

**Missouri Court of Appeals, Western District
Special Division**

**W. Douglas Thomson, Presiding Judge
Thomas N. Chapman, Judge
Zel M. Fischer, Special Judge**

**March 31, 2025
Northwest Missouri State University
Maryville, Missouri**

WD86811

James Alfred Griffin IV, Appellant,

v.

State of Missouri, Respondent.

Appellant James Alfred Griffin, IV, appeals the judgment of the Circuit Court of Clay County, which denied his Rule 24.035 motion for post-conviction relief. In 2013, Griffin pled guilty to robbery in the first degree, and the court sentenced him to twenty years' imprisonment. At the time he was sentenced, Griffin was in federal custody. The court ordered that his sentence run concurrently with any federal sentence Griffin was serving. In his motion for post-conviction relief, Griffin alleged that his plea counsel was ineffective in advising him as to the amount of his sentence that he would be required to serve. At an evidentiary hearing regarding Griffin's post-conviction motion, Griffin testified that he was never given a copy of the plea agreement. Instead, his attorney told him that he would be sentenced to twenty years that would run concurrently with the 84 months he was serving in federal custody. Griffin was allegedly told that, after completion of his federal sentence, he would only serve seven more years in the Missouri Department of Corrections, a total of 14 years. Griffin testified that he was never told he would be required to serve a minimum of 85% of his sentence, which would require him to serve at least 17 years before being eligible for parole. Griffin's plea counsel testified that he was aware that Griffin would need to serve at least 85% of his sentence, but he could not recall whether he advised Griffin of that requirement. The motion court entered a judgment by docket entry denying Griffin's motion. Griffin filed a motion to amend the judgment requesting findings of fact and conclusions of law. The motion court never ruled on that motion, and this appeal followed.

Appellant's point on appeal:

1. The motion court clearly erred, in violation of Rule 24.035 and Mr. Griffin's rights to due process and effective assistance of counsel, under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article I, §§ 10 and 18(a), of the Missouri Constitution, because Rule 24.035(j) requires a court to issue findings of fact and conclusions of law, in that the judgment denied the amended motion but included no findings of fact and conclusions of law on Claim 8/9(a).

WD86885

Mary McClendon, Appellant,

v.

Missouri Commission on Human Rights, Respondent.

Appellant Mary McClendon appeals the judgment of the Circuit Court of Jackson County dismissing her claims brought against Respondent Missouri Commission on Human Rights (“Commission”). McClendon brought claims against the Commission for aiding and abetting in disability discrimination and retaliation. McClendon alleged in her petition that, on February 15, 2021, she filed a Charge of Discrimination with the Commission against a former employer. After 180 days had passed, McClendon filed a written request for a right to sue notice from the Commission. McClendon asserts that she was given various reasons by the Commissions for its failure to timely send her notice. On May 13, 2022, McClendon filed a writ seeking to obtain her right to sue notice. On June 14, 2022, the circuit court issued a writ of mandamus ordering the Commission to issue a right to sue notice. Ultimately, the Commission issued its notice on July 7, 2022. McClendon filed a petition alleging that the Commission’s delay in issuing the right to sue notice was aiding or abetting in disability discrimination and was retaliation in violation of the Missouri Human Rights Act. The Commission filed a motion to dismiss, which was granted by the circuit court. This appeal followed.

Appellant’s points on appeal:

1. The trial court erred in entering a judgment of dismissal because the Missouri Human Rights Act prohibits aiding and abetting any act prohibited by Chapter 213 RSMo, by any entity fitting the definition of “employer” in section 213.010(8) RSMo, regardless of an active or past employment relationship to the plaintiff, in that Respondent’s actions provided substantial assistance and encouragement in the discriminatory acts of Appellant’s former employer by increasing the adverse impact of the employer’s discriminatory acts on Appellant and aiding the employer in avoiding the consequences of the discriminatory acts.
2. The trial court erred in entering a judgment of dismissal because the Missouri Human Rights Act prohibits retaliation by any entity fitting the definition of “employer” in Section 213.010(8) RSMo, regardless of an active or past employment relationship to the plaintiff, in that Appellant opposed prohibited actions by both her former employer and Respondent, and Respondent took adverse actions against Appellant in the form of delaying her ability to pursue her claims against her former employer, which resulted in emotional distress and financial loss to Appellant.

WD86892

D.V.J., Respondent,

v.

Missouri State Highway Patrol-CJIS et al., Appellant.

Appellant Missouri State Highway Patrol (“Highway Patrol”) appeals the judgment of the Circuit Court of Jackson County granting expungement of Respondent D.V.J.’s convictions for trafficking drugs in the second degree, possession of a controlled substance with intent to distribute, and possession of a controlled substance. Specifically, the Highway Patrol challenges the expungement of D.V.J.’s conviction for trafficking drugs in the second-degree. The charges stemmed from a search of D.V.J.’s residence in which the police found 21.3 grams of cocaine base. In 2009, at the time of his conviction, trafficking that amount of cocaine was a class A felony. In 2012, the Missouri Legislature amended the statute under which D.V.J. had been charged to reduce the level of severity of the charge from a class A felony to a class B felony. In 2014, the Missouri Legislature again reduced the severity to a class C felony. In this case, the circuit court found that, while class A felonies may not be expunged, if D.V.J. were convicted of the same offense today, she would only be guilty of a class C felony. As such, the court determined that D.V.J. was entitled to have all three charges expunged. This appeal followed.

Appellant’s point on appeal:

1. The trial court erred in granting D.V.J. an order to expunge her conviction for trafficking drugs in the second degree because it improperly construed §§ 610.140.1 and 610.140.2(1) RSMo, in that it found the statutory language ambiguous and then construed it in favor of expungement when the plain and ordinary language prohibits expungement of “any class A felony offense” and D.V.J. was in fact convicted of a class A felony offense for trafficking drugs in the second degree.