IN THE
MISSOURI SUPREME COURT

STATE OF MISSOURI, ex inf. JEREMIAH W. (JAY) NIXON, ATTORNEY GENERAL OF MISSOURI,	)	
Appellant,	)	
vs.	)	Case No. SC84301
COLE COUNTY CIRCUIT JUDGES BYRON L. KINDER and THOMAS J. BROWN, III,	)	
Respondents.	)	

Appeal from the Circuit Court of Osage County, Missouri
The Honorable Gael D. Wood, Judge

RESPONDENTS' BRIEF

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

Supreme Court Rules

SUPPLEMENTAL STATEMENT OF FACTS

Appellant has written a one-sided, adversarial statement of facts. It is neither "fair" nor "without argument," as required by Rule 84.04(c). Therefore, respondents present the following supplemental statement.

This extraordinary dispute between the executive and judicial departments began with a "visit" by two of the Attorney General's top deputies, Charles Hatfield and James McAdams. They were not parties, and they did not represent parties, in any of the underlying lawsuits. Yet, they admit they were there to ask the respondent-judges to enter certain rulings in those cases (L.F. 250).[1]

When the respondent-judges did not agree and failed to comply with the opinions of his deputies, the Attorney General sought writs of prohibition and of mandamus from the Missouri Court of Appeals, Western District. His petition there was filed April 30, 2001, and denied on May 30, 2001 (L.F. 309). Under controlling constitutional provisions, the Attorney General could have thereafter applied to this Court for a special

[1] In his Statement of Facts, the Attorney General quotes the recollections of what his deputies said Judge Kinder said during the "visit" on February 8, 2001 (Appellant's Amended Brief, pp. 11-12). The respondent-judges objected to this so-called evidence in their answer below (L.F. 289), and they renew their objection on appeal. Circuit courts are courts of record, and discussions off the record are not to be considered. *In re Wakefield*, 283 S.W.2d 467, 471 (Mo. banc 1955); §476.010, RSMo 2000.

writ, but he did not. Instead, he filed his petition for quo warranto in Osage County, with a fanfare of publicity (the petition was in the hands of reporters before the respondent-judges were even aware the suit had been filed, which put them in the awkward position of being asked to comment on the Attorney General's charges without the minimal courtesy of a copy of the petition or even a "heads-up" it was being filed).

In his pleadings, the Attorney General said the respondent-judges had engaged in "willful misconduct." (L.F. 265). The Attorney General made no secret of the fact that his accusation of "willful misconduct" was because the judges failed to comply with the opinions of Hatfield and McAdams. See footnote 4, page 10 of Relator's Suggestions (L.F. 265).

In their answer (L.F. 275), the respondent-judges declared that circuit judges are not required to agree with and follow legal opinions of the Missouri Attorney General and his assistants (L.F. 281). The respondent-judges stated that the statute governing opinions by the Attorney General, §27.040, RSMo, lists the persons to whom the Attorney General shall give opinions, and while the statute includes state officials such as the Governor, Secretary of State, Auditor, Treasurer, etc., the list does not include circuit courts or the judges of the circuit courts (L.F. 281).

Further answering, the respondent-judges considered the Attorney General's quo warranto petition and the conduct that preceded it as the Attorney General's unlawful attempt to usurp powers of the Judicial Department in general and the Missouri Supreme Court's supervisory authority and superintending control over courts in particular (L.F. 281).

Further answering, the respondent-judges considered the "visit" of Hatfield and McAdams as an unlawful attempt to influence a court through ex parte communications and by means prohibited by law, in violation of Rule 4-3.5. They noted that the Attorney General never availed himself of the opportunity to intervene in the receivership cases (L.F. 285-286).

The Attorney General focuses on the reason given by the trial court for denying his petition in quo warranto, as if the reason itself is the point of the appeal. Of course, that is not the law, because a judgment will not be set aside due to an incorrect declaration if the judgment is otherwise correct for any other reason.[2] In their answer, respondent-judges asserted a number of other reasons why the Attorney General was not entitled to a writ of quo warranto:

1. Payments of income to Cole County were lawful.

2. Section 447.532, RSMo does not automatically make court funds the property of the Treasurer after five years.

3. The Attorney General is attempting to unlawfully usurp judicial powers.

4. The Attorney General has misused the writ of quo warranto.

5. The Attorney General has violated Supreme Court Rules.

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[2] *Stitt v. Stitt,* 617 S.W.2d 645 (Mo.App. W.D. 1981); *Kenilworth v. Cole,* 587 S.W.2d 93 (Mo.App. W.D. 1979); Rule 84.14.

