Missouri Court of Appeals, Western District

Anthony Rex Gabbert, Chief Judge, Presiding
Cynthia L. Martin, Judge
Gary D. Witt, Judge
Special Division

February 4, 2026
William Jewell College
Liberty, Missouri

WD88083
State of Missouri, Respondent,
v.
Jeri Sue Lasker, Appellant.

Appellant Jeri Sue Lasker appeals the judgment of the Circuit Court of Platte County finding her guilty of displaying an unlawful license plate, driving while having a revoked or suspended driving license, driving while intoxicated, delivery or possession of contraband at a county jail, and unlawful possession of drug paraphernalia. As alleged at trial, on November 27, 2022, at approximately 8 p.m., an officer initiated a traffic stop of a vehicle with a fictious license plate reading "no license required." The officer testified that he could smell an odor of alcohol and observed a bottle in the passenger side of the vehicle. The officer checked Lasker's driving license through dispatch and determined that it was suspended. At that point, the officer arrested Lasker for driving on a suspended license. A second officer was then called to the scene to assist with a driving while intoxicated investigation. Lasker consented to field sobriety tests. A breathalyzer test showed a blood alcohol content under the legal limit. Officers then conducted a search of Lasker's car and found what they believed to be a marijuana pipe and a plastic capsule containing an unknown white powder. When Lasker was booked into the Platte County Jail, a body scan showed what appeared to be two pipes in Lasker's pelvic region. Lasker was directed to the showers to remove the objects. Officers then heard breaking glass and observed what appeared to be a crushed pipe beneath Lasker's shoes. A bench trial was conducted. The court found Lasker guilty of all charges except for a charge of tampering with physical evidence. The court sentenced Lasker to a total of forty days in the Platte County Jail and a total of $300 in fines. This appeal followed.

Appellant's points on appeal:

1. The trial court erred in entering judgment and sentence for the crime of driving while suspended/revoked because there was insufficient evidence to support a finding of guilt beyond a reasonable doubt.

2. The trial court erred in entering judgment and sentence for the crime of possession of contraband in a county jail because there was insufficient evidence to support a finding of guilt beyond a reasonable doubt.

3. The trial court erred in entering judgment and sentence for the crime of possession of drug paraphernalia because there was insufficient evidence to support a finding of guilt beyond a reasonable doubt.

4. The trial court erred in entering judgment and sentence for the crime of DWI because there was insufficient evidence to support a finding of guilt beyond a reasonable doubt.

WD88102
In the Interest of: M.R., D.R., D.R., N.R., M.R., J.R., N.R., Juveniles, and In the Interest of: L.M., and K.M., Juveniles; Juvenile Officer, Respondent,
v.
F.C., Appellant.

Appellant F.C. appeals the judgment of the Circuit Court of Jackson County terminating her parental rights to her nine minor children. As alleged at trial, the children were placed under the jurisdiction of the Missouri Children's Division in 2017 and 2018 because of the death of a sibling, physical abuse, and unsanitary living conditions. The children remained under the jurisdiction of the Children's Division until 2020 when they were returned to the custody of their natural parents, including F.C. On April 11, 2022, all nine children were again placed under the jurisdiction of Missouri Children's Division due to physical abuse. Children's Division sought to terminate F.C.'s parental rights to all nine children. The circuit court found that there was clear, cogent, and convincing evidence that the children had been abused and/or neglected by F.C. and that termination of F.C.'s parental rights as to all children was in the children's best interest. This appeal followed.

Appellant's points on appeal:

1. The trial erred in terminating Mother's parental rights because it violated Mother's due process rights under the state and federal constitutions, in that there was no substantial evidence to support the trial court's finding of abuse for purposes of sections 211.447.5(2), (3), and (5), RSMo, and the court improperly relied on evidence of past abuse and there was no evidence of a risk of future abuse.

2. The trial court erred in terminating Mother's parental rights on grounds of abuse or neglect under section 211.447.5(2)(d), RSMo, because the court abused its discretion in that its determination that Mother repeatedly and continuously failed,

although physically and financially able, to provide the children with adequate care, [was] unsupported by clear, cogent, and convincing evidence.

3. The trial court erred in terminating Mother's parental rights under section 211.447.5(3), RSMo, because its findings that the children had been under the court's jurisdiction for over one year and the conditions which led to the assumption of jurisdiction still persisted, or conditions of a potentially harmful nature continued to exist, and that there was little likelihood that those conditions would be remedied at an early date so that the children could be returned to Mother in the near future; and that continuation of the parent-child relationship greatly diminished the children's prospects for early integration into a stable and permanent home were not supported by clear, cogent, and convincing evidence, in that the circuit court improperly based its decision solely on Mother's history, and improperly determined that Mother failed to make progress with social service plans and failed to adjust her circumstances and conduct so she could provide properly for the children.

4. The trial court erred in finding that termination of Mother's parental rights was in the best interests of the children, because the court abused its discretion in that it failed to properly consider the "best interest" statutory factors of section 211.447.7, RSMo, and its finding that the best interest factors weighed in favor of termination was unsupported by a preponderance of the evidence.

WD87917
Brandon Ward, Appellant,
v.
Director of Revenue State of Missouri, Respondent.

