

**APPLICATION OF WESLEY BRENT POWELL
TO THE APPELLATE JUDICIAL COMMISSION FOR THE
JUDGE ELLIS VACANCY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

***RESPONSES TO THESE QUESTIONS, INCLUDING ATTACHMENTS THERETO,
WILL BE MADE PUBLIC IF THE APPLICANT IS NOMINATED FOR THIS VACANCY***

1. Present principal occupation or title:

Circuit Judge – Jackson County, Missouri

2. Are you at least 30 years of age? Yes (X) No ()
3. How many years have you been a citizen of the United States?

45 years

(b) How many consecutive years immediately preceding your application have you been a qualified voter of Missouri?

27 years

4. State the date you were admitted to The Missouri Bar and whether your license is in good standing. If not, explain in detail.

I was admitted to the bar on October 4, 1996. I have always been a member in good standing.

5. List any other states, courts, or agencies in which you are licensed as an attorney.

Kansas – inactive

6. (a) State the name and address of all colleges and universities attended, *other than* law school, together with the dates and degrees received.

**William Jewell College
500 College Hill
Liberty, MO 64068
August 1988 – May 1992
Bachelor of Arts – Political Science**

(b) List/describe any college or university activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision.

Awards: - **Graduated Magna Cum Laude**
- **Varsity Football Letterman**

Activities: - **United States Senate Intern**
- **Oxford University Overseas Study Program**
- **Vice President, Intra-Fraternity Council**

7. (a) State the name and address of all law schools attended together with the dates and degrees received.

University of Missouri-Columbia School of Law
203 Hulston Hall
Columbia, MO 65211
August 1993 – May 1996
Juris Doctor

(b) List/describe any law school activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision.

Awards: - **Top 11% of graduating class**
- **Top Grade - Employment Discrimination**
- **Top Grade - Conflicts of Law**
- **Top Grade - Family Law**

Activities: - **Law Review Case Note Editor and Member**
- **President, Student Bar Association**
- **Treasurer, Student Bar Association**
- **First Year Representative, Student Bar Association**
- **Lt. Governor, American Bar Association**
- **Student Law Clerk, Missouri Supreme Court Judge Elwood Thomas**

8. State, in chronological order (starting with the earliest employment) *significant non-law-related employment* prior to law school and to the present. To the extent reasonably available to you, include the name and address of each employer and the dates of employment.

Summers	Mason Aquatics
1985 – 1992	Shirley Mason

**4903 Farm Road 243
Rogersville, MO 65742**

Swim Coach/Instructor

From 1985 to 1991, I spent my high school and college summers coaching a swim team and teaching swim lessons to children at a rural swimming pool.

**1992 Clay County Juvenile Detention Office
351 E. Kansas Street
Liberty, MO 64068**

Juvenile Detention Officer

During my senior year of college, I worked as a part-time Juvenile Detention Officer. I supervised and worked with juveniles who were incarcerated and being held in the juvenile detention facility.

**1992 – 1993 Office of U.S. Senator Kit Bond
Jefferson City, MO**

Constituent Services Representative

After graduating from college, I worked for one year as a Constituent Services Representative for United States Senator Kit Bond before attending law school. I assisted Missourians who encountered problems or issues with various federal governmental agencies.

9. State, in chronological order (starting with the earliest employment) *all law-related employment* from the beginning of law school to the present. To the extent reasonably available to you, include the name and address of each employer, the dates of employment, and describe the positions you have held, e.g., associate, partner, law clerk, general counsel.

