially represented Ms. Wensell. That attorney called me because nearly a year had passed and the attorney was frustrated she hadn't been able to get any contact (not even phone calls) established between Ms. Wensell and her 9-year-old daughter. The attorney asked me to take over the case and I did. In a short amount of time I actively pursued the case, and we began trial. At the conclusion of the first day of trial, Judge Clark asked me to draft an Order which required that C.M. to be immediately returned to her mother that upcoming weekend. C.M. was returned as Ordered and the parties settled prior to the completion of the trial with C.M. living again with her mother.

Rainey, et al. v. Boles, Case number 0816-FC10996

Honorable Roger Prokes

Circuit Court of Jackson County, Missouri Division 60

Bench trial

I represented Petitioner Seantee Rainey. Mr. Michael Kinder represented Respondent Brandon Boles

Ms. Rainey and Mr. Boles were never married, but were in a relationship that resulted in the birth of their daughter R.R. This case was an initial paternity action filed by Ms. Rainey, as there were no prior Judgments determining custody or support of R.R. Ms. Rainey was seeking sole legal and sole physical custody of R.R. Mr. Boles filed a Counter-Petition seeking sole legal and sole physical custody of R.R. The parties couldn't have been farther apart in what they believed to be in R.R.'s best interests. Following trial, the court awarded Ms. Rainey sole legal and sole physical custody of their daughter. This was significant as the court concluded that Mr. Boles had demonstrated instability in his contact and visitation with the minor child.

Bryant, et al., v. Scheidt, 16DR98-09410-03

Honorable Sherrill L. Rosen

Circuit Court of Jackson County, Missouri Division 42

Bench trial

I represented Respondent Dana Scheidt. Ms. Lisa Hansen represented Petitioner Justin Bryant.

Ms. Scheidt had a brief relationship with Justin Bryant 13 years ago, which resulted in the birth of their son. There was a prior Judgment of the court awarding joint legal and joint physical custody of the minor child, with Ms. Scheidt's address designated for educational and mailing purposes. Mr. Bryant filed a Motion to Modify the Judgment, asking the court to designate his address for educational purposes and therefore moving the minor child approximately an hour away and therefore requiring him to change schools. Mr. Bryant had gone so far as to enroll the minor child in the school within his district. This change also would have significantly reduced the amount of contact Ms. Scheidt had with her son. The court found in Ms. Scheidt's favor and she was able to keep her son in his same school district and maintain her significant contact with him.

Sambursky v. Sambursky, 16DR94-07810-01

Honorable Christine T. Sill-Rogers

Circuit Court of Jackson County, Missouri Division 31

Bench Trial

I represented Petitioner Patricia Sambursky. Ms. Elisabeth Key represented Respondent Patrick Sambursky.

Mr. and Mrs. Sambursky were divorced in 1994 with two children. The Judgment of the court required Mr. Sambursky to pay Mrs. Sambursky child support. Mr. Sambursky filed a Motion to Modify in 2008 that focused on financial issues. Mr. Sambursky sought to wipe out thousands of dollars in child support arrearage, reduce his current obligation, and wanted Ms. Sambursky to pay his attorney's fees. This award would have financially devastated and bankrupted Ms. Sambursky. After trial, the court concluded that Mr. Sambursky was not entitled to the relief he was seeking, and it was ordered that Ms. Sambursky continue to receive support.

Broggi v. Broggi, 0716-FC01741

Honorable Michael W. Manners

Circuit Court of Jackson County, Missouri Division 2

Bench trial

I represented Respondent Brandon Broggi. Mr. David Chamberlain represented Petitioner Melanie Broggi. Ms. Dana Outlaw was appointed as Guardian ad Litem.

Mr. Broggi and Ms. Broggi had a volatile divorce, which resulted in companion criminal

actions, the appointment of a Guardian ad Litem and intense litigation. Both parties were seeking custody of their two minor children. Mr. Broggi was awarded custody. This was significant because Ms. Broggi had a new boyfriend who had anger control issues and was a serious threat to the children. Through our investigation and presentation of evidence Mr. Broggi was able to convince the court of these issues and limit Ms. Broggi's boyfriend's access to the children.

Davis, et al., v. Cunningham, 03FC200909-05

Honorable Patrick Campbell

Circuit Court of Jackson County, Missouri Division 43

Bench trial

I represented Respondent Leslie Cunningham. Mr. Michael Spiegel represented Petitioner David Davis. Ms. Cheri Simpkins was appointed as Guardian ad Litem.