Appellant Brandon Ward appeals the judgment of the Circuit Court of Johnson County affirming the Director of Revenue's decision to revoke Ward's driving license for refusal to submit to a chemical breathalyzer test. As alleged at trial, on the evening of March 3, 2023, Ward attended a retirement ceremony of a colleague and then drove several attendees home. On his way back to his hotel, Ward began to feel tired and stopped in the parking lot of an Arby's where he eventually fell asleep in his vehicle. At approximately 3:30 a.m., two Warrensburg police officers saw Ward's vehicle in the parking lot and, because the business was closed, stopped to investigate. Officers woke up Ward and asked for Ward to roll down his window. One officer testified that he could smell an odor of alcohol emanating from the car. The officer also testified that Ward's eyes were watery and bloodshot. The officer accused Ward of being drunk and passing out in his vehicle. The officer then asked Ward to step out of his vehicle and instructed him to blow into a portable breathalyzer test. Ward declined to blow into the machine.

Ward was then asked to complete field sobriety tests. Ward refused the tests. Ward was then placed under arrest for driving while intoxicated. Following his arrest, Ward was read Missouri's implied consent law and again asked if he would take a breathalyzer test. Ward again declined. The Director of Revenue revoked Ward's driving license. The circuit court upheld the revocation of Ward's license. This appeal followed.

Appellant's points on appeal:

1. The trial court erroneously applied the law in affirming Respondent Director of Revenue's sanction of Appellant Ward's driving privileges pursuant to Missouri Revised Statute section 302.574 (2019), because the trial court allowed the Director to shift the burdens of proof and persuasion to Appellant in that arresting offer required Appellant to prove that there were not reasonable grounds to believe that he was intoxicated rather than requiring Respondent to prove that there were reasonable grounds to believe that Ward was intoxicated.

2. The trial court erred in affirming Respondent Director of Revenue's revocation of Appellant Brandon Ward's driver's license pursuant to Missouri Revised Statute section 302.574 (2019), because the trial court's judgment was against the weight of the evidence in that the trial court relied upon Ward's refusal to submit to voluntary field testing to support its judgment revoking Ward's driver's license where there is no statutory sanction for refusing to submit to such voluntary testing.

WD87542
Randi McGaugh, et al., Respondents,
v.
Tyler Naudet, et al., Appellant.

Appellant Tyler Naudet appeals the judgment of the Circuit Court of Jackson County finding Naudet liable for the shooting death of Allen Cates and personal injury of Randi McGaugh. Naudet is a Jackson County Sheriff's Deputy. As alleged at trial, on the evening of September 12, 2019, Naudet was involved in an operation with officers from the Independence Police Department to apprehend Cates who had multiple felony warrants. Cates and his girlfriend, Randi McGaugh, went to the house of a confidential informant. Police then attempted to apprehend Cates, but Cates and McGaugh fled by car. Naudet was positioned in his vehicle outside the house. When Cates attempted to flee, Naudet got out of his vehicle and ran towards the house. Naudet observed Cates hitting multiple police vehicles with his car. According to Naudet, Cates then allegedly accelerated his car toward Naudet. Naudet fired his weapon at Cates, killing Cates and injuring McGaugh. McGaugh and Cates' children brought a civil action against Naudet. A jury found that Naudet was 99% at fault on McGaugh's claim for negligence and awarded her damages in the amount of $3,000,000. The court reduced her damages to

$2,970,000 based on her comparable fault. The jury found in favor of Cates' children on their claims for wrongful death by battery and awarded them damages of $7,000,000. This appeal followed.

Appellant's points on appeal:

1. The trial court erred in denying Deputy Naudet's motion for judgment notwithstanding the verdict, because Deputy Naudet was entitled to official immunity as a matter of law, in that there was no evidence upon which a jury could conclude that he acted with malice.

2. The trial court erred in the instructions it gave to the jury, because the instructions provided a definition of "malice" that conflicted with the substantive law on official immunity, in that the definition did not require a finding of wrongful intent on the part of Deputy Naudet.

3. The trial court erred in denying Deputy Naudet's motion for judgment notwithstanding the verdict on Ms. McGaugh's negligence claim, because Ms. McGaugh failed to establish that Deputy Naudet breached a duty of care owed to her, in that police officers owe no duty of care to passengers fleeing in a vehicle.

4. The trial court erred in giving Instruction No. 14—the verdict director for Ms. McGaugh's negligence claim, because the instruction violated Missouri Supreme Court Rule 70.02, in that it removed an essential element, resulting in an instruction that misstated substantive law, prejudicing Deputy Naudet.

5. The trial court erred in denying Deputy Naudet's motion for judgment notwithstanding the verdict, because Deputy Naudet proved his affirmative defense as a matter of law, in that the evidence unambiguously established his use of force was justified under section 563.046, RSMo.

6. The trial court erred in the instructions it gave to the jury, because the instructions included self-defense instructions in violation of Missouri Supreme Court Rule 70.02, in that the self-defenses instructions conflicted with substantive law, resulting in prejudice to Deputy Naudet.

7. The trial court erred in admitting Plaintiffs' Exhibits 50, 51, and 592—two videos and a slideshow—created by Plaintiffs' expert witness Dr. Begault, because these exhibits were not practical, instructive, or calculated to assist the jury in understanding the case and their prejudicial effect greatly outweighed their probative value, in that these exhibits were not used to controvert Deputy Naudet's testimony but to suggest a better course of action on the part of Deputy Naudet based on hindsight.

8. The trial court erred in admitting Plaintiffs' Exhibits 50, 51, and 592—two videos and a slideshow depicting a prominent yellow arrow as representing the location of Deputy Naudet—because Dr. Begault's opinion purporting to estimate Deputy Naudet's position lacked sufficient foundation and was not the product of any reliable methodology, in that Dr. Begault's opinion was not based on scientific or technical knowledge but on direct observation, which the jury was fully capable of doing themselves.

9. The trial court erred in denying Deputy Naudet's motion to amend the judgment, because the trial court failed to make statutorily required findings, in that section 537.095, RSMo, directs the trial court to make specific findings and orders, which the trial court failed to do.