

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI**

**v.  
SANDRA G. PLUNKETT**

**RESPONDENT,**

**APPELLANT.**

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DOCKET NUMBER WD77406

DATE: August 18, 2015

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Appeal From:

Callaway County Circuit Court  
The Honorable Gary M. Oxenhandler, Judge

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Appellate Judges:

Division One: Cynthia L. Martin, Presiding Judge, Joseph M. Ellis, Judge and James E. Welsh,  
Judge

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Attorneys:

Richard A. Starnes, Jefferson City, MO, for respondent.

Emmett D. Queener, Columbia, MO, for appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI,**

**RESPONDENT,**

**v.**

**SANDRA G. PLUNKETT,**

**APPELLANT.**

No. WD77406

Callaway County

Before Division One: Cynthia L. Martin, Presiding Judge, Joseph M. Ellis, Judge and James E. Welsh, Judge

Sandra G. Plunkett appeals her convictions of first-degree murder and armed criminal action following a jury trial. Plunkett argues that the trial court erred by refusing to submit a proposed self-defense instruction to the jury, by overruling her motions to suppress evidence, and by admitting testimony at trial regarding the evidence she sought to suppress.

**Affirmed.**

**Division One holds:**

The trial court did not err by refusing to submit Plunkett's proposed self-defense instruction to the jury because the instruction failed to comport with Rule 28.02(d). The proposed instruction did not follow the format of MAI-CR instructions and it failed to use language that was simple and brief. Plunkett's proposed instruction was an abstract statement of law that did not reference the self-defense instruction affirmatively approved by Plunkett, and, thus, could have created potential confusion among the jury. Plunkett also was not prejudiced by the trial court's refusal to tender her proposed instruction to the jury because there is no reasonable probability that the trial court's refusal affected the outcome of the trial.

The trial court did not clearly err in overruling Plunkett's motions to suppress bank and insurance records because she possessed no legitimate expectation of privacy in the records. Both the bank records and the insurance records were business records owned and maintained by the banks and insurance company. Plunkett therefore had no legitimate expectation of privacy in the records. Because the trial court did not err in overruling Plunkett's motions to suppress the bank and insurance records, the trial court also did not err in admitting testimony at trial regarding the bank and insurance records.

Opinion by Cynthia L. Martin, Judge

August 18, 2015

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