Ms. Cunningham and Mr. Davis never married, and they had three children together. After ending their relationship, litigation followed and they had a Judgment which provided each party with substantial parenting time with the children. Mr. Davis filed a Motion to Modify that Judgment, alleging abuse and neglect by Ms. Cunningham. He sought to limit Ms. Cunningham's parenting time to a couple of supervised hours each week. After two days of trial, the court concluded there was no abuse nor neglect. Ms. Cunningham's time was not limited to supervised time and although the Parenting Plan was restructured, she still received significant time with her children as she had enjoyed before.

14. If you have appellate experience, provide a representative list of cases in which you served as the primary attorney on appeal. The list should include the style of each case, appellate court or administrative agency, identification of your client, and the nature and date of disposition.

Taylor v. Roper, et. al., 07-2882

8th Circuit Court of Appeals

I represented Appellant Leon Taylor with co-counsel Ms. Elizabeth Unger Carlyle in his federal appeal. Mr. Stephen D. Hawke represented Appellee Donald Roper.

Mr. Taylor was charged with murder and armed robbery. Mr. Taylor was tried by a jury, which found him guilty of murder, but hung on the sentencing phase. The jury could not agree whether to sentence Mr. Taylor to life in prison or receive the death penalty. After

the jury deadlocked, the trial judge sentenced Mr. Taylor to death. The Missouri Supreme Court reversed the trial judge's imposition of the death penalty and Mr. Taylor received a new jury for a new penalty phase. The second jury sentenced Mr. Taylor to death.

Elizabeth Unger Carlyle and I were appointed by the United States District Court for the Western District of Missouri to represent Mr. Taylor on his federal appeal. Pursuant to Batson v. Kentucky, 476 U.S. 79 (1986), we asserted that there were racial discrimination issues with regard to the jury selection process of both Mr. Taylor's trial and sentencing juries. The penalty phase jury consisted of all Caucasian jurors and we alleged that similarly situated African-American jurors were struck solely because of their race. The sentencing phase jury consisted of Caucasian and African-American jurors, but we alleged there were three African-American jurors that were similarly situated to other Caucasian jurors who were struck due to their race.

Our brief was filed with the 8th Circuit Court of Appeals on July 7, 2008. We argued before the 8th Circuit on January 15, 2009. The Opinion was issued on August 19, 2009 which denied Mr. Taylor any relief. The Order denying our request at rehearing was issued October 22, 2009.

State of Missouri v. Michael Morris, WD 65988

Missouri Court of Appeals Western District.

I represented Respondent Michael Morris. Mr. Randell Collins represented Appellant State of Missouri.

On April 2, 2004, Mr. Morris was charged with sodomy in the Jackson County Circuit Court. I represented Mr. Morris on that charge. During a pretrial proceeding, the trial court judge ruled that the victim's out-of-court statements would not be admissible at trial. Following that ruling, the State dismissed the cause on the eve of trial.

Mr. Morris filed a Motion for Reimbursement of Costs and Expenses pursuant to RSMo. § 550.040. The judge granted that motion and awarded Mr. Morris \$4,443.40 in costs and expenses. The State appealed. The Court reversed the decision of the lower court and concluded that since the State dismissed the charges and Mr. Morris was not acquitted within the meaning of the statute, he was not entitled to reimbursement of any costs or expenses.

15. If you are serving or have served in a judicial capacity, describe the nature and extent of your judicial responsibilities, the types of dockets handled, and any special expertise developed.

I am currently a municipal judge for the City of Lee's Summit. I was also appointed by

Judge Charles Atwell, Presiding Judge of the Sixteenth Circuit to serve as the substitute judge for the City of Kansas City. I have also served for the City of Raytown and the Jackson County Municipal Court.

In all of these municipalities I handle a variety of cases. I hear all municipal ordinance violations, including traffic, assault, driving while intoxicated, endangering the welfare of a child, unlawful use of a weapon, resisting arrest, possession of narcotics, etc. In addition to my general docket, I preside over the housing codes docket and the bond forfeiture docket.

There are two judges at the Lee's Summit Municipal Court, Judge James Tobin and me. Judge Tobin and I not only handle our dockets, but we are also very involved in the administrative processes at the court. Our judicial responsibilities include overseeing and approving budgeting, personnel, security, and all policies and procedures for the court.

16. If you are serving or have served in a judicial capacity, provide a representative list of at least ten cases over which you have presided to completion. The list should include the style of each case and the nature and date of disposition.

