

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**COMPLETE STYLE OF THE CASE:**

**STEPHANIE SASNETT, a Minor by and through her Guardian and Natural Mother,  
MARIA SASNETT, et al.,**

**Appellants,**

**v.**

**TINA M. JONS and CITY OF KANSAS CITY,**

**Respondents.**

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DOCKET NUMBER WD75106

**Date: April 2, 2013**

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Appeal from:  
Jackson County Circuit Court  
The Honorable Joel P. Fahnstock, Judge

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Appellate Judges:  
Division Two: Karen King Mitchell, Presiding Judge, James E. Welsh, Chief Judge and  
Lisa White Hardwick, Judge

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Attorneys:  
Andrew J. Gelbach, Christopher P. Sweeny and William D. Vandever, Kansas City, MO,  
for appellant.  
Douglas McMillan, Chad Stewart, and James C. Morrow, Kansas City, MO, for  
respondent.

# MISSOURI APPELLATE COURT OPINION SUMMARY

## COURT OF APPEALS -- WESTERN DISTRICT

**STEPHANIE SASNETT, a Minor by and through her Guardian and Natural Mother, MARIA SASNETT, et al.**

**Appellants,**

**v.**

**TINA M. JONS and CITY OF KANSAS CITY,**

**Respondents.**

WD75106

Jackson County

Before Division Two: Karen King Mitchell, Presiding Judge, James E. Welsh, Chief Judge and Lisa White Hardwick, Judge

The widow and three children of Stephen Sasnett ("the Sasnetts") appeal from a judgment in their favor on their wrongful death claim against the City of Kansas City ("the City") and Tina Jons ("Jons"). On appeal, the Sasnetts contend the circuit court: (1) erred by failing to instruct the jury that Jons owed a higher standard of care than the City owed; (2) plainly erred in admitting Jons's testimony that she has three children and that she understood that the Sasnetts wanted her to go to jail; and (3) erred in denying their motion for costs.

**AFFIRMED.**

Division Two holds:

(1) Because the Sasnetts did not preserve their claim of instructional error, our review is for only plain error. The circuit court did not plainly err by failing to instruct the jury that Jons owed a higher standard of care than City owed. The Sasnetts proffered the verdict-directing instruction concerning Jons's liability and affirmatively stated that

they had no objection to any of the instructions, all of which were proper under MAI. The jury was well aware of Jons's higher standard of care, as it was mentioned numerous times throughout the trial and in closing arguments. In light of these circumstances, the Sasnetts failed to establish the existence of any instructional error, much less instructional error that resulted in manifest injustice or a miscarriage of justice.

(2) The circuit court did not plainly err in admitting any of Jons's testimony. Her testimony that she has three children was brief, and her testimony that she was formerly a stay-at-home mom and that she understood the Sasnetts wanted her to go to jail was in response to matters the Sasnetts had elicited on direct examination. Moreover, given the substantial amount of evidence against the City, the admission of this testimony did not result in manifest injustice or a miscarriage of justice.

(3) The circuit court did not abuse its discretion in denying the Sasnetts' motion for costs. The only evidence before the court showed that their costs were paid in their prior settlement with another defendant.

Opinion by: Lisa White Hardwick, Judge

April 2, 2013

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