**Summer 1994 Hillix Brewer Hoffhaus Whittaker & Wright
Firm no longer exists
Kansas City, MO**

Summer Associate

Summer 1995	Gage and Tucker Now Lathrop and Gage L.C. Kansas City, MO
	Summer Associate
1996 – 1997	Lathrop and Gage L.C. 2345 Grand, Suite 2200 Kansas City, MO 64108
	Associate
1997 – 2001	Platte County Prosecutor’s Office 328 Main Street Platte City, MO 64079
	Assistant Prosecuting Attorney
2001 - 2008	United States Attorney’s Office Western District of Missouri 400 East 9th Street Kansas City, MO 64106
2001 - 2005	Assistant United States Attorney
2005 - 2006	Deputy Chief – General Crimes Unit
2006 - 2007	Chief – General Crimes Unit
2007 - 2008	Executive Assistant United States Attorney
2008 – Present	Jackson County Circuit Court 415 East 12th Street Kansas City, MO 64105
	Circuit Judge

10. If, as a student, you were suspended, placed on probation or expelled by school authorities for any reason, describe the circumstances.

I have never been suspended, placed on probation or expelled by school authorities for any reason.

11. Describe the nature of your experience in trial and appellate courts and explain how they demonstrate the quality of your legal work. (*You either may take as much space as you need here or attach your response on separate sheets. It is your responsibility to redact any confidential information.*) Include in your response:

- a) **Appellate Experience:** Please include a representative list of cases you have briefed and/or argued (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court and, if published, the citation; identify the client(s) you represented and opposing counsel; and give a one-paragraph description of the case and your role.

From 1997 to 2001, I served as an Assistant Prosecuting Attorney for the State of Missouri at the Platte County Prosecutor's Office. The Missouri Attorney General's Office handled most of the appellate work generated from this office. However, Assistant Prosecuting Attorneys were responsible for handling any appeal stemming from a misdemeanor or infraction. In addition, Assistant Prosecuting Attorneys were responsible for pursuing any appeal of a ruling suppressing evidence. In this limited capacity, I worked on approximately 2 appellate matters that were heard in the Missouri Western District Court of Appeals.

From 2001 to 2008, I served as a federal prosecutor for the United States Attorney's Office in the Western District of Missouri. As a federal prosecutor, I was responsible for all appellate work stemming from my cases. In this capacity, I pursued and responded to numerous appeals dealing with various criminal law and civil forfeiture issues. I served as lead counsel on approximately 15 appellate cases while serving as a federal prosecutor that were heard in the United States Eighth Circuit Court of Appeals.

A representative sample of the appeals I worked on as a state and federal prosecutor are listed below:

***United States v. Timley et. al.*, 443 F.3d 615 (8th Cir. 2006) and
507 F.3d 1125 (8th Cir. 2007)**

Represented: United States

Opposing Counsel: Patrick Peters

I was lead counsel in both appeals involving a conspiracy to distribute illegal narcotics. I defended the trial court's denial of a motion to suppress evidence and imposition of a 92 month term of imprisonment for Mr. Timley. In addition, I sought reversal of the trial court's ruling that it lacked jurisdiction to forfeit \$130,097 seized at the time of Mr. Timley's arrest. Ultimately, the

appellate court reversed the trial court's order denying forfeiture and upheld the trial court's 92 month sentence and denial of a motion to suppress.

***State of Missouri v. Christina Kriley*, 976 S.W.2d 16 (Mo. Ct. App. 1998)**

Represented: State of Missouri

Opposing Counsel: Mark Ferguson and Doug Wilson

As an Assistant Platte County Prosecutor, I pursued an appeal of the trial court's suppression of evidence seized when law enforcement uncovered a methamphetamine laboratory at a residence in Platte County, Missouri. The appeal addressed the question of whether a doorless covered porch which enclosed a side door to the residence deserved protection from a warrantless entry. The appellate court concluded the warrantless entry into the covered porch violated the Fourth Amendment of the United States Constitution.

***United States of America v. Karamoke Fuse*, 391 F.3d 924 (8th Cir. 2004)**

Represented: United States

Opposing Counsel: Lance Sandage

Following a traffic stop, law enforcement officers recovered a large amount of illegal narcotics in the truck of a car occupied by Mr. Fuse. On appeal, Mr. Fuse alleged that his brief detention while a drug dog circled his vehicle was unconstitutional and the seizure of the illegal narcotics should have been suppressed by the trial court. I defended the trial court's denial of a motion to suppress. The appellate court ruled that the brief detention of Mr. Fuse was reasonable and lawful under the circumstances of the case.