City of Lee's Summit v. Brown, 100490402

Ms. Brown was charged with Assault on November 7, 2010. It was alleged that Ms. Brown assaulted her seven-year-old daughter by slapping or hitting her in the face several times at McDonalds. Several patrons at McDonald's called the police to report the alleged assault.

The City had offered Ms. Brown a Plea Agreement of sixty (60) days. Ms. Brown rejected the plea and pled up to me. At her sentencing hearing I heard evidence that her seven-year-old daughter already had marks and bruises under her eyes from being violently assaulted by a different family member just prior to this incident. Those marks had not yet healed at the time she was then assaulted by her mother. I sentenced Ms. Brown to the maximum sentence I could on her charge, ninety (90) days in jail. She requested an early release, and had individuals write to me on her behalf. I read everything I received, and denied her request.

City of Lee's Summit v. Anderson, 100496976, 100497363, 100500332, 100400541, 100501758, 100504045, 100504046, 100504047, MC110827, 100501808

Beginning on April 23, 2011 and ending October 22, 2011 Mr. Anderson received the above tickets, which include six (6) Minor in Possession of Alcohol tickets, a Trespass, a Driving While Intoxicated, a Possession of Controlled Substances ticket and a Contempt of Court ticket for violating the terms of his probation.

Mr. Anderson had no criminal nor arrest history until his mother died, and then he began self-medicating with alcohol. I was initially ordering Mr. Anderson to mental health

counseling, inpatient treatment, etc., as conditions of his probation. Mr. Anderson was unable to satisfy the conditions of his probation and his behavior continued to be reckless and escalate. He was initially sentenced to probation, then two days in jail, then fifteen days in jail, then thirty days in jail, and ultimately I began giving him began ninety (90) sentences.

City of Lee's Summit v. Ramirez, 081269018, 081269019, 081269020, 081276703

On July 22, 2010 Mr. Ramirez was charged with Failure to Obey the Lawful Command of a Police Officer, Fleeing and Alluding, Careless and Imprudent Driving, and Driving While Intoxicated. At the time of the charges, Mr. Ramirez was on probation out of Platte County, Missouri for Driving While Intoxicated.

Mr. Ramirez was heavily intoxicated and driving the wrong way down 50 Highway, a heavily traveled highway in Lee's Summit, which has had a significant number of fatal accidents. After ignoring numerous attempts by officers to stop, the officers finally deployed stop sticks in an attempt to get Mr. Ramirez to stop. After driving over the sticks, he continued to drive on the rims of the vehicle until it stopped on its own. Once approached, he refused to get out of the vehicle, and was removed by the arresting officers. Mr. Ramirez accepted guilt and was remorseful at court, yet unable to remember anything about that evening.

On August 4, 2010 I sentenced Mr. Ramirez to 90 days on each the Failure to Obey, Fleeing and Alluding, and Careless and Imprudent Driving tickets. I ordered these sentences to run consecutively for a total of 270 days. I gave him a 90-day back up, and suspended execution of sentence on his Driving While Intoxicated charge. I wanted him to be on probation upon release so that I could monitor his behavior. The fact Mr. Ramirez was on probation already for a Driving While Intoxicated, the dangerous nature of his actions, and the disregard to the safety and lives of others weighed heavily in my decision.

Mr. Ramirez petitioned me to let him out early. I denied the request. It is my practice to deny such requests. He later petitioned me again. I carefully considered his second request, contacted the DeKalb County Jail (where we house inmates) and ascertained how he had been conducting himself. I also learned from jail staff that he was having significant, life threatening health issues. I released Mr. Ramirez forty-six (46) days early with an alcohol monitor bracelet placed on him prior to release, with the added special condition he was not to consume alcoholic beverages. He was been successful in all aspects.

City of Lee's Summit v. Atkins, 100499283

Mr. Atkins was charged with Driving While Intoxicated. Mr. Atkins filed a Motion to Suppress alleging that the police officer was without probable cause to stop him because

he drove on the double yellow center divider, without driving over it or crossing out of his lane. After hearing evidence, the testimony of the parties, reviewing the dash cam and considerable research, I concluded that Mr. Atkins did travel outside of his lane and therefore the officer had reason to stop him. Pursuant to State v. Loyd, 326 S.W.3d 908 (WD 2010), the Motion to Suppress was denied.