6. The Circuit Court of Osage County has no power to control the Circuit Court of Cole County. (L.F. 275).

In their motion for judgment on the pleadings and suggestions in support, the respondent-judges zeroed in on the separation of powers issues:

1. That it is unconstitutional to use quo warranto to oust a circuit judge (L.F. 312-13).

2. That it is unconstitutional for a trial court of concurrent jurisdiction to assume a superintending role over the Circuit Court of Cole County (L.F. 313-15).

3. That the Attorney General was violating the separation of powers doctrine and attempting to usurp judicial powers (L.F. 315-16).

4. That respondent-judges have absolute judicial immunity (L.F. 317-18).

5. That jurisdiction over the receivership funds could not be acquired by the Circuit Court of Osage County because of the prior jurisdiction of the Circuit Court of Cole County (L.F. 318-20).

6. That the Attorney General was abusing process (L.F. 320-22).

In his Statement of Facts, the Attorney General implies that the State Auditor is on his side. A fuller statement of facts shows this to be misleading.

The State Auditor's audit of the Cole County Circuit Court for the years 1982, 1983 and 1984 examined the two receiverships then in existence. The relevant parts of

that audit were attached to the answer as Exhibit A. There was no criticism by the State Auditor of the payment of income on the funds to the circuit clerk and to the county. This audit report has been a public record for over fifteen years. It has never been amended or withdrawn. (L.F. 290).

The State Auditor's audit of the Cole County Circuit Court for the years 1985, 1986 and 1987 also examined the receiverships. The relevant parts of that audit were attached to the answer as Exhibit B. There was no criticism by the State Auditor of the payment of income to the circuit clerk and to the county. This audit report has been a public record for over twelve years. It has never been amended or withdrawn. (L.F. 290).

The State Auditor's audit of the Cole County Circuit Court for the years 1988, 1989 and 1990 also examined the receiverships. The relevant parts of that audit were attached to the answer as Exhibit C. There was no criticism of the State Auditor of the payment of income to the circuit clerk and to the county. This audit report has been a public record for over ten years. It has never been amended or withdrawn. (L.F. 290).

As to the fourth audit report, dated January 4, 2000, the State Auditor's comments about the receivership cases included no criticism about who was receiving the income from the funds and no finding that the assets belonged to the State Treasurer or that the circuit judges should be "ousted" from their judicial functions (L.F. 290-91).

ARGUMENT

I.

THE JUDGMENT SHOULD BE AFFIRMED BECAUSE IT IS UNCONSTITUTIONAL TO USE QUO WARRANTO TO OUST A CIRCUIT JUDGE.

Quo warranto will not lie against an officer subject to removal through other means, such as impeachment. *State ex inf. Nixon v. Moriarty,* 893 S.W.2d 806 (Mo. banc 1995); *State ex inf. Shartel v. Brunk*, 34 S.W.2d 94 (Mo. banc 1930). Judges of circuit courts are subject to removal by impeachment. Mo. Const. Art. VII, §1. The exclusivity of impeachment, and the extinguishment of other methods that might otherwise appear to exist, is emphasized by article VII, section 4:

> "Except as provided in this constitution, all officers not subject to impeachment shall be subject to removal from office in the manner and for the causes provided by law."

Further, article VII, section 12 of the Constitution secures public officers in their offices from removal except by constitutional means:

> "Except as provided in this constitution, and subject to the right of resignation, all officers shall hold office for the term thereof, and until their successors are duly elected or appointed and qualified."

The holding in *State ex inf. Nixon v. Moriarty,* is precise and clear – quo warranto does not lie to oust a public officer from an office subject to the impeachment article.

The constitutional methods preempt quo warranto. 893 S.W.2d at 808.[3] To the extent §531.010 can be read as subjecting circuit judges to ouster from office or from a case by quo warranto, it is unconstitutional.

II.