***United States of America v. Dale Willis*, 433 F.3d 634 (8th Cir. 2006)**

Represented: United States

Opposing Counsel: David Kelly

Mr. Willis pled guilty to conspiring to manufacture and distribute crack cocaine. Mr. Willis appealed his sentence arguing the trial court improperly calculated the federal sentencing guidelines. I defended the trial court's rulings and sentence on appeal. The appellate court upheld the sentence imposed by the trial court. The brief I authored is attached as a writing sample in response to Question 28.

***United States v. Charles Winston*, 456 F.3d 861 (8th Cir. 2006)**

Represented: United States

Opposing Counsel: James Brown

After trial, a jury found Mr. Winston and other gang members guilty of conspiracy to possess with the intent to distribute crack cocaine. On appeal, Mr. Winston argued the evidence was insufficient to support the conviction and the sentence imposed was unreasonable. I defended the jury's verdict and the sentence imposed by the trial court. The appellate court upheld the verdict and sentence.

***United States v. Pena*, 339 F.3d 715 (8th Cir. 2003)**

Represented: United States

Opposing Counsel: Cenobio Lozano, Jr.

After two jury trials, the first of which resulted in a hung jury, Mr. Pena was convicted of conspiring to distribute cocaine. On appeal, Mr. Pena argued the trial court improperly calculated the federal sentencing guidelines, improperly considered his nationality when determining his sentence, and his conviction constituted Double Jeopardy under the United States Constitution. The appellate court rejected Mr. Pena's arguments and upheld his conviction and sentence. I was lead counsel in both jury trials and defended the jury's verdict and trial court's sentence on appeal.

- b) **Trial-Level Experience:** Please include a representative list of cases and/or administrative hearings you have handled (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court; identify who you represented and opposing counsel; state whether the case was disposed of following a jury trial, bench trial or at what other stage; and give a one-paragraph description of the case and your role.

From 1997 to 2008, I served as a state court and federal prosecutor. In this capacity, I handed hundreds of hearings and trials. I was lead counsel or took a significant role in approximately 40 separate jury trials. Of special note, I specialized in handling criminal and civil forfeiture cases and issues. I am probably only one of a few Missouri state court prosecutors who can claim to have tried a civil forfeiture matter to a jury.

Below is a representative sample of the jury trials I played a lead role in as a state court or federal prosecutor:

***United States v. John Phillip Street*, Case # 04-00298-01-CR-W-GAF**

Jurisdiction: U.S. District Court, Kansas City – Judge Gary Fenner

Represented: United States

Role: Lead Counsel

Opposing Counsel: Fred Duchardt and Michael Walker
Type of Trial: Jury Trial
Date: 1st Trial - July 24, 2006; 2nd Trial – November 27, 2006

This was a murder case in which the Government alleged Mr. Street killed the victim to further his methamphetamine manufacturing and distribution enterprise. The case took three weeks to try. The first case ended in a hung jury. After a second trial, the jury convicted Mr. Street of murder. Subsequent appeals and trials occurring after I left the United States Attorney's Office resulted in Mr. Street's acquittal.

United States v. Loren May, Sr., Case # 04-00246-05-CR-W-DW
Jurisdiction: U.S. District Court, Kansas City – Judge Dean Whipple
Represented: United States
Role: Lead Counsel
Opposing Counsel: Kent Hall and Kurt Marquart
Type of Trial: Jury Trial
Date: October 24, 2005

The Government alleged that Mr. May, his son and others conspired to distribute crack cocaine in the St. Joseph, Missouri area. Following a jury trial, Mr. May was convicted. Mr. May's son and the other charged individuals pled guilty.

United States v. Tony Gastineau, Case # 03-00055-03-CR-W-NKL
Jurisdiction: U.S. District Court, Kansas City – Judge Nanette Laughrey
Represented: United States
Role: Lead Counsel
Opposing Counsel: Lance Haley
Type of Trial: Jury Trial
Date: June 8, 2004

This case involved the manufacture of methamphetamine and the legal drug ephedrine which is used illegally to make methamphetamine. In connection with an investigation involving the largest seizure of ephedrine in Missouri at that time, the Government alleged that Mr. Gastineau had acquired ephedrine with the intent to manufacture methamphetamine. The jury convicted Mr. Gastineau of possessing ephedrine with the intent to manufacture methamphetamine.