On October 19, 2011 Mr. Atkins entered into a plea of guilty and was sentenced to a thirty (30) day sentence, execution of which was suspended pursuant to a plea agreement, and he was placed on two (2) years probation with various conditions and requirements of probation.

City of Lee's Summit v. Kingsley, 111752846, 111752869, 111754369, 111754370, 111754371, 111755117

Mr. Kingsley was charged with five (5) counts of Trespass and 1 (one) count of Driving While Suspended. Mr. Kingsley was continually going to an apartment complex when the apartment manager had previously banned him from the property. Mr. Kingsley was not accused of having any assaultive or aggressive behavior at the complex during these repeated trespasses, but nonetheless had been told not to return. Upon his plea of guilt to all charges, I sentenced him to ten (10) days on each charge, to run consecutive for a total of sixty (60) days. I determined that how Mr. Kingsley conducted himself was irrelevant, as he'd been told to not return to the property.

City of Lee's Summit v. Shive, MC100178, MC120022

Ms. Shive has been on probation with Lee's Summit for Driving While Intoxicated since May 14, 2008 and Driving While Suspended since November 10, 2010. She had several Contempt of Court hearings for a variety of reasons, all of which stemmed from substance abuse issues regarding a prescription pill addiction she developed after an accident. I monitored her probation carefully and modified it to requiring sweat patches, successful completion of an inpatient drug treatment program, followed by aftercare as recommended. Ms. Shive has completed all programs and is now probation compliant.

City of Lee's Summit v. Abercrombie, 100493526

On January 1, 2011 Mr. Abercrombie was charged with unlawfully exhibiting a firearm in the presence of his neighbor in an angry and threatening manner. Mr. Abercrombie entered into a plea of not guilty and I set the case for trial on June 8, 2011. After hearing from several witnesses and considering the evidence, I found Mr. Abercrombie guilty of unlawfully exhibiting the firearm and sentenced him to thirty (30) days in jail, with the execution of his sentence suspended while he was placed on a two year supervised probation. I further ordered various conditions of probation, including but not limited to an anger control class, no contact with the victim, and he forfeit his weapon. I also ordered a \$100 fine.

City of Lee's Summit v. Gail Bennett, 100506211, 100505604

Ms. Bennett was charged with Stealing two watches from a department store. I released Ms. Bennett on a signature bond on February 1, 2012. On February 3, 2012, Ms. Bennett was charged with stealing sheets from another department store. The defendant has a lengthy history with the City of Lee's Summit and on February 8, 2012, Ms. Bennett pled guilty and I sentenced her to sixty (60) days concurrent on her two stealing charges.

City of Lee's Summit v. Brandon O. Connor, 081274269, 081276018

Mr. Conner pled guilty on July 1, 2010 to Failure to Obey a Lawful Command of a Police Officer and Assault. Judge Tobin sentenced him to ninety (90) days in jail on each count consecutive, with execution of those sentences suspended and placed him on 2 years of supervised probation with various conditions of probation. Mr. Conner's conditions included a no alcohol condition and certain classes. Mr. Conner came before me as he continued to violate the terms of his probation. On October 27, 2010 I revoked his probation and sentenced him his two consecutive ninety (90) day sentences.

City of Lee's Summit v. Henrich, 081276548, 100489546, 100495771, 100505112, MC110761

On May 11, 2011 Mr. Henrich was placed on probation for stealing from the Buckle. He later received a new charge of Domestic Assault, pled guilty, and another judge placed him on probation for that on July 7, 2011. He was subsequently charged with two (2) counts of Minor in Possession of Alcohol, and Contempt of Court for violating his probation with these new charges. I revoked his probations and sentenced him to sixty (60) days in jail.

17. If you do not have significant experience in litigation or in a judicial capacity, describe any other legal experience or accomplishments in the legal profession that may qualify you to serve in the office of Circuit Judge. I have significant experience.
18. List all bar associations and law-related organizations of which you are or have been a member, with any offices held and dates of membership.

Member: Phi Alpha Delta Legal Fraternity, 1998-2001, former president

Member: Missouri Bar Association, 2002-present

Member: Kansas Bar Association, 2002-present

Member: Kansas City Metropolitan Bar Association, 2002-present

Participant: Ross T. Roberts Inns of Court, 2003-2004

Member: Eastern Jackson County Bar Association, 2004-present

Participant: Kansas City Metropolitan Bar Association Bar Leadership Academy, 2006

Member: Missouri Municipal and Associate Circuit Judges Association, 2010-present

Attended the 2010, 2011 and 2012 annual conference at Lake of the Ozarks

Member/Instructor: Municipal Judge Education Committee, 2010-present

Member: National Association of Court Management, 2010-present

Attended the 2011 Mid-year conference in Baltimore, MD

Member: Federal Court Advocates, 2011-present

Member: American Judges Association, 2011-present

Attended the 2012 annual conference in New Orleans, LA

Member: Association of Women Lawyers, 2011-present

19. List any published articles or books you have authored and any significant programs or events for which you served as a primary speaker.