THE JUDGMENT SHOULD BE AFFIRMED FOR THE FURTHER REASON THAT IT WOULD BE UNCONSTITUTIONAL FOR THE CIRCUIT COURT OF OSAGE COUNTY TO ASSUME A SUPERINTENDING ROLE OVER THE CIRCUIT COURT OF COLE COUNTY.

The underlying cases were pending in Cole County, with jurisdiction over the funds in question. Claims against the funds, whether those be the claims of the owners, Cole County, the Circuit Clerk, the Treasurer, or anyone else, can and should be litigated there. Any aggrieved party has a right of appeal to the Missouri Court of Appeals and an opportunity for transfer to this Court. That is where any challenged rulings of the trial court can and should be reviewed. The Circuit Court of Osage County cannot lawfully be empowered as a court of review by the mere expedient of the Attorney General filing a

[3] The Missouri Constitution also provides an alternative procedure to force the retirement, removal or discipline of judges. Mo. Const. Art. V, §24. This procedure was added to the Constitution as a more expedient method than the "cumbersome" impeachment proceedings under article V, section 2. *In re Fullwood*, 518 S.W.2d 22, 25 (Mo. banc 1975) (Bardgett, J. dissenting). But that procedure does not apply here, nor does the existence of that procedure give any life to quo warranto.

writ of quo warranto there. As this Court stated in *State ex inf. McKittrick v. Murphy*, 148 S.W.2d 527, 530 (Mo. 1941): "The writ of quo warranto is not a substitute . . . for an appeal or writ of error."

The Attorney General may have typed the words "quo warranto" on his petition, but the gravamen of his lawsuit is in the nature of prohibition, because he seeks to prohibit respondents from acting. The essential function of prohibition is used by a superior court to confine an inferior court to its proper jurisdiction and to prevent the inferior court from acting without or in excess of its jurisdiction. *State ex rel. McDonnell Douglas v. Gaertner*, 601 S.W.2d 295, 296 (Mo.App. E.D. 1980). Quo warranto, on the other hand, tries the issue of title of the respondent to the office or franchise he or she claims, such as where the respondent does not have the right to hold the office. *State ex inf. Roberts v. Buckley*, 533 S.W.2d 551 (Mo. banc 1976) (forfeiture and ouster due to nepotism).

Here, the Attorney General is not alleging respondent-judges were not duly elected. He is not alleging they forfeited their office or that they are pretenders for any other reason. He says he wants to "oust" them from further authority over funds in cases pending before them. He tacitly concedes that the underlying cases were lawfully commenced and that they lawfully remain before respondent-judges, or else there would be no predicate for his attempt to prohibit their further exercise of jurisdiction.

Regardless of the label – the Attorney General could call his petition a "Writ of Formedon" or a "Writ of Mainprise" or any other number of labels used by English law – the substance would not change. He is trying to have a circuit court prohibit, and thereby

superintend, a concurrent court. That is an invitation to engage in unconstitutional behavior.

The Circuit Court of Osage County and the Circuit Court of Cole County are courts of concurrent jurisdiction. Only superior courts have power to control inferior courts. There is no authority for one court of concurrent jurisdiction to control another. See Mo. Const. Art. V, §4(1), which provides:

> "The supreme court shall have general superintending control over all courts and tribunals. Each district of the court of appeals shall have general superintending control over all courts and tribunals in its jurisdiction. The supreme court and districts of the court of appeals may issue and determine original remedial writs. Supervisory authority over all courts is vested in the supreme court which may make appropriate delegations of this power."

Cole County is in the Western District, so only the Missouri Court of Appeals for the Western District of Missouri and the Missouri Supreme Court have "superintending control" over the Circuit Court of Cole County.

The Attorney General is not ignorant of the rule that he must first go to the Western District of the Missouri Court of Appeals to seek superintending power over the Circuit Court of Cole County. He went there and lost. Under the controlling constitutional provisions, the Attorney General could have thereafter applied to this Court for prohibition and mandamus. But he did not.

The Attorney General cites §531.010, RSMo 2000 as his authority for filing a petition in quo warranto against the respondent-judges. The Attorney General is reading §531.010 too broadly. The statute appears to provide nothing more than a means to challenge a usurper to a judicial office. If §531.010 can be read and applied as the Attorney General is using it in this case, then it is unconstitutional, being in conflict with article II, section 1 and article V, sections 1 and 4 of the Constitution of Missouri.