United States v. Akbar and Dawson, Case # 03-00215-CR-W-ODS
Jurisdiction: U.S. District Court, Kansas City – Judge Ortrie Smith
Represented: United States

Role: Lead Counsel
Opposing Counsel: Bruce Simon and Vince Esposito
Type of Trial: Jury Trial
Date: February 9, 2004

This case involved two defendants, Mr. Akbar and Mr. Dawson. The Government alleged that Mr. Akbar and Mr. Dawson conspired to distribute crack cocaine in the Kansas City area after they were arrested with illegal narcotics and firearms. The jury convicted both Mr. Akbar and Mr. Dawson following a jury trial.

State of Missouri v. Damon Bell, Case # 00CR83435-01
Jurisdiction: Platte County Circuit Court - Judge Lee Hull
Represented: State of Missouri
Role: Lead Counsel
Opposing Counsel: Karen Sims, Assistant Public Defender
Type of Trial: Jury Trial
Date: September 4, 2001

The State of Missouri alleged that Mr. Bell forcibly robbed a hotel while armed with a weapon. Mr. Bell was charged with robbery in the first degree and armed criminal action. After a jury trial, the jury found Mr. Bell guilty of both counts.

State of Missouri v. Randy Clark, Case # 00CR82132
Jurisdiction: Platte County Circuit Court - Judge Abe Shafer
Represented: State of Missouri
Role: Lead Counsel
Opposing Counsel: Bert Godding and Eric Vernon
Type of trial: Jury Trial
Date: February 5, 2001

The State of Missouri alleged that Mr. Clark was involved in a motor vehicle accident while under the influence of alcohol causing injuries and death to passengers of his vehicle. Mr. Clark was charged with vehicular manslaughter and multiple counts of assault in the second degree. Following a jury trial, the jury found Mr. Clark guilty on all counts.

State of Missouri v. Randy Johnston, Case # 0698CF01809-01
Jurisdiction: Platte County Circuit Court - Judge Lee Hull
Represented: State of Missouri
Role: Lead Counsel
Opposing Counsel: Anthony Cardarella, Assistant Public Defender

Type of trial: Jury Trial

Date: May 3, 1999

The State of Missouri alleged that Mr. Johnston was involved in a motor vehicle accident while under the influence of alcohol causing the death of a passenger in his vehicle. Because of prior convictions for driving while intoxicated, Mr. Johnston was charged with felony driving while intoxicated. Because the passenger of his vehicle died during the commission of the felony of driving while intoxicated, Mr. Johnston was charged with felony murder. This was one of the first cases in Missouri where felony murder was pursued with driving while intoxicated being the underlying felony. Following a jury trial, the jury convicted Mr. Johnston of felony driving while intoxicated, but a hung jury was declared on the felony murder charge. Ultimately, Mr. Johnston entered a guilty plea to the felony murder charge.

- c) **Judicial Experience:** If you are a judge, commissioner, or are serving or have served in other judicial capacity, please describe the nature and extent of your judicial responsibilities, including the dates you have served as a judge at each level, the types of dockets you have handled and any special expertise you have developed that you believe is relevant to your qualifications for the position for which you are applying.

I have been a Circuit Judge for Jackson County, Missouri since 2008. In this role, I am currently responsible for a docket of approximately 200 civil cases and 160 active criminal cases.

In civil cases, I am responsible for the case from the date of filing to disposition, including dispositive motions, discovery issues and all pre-trial motions. I have presided over approximately 25 civil jury trials and approximately 5 bench trials involving a variety of issues, including breach of contract, employment discrimination, civil conspiracy, breach of fiduciary duty and other torts such as negligence and assault.