I was appointed by the Missouri Supreme Court to the Missouri Municipal Judge Education Committee. I am proud of this appointment, and it allows me the opportunity to teach new judges. When a new municipal judge is either elected or appointed, it is mandatory that they attend and complete this one-day course. We hold a session in May and November of each year. At our last session I taught Legal Knowledge and moderated the program.

I have spoken to the students of the United States government classes at Lee's Summit High School, Lee's Summit West High School, and Lee's Summit North High School. I spoke to 16 different classes about the role and composition of the judiciary. I also used this as an opportunity to reach out to the students about their behavior and how unfavorable behavior may negatively affect their future.

20. Do you now or have you ever held any elective or appointive public office or position? If so, please explain. Yes.

I was elected in April 2010 as municipal judge in Lee's Summit, Missouri. Lee's Summit is one of the Kansas City metro area's larger municipalities and currently has 90,000+ residents. It was a contested race and I defeated a 34-year incumbent.

I was appointed by County Executive Michael Sanders in 2011 to the Jackson County Prosecutor Nominating Commission. This Commission was a 5 person commission consisting of 3 attorneys and 2 non-attorneys chosen to interview and screen applicants for the position of Jackson County Prosecutor. This position came open when Judge Kanatzar, former Jackson County Prosecutor, was appointed to the circuit bench. We advanced 3 names to the County Executive for consideration.

I was appointed by County Executive Michael Sanders in 2012 to the Jackson County Charter Review Task Force. This Task Force was a 7 person commission was appointed to review Jackson County term limits, campaign finance, as well as state and county procedures for the filing of political office. We met several times, held public hearings, and ultimately submitted our recommendations to the County Executive in August 2012.

21. Provide the branches and dates of any military service or other public service not otherwise covered in this application. If discharged from the military, state whether the discharge was other than honorable. None.
22. Describe your community and volunteer service activities, including any organizations (outside the legal profession) with which you are affiliated and any offices held.

2009-2012 I have been an active member of Rotary International, a community service based organization. Rotary has a camp located in Lee's Summit, which is a free camp that serves children with mental and/or physical disabilities throughout the summer. The degree of disability ranges from mildly disabled, to children who are in need of 24 hour care. Some examples of the children who attend the camp are children with autism, Down's syndrome, brachial plexus injuries, paralyzed limbs, and otherwise disabled youth. I have volunteered the last three years to help get ready for the summer. I have done everything from scraping gum off the bottom of tables, planting flowers, landscaping, installing and recovering pool ladders and preparing the cabins.

2012 Eastern Jackson County Bar Association Joplin, Missouri relief effort: I traveled with approximately 8 attorneys to Joplin this spring to help with the tornado effort. I volunteered 4 hours in the morning at the Legal Clinic where individuals could come and ask any about any legal issues they were having. In the afternoon I helped move an older couple back into their home who had been displaced since the tornado.

2012 Judged the We the People Program at Summit Point Elementary for 5th graders.

2011 Jumped in the Polar Bear Plunge at Longview Lake to benefit Special Olympics. I raised over \$1,000.00 with my plunge.

2011-2012 Homeroom mom for my daughter's kindergarten and 1st grade classes, and a member of PTA.

2011-present Worked with Happy Bottoms, a not-for-profit organization that provides diapers to families in need. I've worked with different members of the Board of Directors, and my office is currently a drop spot for those wishing to donate.

2011-2012 Vice-President of Cedar Creek Homes Association

2010-2012 Spoke at three local high schools each school year as previously referenced.

2010-2012 Participated in Career Day at Lee's Summit North High School to represent the judiciary as a possible career path.

2010 Rang a bell for the Salvation Army.

2010 Volunteered for Tour De Lakes bike ride. I flagged the cyclists, swept the roadway and directed traffic so the cyclists were safe.