If the Attorney General had any role to play, it would have been under §§470.270 to .350, RSMo 2000, which are the sections of Missouri's escheat law dealing with "Funds in Custody of Courts," (the heading assigned by the Committee on Legislative Research under the authority granted by §3.050, RSMo 2000). These sections are expressly applicable to funds in the custody of courts left over in litigation over refunds of rates, premiums, fares, etc. §470.270. The Attorney General is authorized to file a petition in the same court where the fund is held, in the name of and at the relation of the State of Missouri. §470.290. Or, the Attorney General may file a motion in the case where the fund exists. §470.340. Either way, the Attorney General must initiate the action. There is no statutory authority for him to discharge his duties by accusing circuit judges of willful misconduct and suing them in quo warranto for ouster because they did not order the funds paid to the Treasurer, *sua sponte.*

The Attorney General amended his brief to include a reference to Senate Bill 1248, and he included a copy of that bill in the Appendix of his amended brief. Apparently, he hopes that the enactment of Senate Bill No. 1248 (signed by the Governor on June 19th), will inoculate him from criticism for his failure to take the initiative under

the "Funds in Custody of Courts" sections of the Escheat Law. If this is his hope, then he will be disappointed.

The story behind the purported amendment of the escheat laws at the end of the last session of the General Assembly is interesting. As part of their response to the attack on them by the Attorney General and the Treasurer for not turning receivership money over *sua sponte*, the respondent-judges pointed out that neither the Attorney General nor the Treasurer had ever taken the initiative to file motions within the receivership cases. That is the procedure provided in the "Funds in Custody of Courts" laws, §§470.270 to .350. Thereafter, the Treasurer sought to have those sections repealed. But the bill drafted to do this, House Bill No. 2146 "relating to escheats" (a copy of which is appended to this brief), never made it out of committee. In fact, it never had a committee hearing.

But in the closing moments of the 91st General Assembly, Senate Bill No. 1248 "relating to certain funds for elementary and secondary education," became available as a "Christmas tree," which was hurriedly decorated with a mismatched assortment of ornaments. The bill "relating to escheats" was one of those odd ornaments. The constitution does not permit so cavalier a process. Senate Bill No. 1248 has multiple subjects, only one of which is clearly expressed in the title. Therefore, it violates Mo. Const. Art. III, §23, on two grounds. It has more than one subject, which voids the bill. *Hammerschmidt v. Boone County*, 877 S.W.2d 98 (Mo. banc 1994). Further, the sections of the bill relating to escheats are void, because amendment of the escheat laws is not a subject clearly expressed in the bill's title. *Carmack v. Director, Missouri Department of*

Agriculture, 945 S.W.2d 956 (Mo. banc 1997). Further, the original purpose of Senate Bill No. 1248 was changed, in violation of Art. III, §21 of the Missouri Constitution.

In addition to the constitutional problems with Senate Bill No. 1248, §§1.170 and .180 RSMo prohibit a statutory amendment from having *ex post facto* effect, so Senate Bill No. 1248, even if constitutional, cannot retroactively affect the outcome of this case.

III.

THE JUDGMENT SHOULD BE AFFIRMED FOR THE FURTHER REASON THAT THE ATTORNEY GENERAL'S PETITION IS UNCONSTITUTIONAL AS A VIOLATION OF THE SEPARATION OF POWERS DOCTRINE AND IS AN UNLAWFUL ATTEMPT BY THE ATTORNEY GENERAL TO USURP JUDICIAL POWERS.

The Separation of Powers Doctrine is a bed-rock concept of Missouri state government. It is enshrined in article. II, section 1 of the Constitution:

> "The powers of government shall be divided into three distinct departments—the legislative, executive and judicial—each of which shall be confided to a separate magistracy, and no person, or collection of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this constitution expressly directed or permitted."

The judicial power of the state is vested in the Supreme Court, the Court of Appeals and the Circuit Courts. Mo. Const. Art. V, §1. The Supreme Court has "general superintending control over all courts and tribunals." Mo. Const. Art. V, §4. This constitutional provision also grants to this Court "supervisory authority over all courts." *Id*.

The Attorney General is a member of the Executive Department of Missouri's government. Mo. Const. Art. IV, §12. He has no superintending authority over the courts.