In criminal cases, I am responsible for the case from arraignment to disposition. I handle all pre-trial motions such as motions to suppress, motions in limine and motions to dismiss. I have presided over approximately 18 jury trials and approximately 5 bench trials involving a variety of cases including murder, rape, sodomy, statutory rape, statutory sodomy, robbery, burglary and stealing. In addition, I carry a docket of approximately 330 probation cases.

From July 2009 to December 2010, I was assigned to the Circuit's Family Court. As a judge of Family Court, I handled marital dissolution, paternity

and other child custody cases. In addition, I handled requests for emergency orders of protections involving child and adult abuse cases and presided over hearings involving these matters.

For one year spanning 2013 and 2014, I was assigned to Criminal A, a special division within the Circuit Court responsible for arraignments and assignment of criminal cases to trial divisions. This assignment involved taking numerous guilty pleas, reviewing requests for search warrants, arrest warrants, and overseeing grand juries.

I have assisted in the administration of the Circuit Court by serving on a variety of committees including the Executive Management Committee, the Rules Committee, and the Family Court Committee; and I currently chair the Circuit's Technology Committee.

In 2011, I sat as a Special Judge with the Missouri Western District Court of Appeals. In this capacity, I sat on a panel with two other judges, heard 6 cases and I authored one opinion. In this opinion, the criminal defendant appealed his conviction for first-degree statutory rape, alleging the trial court erred in submitted a jury instruction referring to his intoxication at the time of the offense and evidentiary rulings precluding cross examination of the victim's mother about her plains to divorce the defendant. The opinion is attached as a writing sample in response to Question 28.

12. Describe any additional legal experience that you believe may be relevant to the decision of the commission (e.g., work as a law professor, in government, as corporate or other legal counsel).

I currently serve on the Committee on Procedure in Criminal Cases. The committee is comprised of judges and attorneys who meet on a monthly basis in Columbia, Missouri. Among other duties, the committee is responsible for drafting proposed criminal jury instructions for review and approval by the Missouri Supreme Court. In 2014, the Missouri Legislature passed a revised criminal code. This comprehensive legislation required the review and revision of all criminal jury instructions. As a member of the Committee on Procedure in Criminal Cases, I have been tasked with reviewing and revising criminal instructions relating to property crimes and stealing related offenses. I also contributed to the submission of a jury instructions addressing the issue of witness identification in criminal cases.

I also serve on the Missouri Advisory Sentencing Commission. The Commission works to provide information to judges, probation parole, the

public and others and promote fairness and effectiveness in sentencing. For example, the commission conducts statistical research and analysis of individuals convicted of crimes and provides information on sentences imposed throughout Missouri. The Commission also assists in developing the Sentencing Assessment Report which provides information to the sentencing court about the offender, the risk of re-offending, treatment programs and supervision options available in the community and in prison. Specifically, as a member of the Commission, I and another member were tasked with creating language in the Sentencing Assessment Report identifying how similarly situated criminal defendants are sentenced throughout the State of Missouri.

13. List all bar associations and other professional societies of which you are a member, with any offices held and dates.

Missouri Bar Association

Kansas City Metropolitan Bar Association

Association of Women Lawyers of Greater Kansas City

14. Describe your efforts (e.g., work on bar committees, pro bono efforts, CLEs presented, etc.) to contribute to the improvement of the law, the legal system and the administration of justice.

I am passionate about judicial education and improving access to our courts and legal system. For many years, I have been a member of the Missouri Supreme Court Committee on Access to Family Courts, and I am currently the Chair of the Subcommittee on Judicial Education and the Subcommittee on Limited Scope Representation. The Committee on Access to Family Courts was established to address the increase volume of and the inherent challenges with litigants who represent themselves in family law matters in Missouri courts. The Committee has created a comprehensive framework of online educational material and resources, court staff/judicial training, forms, rules, and publications and programs. The Committee focuses on promoting attorney pro bono programs and limited scope representation to assist litigants who live within the margins of our society and cannot afford legal representation in family law matters.

I also serve on the Missouri Supreme Court Trial Judge Education Committee. This Committee is responsible for developing the curriculum for yearly statewide judicial training. In 2011 and 2015, I was a member of the Judicial College Faculty and presented on limited scope representation. The Judicial College is annual training attended by most of Missouri's judiciary.