23. List any significant honors or awards you have received that otherwise have not been covered in this application.

Class of 2011 Up and Coming Lawyers by Missouri Lawyers Media

Endorsed by the Lee's Summit Police Officer's Association for Judge in 2010 election

24. Are you delinquent in the payment of any federal, state, county or city taxes? If so, please explain. No.
25. Have you ever been convicted of a misdemeanor or felony or received a suspended imposition of sentence in any federal, state, or military court? If so, please explain and provide the style of the case (including case number), the court, the date of the conviction, and the sentence or fine imposed. No.
26. Have you ever been held in contempt of court? If so, please explain. No.
27. Have you ever been sued by a client or been a party to any litigation, other than as a guardian ad litem, plaintiff ad litem, or defendant ad litem? If so, please explain and provide the style of each case, the court, your role as plaintiff or defendant, and the nature and date of disposition.

I have never been sued by a client.

Dana McFarland v. Lee's Summit Baseball, 16CV90-03597, Jackson County, Missouri. I was the plaintiff. When I was in junior high I was watching a baseball game at some baseball fields in Lee's Summit. The nets were not regulation length, and a homerun ball from another field cleared all the nets and hit me in the face. I had to undergo 2 surgeries and my parents settled out of court with the insurance company. Since I was a minor, a court case had to be opened for a court to approve the settlement.

Dana McFarland v. Lowell Apartments, LLC, 01CV203214/01, Jackson County, Missouri. I was the plaintiff. I sued my apartment complex for what I believed to be unsatisfactory conditions. At the small claims level it was tried and I was awarded \$1,437.50 plus costs on April 4, 2001. On October 11, 2001 I lost the appeal at the trial de novo.

28. 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? If so, please explain. No.
29. 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? If so, explain the details of such breach and the date, nature, and duration of the discipline imposed. None.
 - (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. If so, explain the details of such cause and the date and nature of the discipline imposed. None.
 - (c) Whether, to your knowledge, you are the subject of a complaint that is currently under investigation by the Commission on Retirement, Removal and Discipline. If so, explain that nature of such complaint and the status of the investigation. None.
31. Provide any additional information that you consider relevant to your qualifications for the office of Circuit Judge.

Throughout the course of this application I have discussed my experience, intellectual abilities and enthusiasm for the job. I have detailed my qualifications, but I would like to tell you briefly about myself.

I was born and raised in Lee's Summit, Missouri. My dad is a retired truck driver and my mom is a retired hairdresser. I was raised by good, hardworking people. I have been married to Collin Altieri for almost eight (8) years. Collin is an attorney and partner at Polsinelli Shughart, P.C. in Kansas City, Missouri. We have two little girls, Sydney age 5 and Siena age 2. While I am at work, I am very fortunate that my parents, who also

live in Lee's Summit, care for my little ones. In addition to the little ones, we have Brittani, age 18, who came to live with us three years ago. She has been a wonderful addition to our family and is now attending the University of Missouri. Frankly, all three of the children keep us hopping and are hilarious.

32. List the names and contact information (title, mailing address, telephone, and email address) of the **five** persons whom you have requested to provide letters of reference regarding your character and judicial qualifications. Do not list as a reference any judge who currently sits in the Sixteenth Judicial Circuit.

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**CERTIFICATION OF ACCURACY AND
AUTHORIZATION FOR RELEASE OF INFORMATION**

By my signature to this form, I certify that all statements made in my application for the office of Circuit Judge and attachments thereto are truthful and correct. I further certify that if I am nominated by the Sixteenth Circuit Judicial Commission and appointed to the office of Circuit Judge, I will accept the appointment and perform the duties of that office as provided by law.

By my signature to this form, I authorize: (1) the Commission, through its Chairperson, to obtain relevant information, including but not limited to documents, records, and files, with respect to my medical, law enforcement, or disciplinary records; and (2) the Commission and its members to obtain additional relevant information regarding my qualifications, as well as the accuracy of my responses to the questions on this application. It is my understanding that the information obtained pursuant to this authorization shall be made available only to the members of the Sixteenth Circuit Judicial Commission and their staff as necessary to perform their duties.

Notwithstanding the above, in accordance with Supreme Court Rule 10.28 (e), if I am one of the three nominees listed on the certificate of nomination sent to the Governor, I authorize the Commission to send a complete copy of this application to the Governor and publicly release a copy of the application with personal and confidential information redacted as identified on the cover page of this application.

This certification and authorization shall remain in full force and effect until revoked by me in writing.

Dana Marie Altieri
Signature of Applicant

12/18/2012
Date

Dana Marie Altieri
Printed Full Name of Applicant