In what capacity did the Attorney General's deputies, Hatfield and McAdams, appear on February 22, 2001, when they met with Judges Kinder and Brown in chambers? They were not parties, and they did not represent parties, in any of the underlying lawsuits. Yet, they admitted they were there to ask the judges to enter certain rulings in those cases.

When the respondent-judges did not agree and comply with the opinions of his deputies, the Attorney General filed his petition for prohibition and mandamus in the Missouri Court of Appeals. After that petition was denied, he sued them in Osage County. In the accompanying suggestions in support of his petition for quo warranto, the Attorney General said the respondent-judges had engaged in "willful misconduct." This conclusion was based on the judges' failure to comply with the opinions of Hatfield and McAdams.

The idea that circuit judges are required to agree with and follow legal opinions of the Missouri Attorney General and his assistants, under peril of being sued and charged

with willful misconduct, even after the superintending court has rejected the Attorney General's position, is a novel and dangerous idea and implies subservience of the courts to the executive branch.

The legal weight of an Attorney General's opinion was decided in *Gershman Investment Corporation v. Danforth*, 517 S.W.2d 33 (Mo. banc 1974). This Court made it clear that opinions issued by a Missouri Attorney General "do not become the law of the land." *Id.* at 35. This Court went on to state:

> "An Attorney General is a member of the Executive Department (Mo. Const. Art. IV, §12). He has no judicial power and may not declare the law. His opinions may be persuasive to some and not to others. In any event, the judicial power of the state is vested in the courts designated in Mo.Const. Art. V, §1. The courts declare the law." *Id.* at 35.

By his quo warranto petition and the conduct that preceded it, the Attorney General is attempting to unlawfully usurp powers of the Judicial Department in general and this Court's supervisory authority and superintending control over lower courts in particular. This is an attack on judicial independence, which is an attack on the rule of law. "Missouri's legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern the people. The role of an independent judiciary is central to American concepts of justice and the rule of law." Rule 2.01, Supreme Court Rules.

IV.

THE JUDGMENT SHOULD BE AFFIRMED FOR THE FURTHER REASON THAT TO THE EXTENT THE ATTORNEY GENERAL IS ATTEMPTING TO FIX PERSONAL LIABILITY ON RESPONDENTS, THEY HAVE ABSOLUTE JUDICIAL IMMUNITY.

In the course of his escalating attacks on respondent-judges, the Attorney General has targeted them for personal liability for the funds and all the interest ever generated by the funds.[4] His goal in the Osage County case, to deprive them of jurisdiction over the funds, is part of a larger strategy, as shown by the later case filed in Cole County.

In his haste to roast respondent-judges on the spit of public opinion, the Attorney General overlooked or ignored the law of judicial immunity. The United States Supreme Court observed: "Few doctrines were more solidly established at common law than the immunity of judges from liability for damages for acts committed within their

[4] His combined legal and public relations offensive against respondents caused one metropolitan newspaper to call on them to get out their checkbooks and write a "seven figure check." The Attorney General appears content to allow the misperception that respondents took the money and that they are now millionaires, with the ability to write multi-million dollar checks on their personal accounts. For the Attorney General to provoke such unfounded suggestions is to unfairly defame respondents and, even worse, to sell out public confidence in the integrity of the courts for a perceived political advantage.

jurisdiction." *Pierson v. Ray*, 386 U.S. 547, 555-54 (1967). This immunity applies "even when the judge is accused of acting maliciously and corruptly." *Id*. at 554. Was this rule designed as a favor to judges? No. The immunity exists "not for the protection or benefit of a malicious or corrupt judge, but for the benefit of the public, whose interest it is that judges should be at liberty to exercise their functions with independence and without fear of consequences." *Id*. The immunity rule and the rationale for its existence also apply in Missouri. *State ex rel. Raack v. Kohn,* 720 S.W.2d 941, 944 (Mo. banc 1986).

The doctrine of absolute judicial immunity applies even when a judge, within his jurisdiction, is acting "in excess of his jurisdiction." *Howe v. Brouse*, 427 S.W.2d 467, 468 (Mo. 1968). What this rule means is that if a judge has subject matter jurisdiction over a case (the Attorney General does not even attempt the argument that respondent-judges did not have subject matter jurisdiction in the underlying fund cases – they clearly did), then any actions within the case, even actions in excess of jurisdiction, are protected by judicial immunity. *State ex rel. Raack v. Kohn,* 720 S.W.2d 941, 944 (Mo. banc 1986).