In 2016, I am scheduled to present at Judicial College on Missouri's revised criminal code.

Since 2009, I have served as the Lead Master of the Ross T. Roberts Trial Academy Program of the Kansas City Metropolitan Bar Association, formally referred to as Ross T. Roberts Inn of Court. The Trial Academy meets monthly August through April and provides attorneys the opportunity to further develop trial advocacy skills through practice sessions in a courtroom setting. The program also promotes professionalism and civility within the legal community.

Throughout my judicial career I have participated in many Continuing Legal Education (CLE) programs for practicing lawyers. The following is a representative list of CLEs in which I have presented:

**University of Missouri-Kansas City Law School Judicial Forum - 2008
Association of Women Lawyers of Greater Kansas City Ethics CLE - 2010
KCMBA Procedure in Criminal A Division 16th Judicial Circuit CLE - 2010
Labor and Employment Law Symposium - 2011
KCMBA Bench Bar presentation on Jury Selection - 2013
University of Missouri-Kansas City Law School Mock Trial Competition - 2014
Association of Women Lawyers of Greater Kansas City Update on 16th Circuit Local Rules CLE - 2015**

15. List your community activities, including any organizations not listed elsewhere with which you are affiliated.

Since moving to Kansas City in 1996, I have been involved in a wide variety of community activities including work with the Child Protection Center, the Metropolitan Organization to Counter Sexual Assault and other not-for-profit organizations. Currently, I am actively involved in the following organizations:

Visitation Catholic Church, Kansas City, Missouri

My wife and I are active members of Visitation parish and I currently serve as a member of the Faith Formation Committee. I have assisted the parish pastoral staff as a volunteer adult leader for the youth confirmation class, and I have also coached several 7th and 8th grade basketball and football teams at the church's school.

Lawyers Encouraging Academic Performance (LEAP)

I am a member of the LEAP Board of Directors. LEAP is a not-for-profit foundation created to further, promote and expand upon existing community service of lawyers in the Greater Kansas City Area

16. Describe your activities (e.g., speeches, presentations, educational activities, etc.) undertaken to further public understanding of and respect for courts and the judicial system and to promote access to justice for all.

As a Judge, I have worked with the University of Missouri – Columbia and the University of Missouri – Kansas City law schools to provide internship opportunities to law students. The internships may last the entire summer, may consist of 10-12 hours a week during the semester, or may last two weeks during Winter Break. However, all internships provide the law students unique opportunities to observe courtroom proceedings and gain an understanding of what occurs in in our courtrooms and legal system.

Throughout my career I have taken the opportunity to speak with groups visiting either the federal courthouse or the Jackson County courthouse and explain the role of courts within our legal system. These groups vary in age, size and background.

Also, much of my work with the Missouri Supreme Court Committee on Access to Family Courts is focused on promoting access to justice for all.

17. List any professional articles or books authored by you that have been published or any special recognition or award of a professional nature you have received

As a law student I authored the following casenote that was published in Missouri Law Review: Powell, *Submitting Theories of Respondeat Superior and Negligent Entrustment/Hiring*, 61 Mo.L.Rev. 155 (1996).

I have drafted a chapters on *Pro Se* Litigation and Limited Scope Representation for the Domestic Law Bench Book. They are currently awaiting publication.

I have drafted a chapter on Evidentiary Witness Issues with Assistant Public Defender Leon Munday for the Criminal Law Bench Book. It is currently awaiting publication.

18. Do you now hold or have you ever held an elective or an appointive public office or position? If yes, provide details.

I have been a Circuit Judge for Jackson County, Missouri since February, 2008

19. Provide the branches and dates of (a) military service or (b) other public service not otherwise disclosed in this application. If discharged from the military, state whether the discharge was other than honorable.

I have not previously served in the military.

20. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of being an appellate judge, including participating in oral argument; performing legal research; communicating clearly and effectively, both orally and in writing; supervising the lower courts, serving on court committees and performing other administrative functions; and expeditiously deciding issues coming before the court.

