

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

Respondent,

v.

LARRY DANIEL BRASHIER,

Appellant.

DOCKET NUMBER WD70077

Date: February 2, 2010

Appeal from:
Boone County Circuit Court
The Honorable Mary Capshaw Asel, Judge

Appellate Judges:
Division One: Lisa White Hardwick, Presiding Judge, James M. Smart and Alok Ahuja, Judges.

Attorneys:
Matthew Ward, Esq., Columbia, MO, for appellant.
Shaun J. Mackelprang, Esq., and Mary H. Moore, Esq., Jefferson City, MO, for respondent.

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

STATE OF MISSOURI

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v.

LARRY DANIEL BRASHIER,

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Boone County

Before Division One Judges: Lisa White Hardwick, Presiding Judge,
James M. Smart, Jr. and Alok Ahuja, Judges

Larry Brashier challenges the sufficiency of the evidence to support his convictions on two counts of victim tampering, a violation of Section 575.270.2, RSMO Cum. Supp. 2009. He contends the statute requires a showing that the victim tampering occurred against a person who had already been a victim of a crime. Because the State alleged that Brashier took steps to eliminate phone access for the victims *before* he assaulted them, Brashier contends the State failed to prove an essential element of victim tampering.

AFFIRMED.

Division One holds: Section 575.270.2 does not require that the tampering occur after the victim of a crime has been victimized. It merely states that the person who was prevented or dissuaded from reporting the crime must have been a

victim of the crime or acting on behalf of such victim. The State met its burden of showing that Brashier prevented the victims from reporting his assault by eliminating their phone access moments before the assaults occurred. The evidence is sufficient to support the convictions.

Opinion by: Lisa White Hardwick, Judge

February 2, 2010

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