The Unclaimed Property Act does not override the rule of judicial immunity. It does not create personal liability for public officers such as judges. Nowhere does it make property titled in a court-appointed receiver or a court-appointed trustee "unclaimed". And nowhere does it preempt the long-established laws, rules and practices under which the income from court-supervised funds is applied. But if the Attorney General disagrees, his forum is not in Osage County in an *ad hominem* attack on the persons of the respondent-judges, who no longer even have the ultimate decision-making

power over the funds since this Court's appointment of a Special Judge to decide that question.

V.

THE JUDGMENT SHOULD BE AFFIRMED FOR THE FURTHER REASON THAT JURISDICTION OVER THE FUNDS IS IN THE CIRCUIT COURT OF COLE COUNTY AND A CONCURRENT COURT CANNOT ACQUIRE JURISDICTION OVER THE SAME SUBJECT.

By attaching documents from the Cole County cases to his petition in quo warranto, the Attorney General is bound by the fact that the funds at issue in the Osage County case were already the subject of pending cases in the Circuit Court of Cole County. He attempted to avoid the jurisdictional problem this created by arguing "at the end of the five years, these Respondent Judges no longer had any authority to control the funds." (L.F. 270). By this argument, made without citation to any case or rule, the Attorney General is suggesting that a lawsuit involving funds automatically ends five years from the day the funds are paid into court. No hearing. No judgment. No appeal. Case closed.

The Attorney General's argument flies in the face of the most fundamental rules of procedure for not only Missouri's courts but the courts of every state and all the federal courts that now or ever existed. It is rudimentary that a case in a trial court ends only upon entry of a judgment, and unless and until there is a final judgment fully and finally disposing of all issues, the case is not over. Entry of a "judgment" is a "bright line" test

for finality. *City of St. Louis v. Hughes*, 950 S.W.2d 850, 853 (Mo. banc 1997); *A. L. v. Peeler*, 969 S.W.2d 262, 265 (Mo.App. E.D. 1998); Rule 74.01.

If this Court declines to follow the Attorney General's argument, as it must so decline, then the petition in quo warranto is exposed to the harsh and fatal light of the pending case doctrine. In *Stark v. Moffit*, 352 S.W.2d 165, 167 (Mo.App. E.D. 1961), the rule was articulated as follows:

> "(I)t is a well established rule that when a court of competent jurisdiction becomes possessed of a cause, its authority continues, subject only to the authority of a superior court, until the matter is finally and completely disposed of, and no court of concurrent jurisdiction may interfere with its action."

Where a circuit court acquires jurisdiction and appoints a receiver over property in the case, no other court of coordinate jurisdiction can interfere with the receiver's possession. The second court can acquire no jurisdiction, because there is nothing left to which jurisdiction may attach. *State ex rel. Sullivan v. Reynolds*, 107 S.W.487 (Mo. 1907).

The public policy underpinning the pending case rule is evident, especially when one considers that proceedings in quo warranto are not a tool exclusive to the Attorney General. Any person who has a special interest in the subject matter can file such an action. Rule 98.02(2). Arguably, any one or more of Missouri's taxpaying citizens could file a quo warranto suit in an adjoining circuit, or any other court, over court expenditures or fund-management practices that arguably impact or ought to impact the state treasury.

That would initiate judicial chaos and result in gridlock, with concurrent courts issuing writs against one another. To prevent such a ridiculous situation, this Court should save the Attorney General from the consequences of his bad arguments and affirm the judgment below.

CONCLUSION

The judgment of the trial court is correct for several reasons and should be affirmed.

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CERTIFICATION OF SERVICE AND COMPLIANCE WITH RULE 84.06(b) and (c)

I hereby certify that on the 22nd day of July, 2002, one true and correct copy of the foregoing brief, and one disk containing the foregoing brief, were mailed, postage prepaid, to:

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The undersigned certifies that the foregoing brief complies with the limitations contained in Rule No. 84.06(b), and that the brief contains 5,276 words.

The undersigned further certifies that the labeled disk, simultaneously filed with the hard copies of the brief, has been scanned for viruses and is virus-free.

_____
Dale C. Doerhoff