Yes. I am able, without accommodation, to perform the essential functions of being an appellate judge.

21. Were you ever refused admission to the bar of Missouri or the bar of another state or the federal courts? If yes, provide details.

No.

22. Have you ever been disciplined, admonished or cited for a breach of ethics or professional conduct by the Supreme Court of Missouri or by any court or bar association or committee thereof? If yes, provide details.

No.

23. If you are or were a member of the judiciary of the State of Missouri, please state:

- a) Whether an order of discipline ever has 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 yes, provide details.

No.

- b) Whether a reprimand or admonition ever has been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Supreme Court Rule 12.07. If yes, provide details.

No.

24. Have you have ever been held in contempt of court? If yes, provide details.

No.

25. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem, or defendant ad litem?

If your answer is yes, state the style of the case, where it was filed, and explain in detail. If you are a judge and you have been sued in your judicial capacity, list only those cases where you are or were other than a nominal party.

To my knowledge, I have never been sued or been a party to any other litigation.

25. Have you ever pleaded guilty, been convicted or received a suspended imposition of sentence for a felony or misdemeanor in any state, federal or military court? *(Note that this question does not require that minor traffic offenses or other infractions be listed.)*

If your answer is yes, state the style of the case, where it was filed, and explain in detail.

No.

27. Are you delinquent in the payment of any federal, state, county or city taxes? If yes, provide details.

No.

28. You must attach to this application at least one, but not more than three, writing samples that comply with the requirements set out in the instructions for applicants.

Attached are three writing samples:

1. The opinion I wrote when sitting by designation on the Western District Court of Appeals, State of Missouri v. Robert A. Rennick, Jr. WD72458 – *per curiam* unpublished opinion.

2. The brief I wrote on behalf of the United States in *United States of America v. Dale Willis*, 433 F.3d 634 (8th Cir. 2006).

3. A judgment I entered as a Circuit Judge, *Crumpton et. al. v. Kent et. al.* 1016-CV05599.

29. List/describe any additional honors or awards you have received, activities you have performed, or any other information not set out above that demonstrates the quality of your work as an attorney or that you otherwise believe is relevant to the commission's decision.

**Kansas City Metropolitan Bar Association President's Award – 2014
Award presented for outstanding service to the Bar**

**AWL Judge of the Year – 2009
Award presented by the Association of Women's Lawyers of Greater Kansas City**

**Award for Valor – Certificate of Commendation – 2007
Award presented by KMBC-TV and the Metropolitan Chiefs and Sheriffs Association for outstanding performance of duty and service**

**Lon O. Hocker Award - 2006
Award presented annually by the Missouri Bar Foundation to a lawyer, 36 years old or younger, who has demonstrated an unusual proficiency in the art of trial advocacy.**

**Kansas City, Missouri Police Department Certificate of Appreciation – 2005
Award presented for meritorious services rendered to the Kansas City, Missouri Police Department.**

**Drug Enforcement Administration Certificate of Appreciation – 2004
Award presented by the Drug Enforcement Administration for outstanding contributions in the field of illegal narcotics enforcement.**

I was retained by the voters in the General Election of 2010. Prior to this election, I was honored to receive favorable performance evaluation from members of the bar and jurors who have appeared in my court.

Please list the names of *five* persons whom you will ask to provide letters of reference for you with respect to your judicial qualifications. Do **not** list as a reference a judge of the court involved. As to each of the five references, **please provide name, title, mailing address, telephone and e-mail address.**

Please note that it is your responsibility to contact your references, although if you intend to use as a reference a federal judge or other individual who only can provide a reference upon a specific request by the interviewing authority, please advise the commission and it will send that reference such a request.

The commission must receive all reference letters **by e-mail** no later than **5 p.m. Friday, April 29, 2016**.

Provide your references with the attached Guidelines for References. The commission must receive your letters of reference, **via e-mail**, to WDjudgevacancy@courts.mo.gov, by the date indicated in the Instructions to Applicants.

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Honorable Jalilah Otto
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