

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

STATE OF MISSOURI,

Respondent,

v.

KENNETH LEROY JOHNSON,

Appellant.

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**DOCKET NUMBER WD70816**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** April 13, 2010

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**APPEAL FROM**

The Circuit Court of Boone County, Missouri  
The Honorable Gary M. Oxenhandler, Judge

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**APPELLATE JUDGES**

Division Three: James Edward Welsh, Presiding Judge, and Mark D.  
Pfeiffer and Karen King Mitchell, Judges

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**ATTORNEYS**

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Attorneys for Respondent,

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Attorney for Appellant.

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

STATE OF MISSOURI, )  
)  
Respondent, )  
v. ) **OPINION FILED:**  
) **April 13, 2010**  
KENNETH LEROY JOHNSON, )  
)  
Appellant. )

WD70816

Boone County

Before Division Three Judges: James Edward Welsh, Presiding Judge, and  
Mark D. Pfeiffer and Karen King Mitchell, Judges

The State charged Appellant Kenneth L. Johnson with possession of a controlled substance. § 195.202, RSMo 2000. Johnson appeals, arguing that his rights under the Fourth Amendment of the United States Constitution were violated.

**AFFIRMED.**

**Division Three holds:**

Officer Jonathan Logan and Officer Lance Bolinger stopped Johnson, who was riding his bike in a park. Logan believed that there was an outstanding warrant for Johnson's arrest. Logan testified that he could not remember where he had obtained the information, but he remembered hearing about the outstanding warrant within the two weeks prior to his arrest of Johnson. Logan normally learned of warrant information at shift meetings, from other officers, or from the department's memorandum system. Logan was familiar with Johnson because he had arrested him in the past. When Logan heard about the outstanding warrant, Logan placed Johnson's name on a personal list that he maintained.

Logan stopped Johnson and said, "Kenny, I think you have a warrant." Logan and Bolinger stepped in front of Johnson's bicycle, blocking his progress. Logan asked for Johnson's full name and date of birth so that he could check the police records to verify that the warrant for Johnson's arrest was still active. Logan testified that, had he not briefly detained

Johnson, he could not have confirmed the active status of the warrant because “there’s thousands of Kenny Johnsons. . . . You need a date of birth and a Social Security number to help confirm that.” Both Logan and Bolinger testified that, while they were verifying that the warrant was still active, Johnson was not free to leave.

The officers verified that a warrant for Johnson’s arrest was active. They then handcuffed and searched Johnson. The search revealed two marijuana cigarettes. Bolinger transported Johnson to the police station. The police conducted an inventory search of Johnson. Turning out Johnson’s pockets, the police found crack cocaine.

Johnson alleges that, by stopping and subsequently searching him, the police violated his rights under the Fourth Amendment and article I, section 15 of the Missouri Constitution.

We hold that (1) the initial stop constituted a seizure of Johnson’s person; (2) the seizure was constitutionally permissible in that Logan had reasonable suspicion that there was an active warrant for Johnson’s arrest, *see Terry v. Ohio*, 392 U.S. 1, 27 (1968); and (3) the scope of the initial seizure was constitutionally permissible in that it was no more intrusive than the circumstances required.

**Opinion by: Karen King Mitchell, Judge**

April 13, 2010

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