

**Missouri Court of Appeals, Western District
Division 2**

**Edward R. Ardini, Jr., Presiding Judge
Alok Ahuja, Judge,
Cynthia L. Martin, Judge**

**October 21, 2025
University of Central Missouri
Warrensburg, Missouri**

WD87238

State of Missouri, Respondent,

v.

Patrick Logan Pulse, Appellant.

Appellant Patrick Pulse appeals from the judgment of the Circuit Court of Clay County finding him guilty of assault in the first degree and armed criminal action. As alleged at trial, on the evening of October 28, 2017, Pulse attended a surprise party for his cousin at a bar. After the bar closed, at approximately 1:30 a.m., Pulse, his fiancé, his cousin, and his cousin's girlfriend went to Pulse's vehicle to wait for a Lyft for Pulse's cousin and his cousin's girlfriend. A.R. was the Lyft driver who responded to the request for a ride. According to testimony, when A.R. arrived, he and Pulse began verbally fighting, possibly as a result of A.R. refusing to either fist bump or shake Pulse's hand. During the altercation, Pulse retrieved a gun from the glovebox of his vehicle. Pulse shot A.R. and then fled the scene in his vehicle with his girlfriend. Pulse was later stopped by police on the highway and arrested. A jury found Pulse guilty of assault in the first degree and armed criminal action. The court sentenced Pulse to life in prison for assault and 20 years' imprisonment for armed criminal action, sentences to be served consecutively. This appeal followed.

Appellant's points on appeal:

1. The circuit court erred in admitting Exhibit 59, a body-worn camera video showing Mr. Pulse being arrested *because* the video was not logically or legally relevant, and its admission prejudiced Mr. Pulse by impacting the result of the case *in that* the video shows circumstances surrounding Mr. Pulse's arrest that have no tendency to make any material fact more or less likely, as it does not show any attempt by Mr. Pulse to flee, evade, or resist arrest, and in fact Mr. Pulse was simply going home, he immediately pulled over when officers activated their lights, and he complied with every command the officers gave him, the prejudicial effect of the video showing officers holding Mr. Pulse at gunpoint and

handcuffing him outweighed any probative value, and these prejudicial effects impacted the result in a close case with numerous flaws in the prosecution's evidence by inviting the jury to convict Mr. Pulse on an improper basis.

2. The trial court erred in admitting Exhibit 60, an unredacted post-arrest video of Mr. Pulse in the back of a patrol car *because* the statements and actions depicted in the video were not logically or legally relevant, and their admission prejudiced Mr. Pulse by impacting the result of the case *in that* Mr. Pulse's statements of suicidal ideation that existed before the alleged crime occurred had no tendency to make any material fact more or less likely, because they predated the charged crime, other suicidal and despairing statements when taken in context did not show consciousness of guilt, and the prejudicial effects of a 40-minute graphic and disturbing video outweighed any probative value to be had in the video, which impacted the result in a close case with numerous flaws in the prosecution's evidence by inviting the jury to convict Mr. Pulse on an improper basis.
3. The trial court plainly erred in admitting Mr. Pulse's entire medical record from Liberty Hospital and publishing it to the jury *because* the records were obtained in violation of Mr. Pulse's right to be free from unreasonable search and seizure guaranteed in U.S. Const. Amends. IV and XIV and Mo. Const. art. I, § 15, it did not qualify as an investigatory subpoena under § 56.085, RSMo, and it violated Rule 26.02's protections of notice and an opportunity to move to quash *in that* the prosecution obtained Mr. Pulse's medical records using an improper *ex parte* subpoena after the case was already ongoing, which failed to provide notice to Mr. Pulse of the subpoena so that he could move to quash it before the prosecution obtained the records.
4. The trial court plainly erred in failing to instruct the jury regarding the justified use of force in defense of third persons *because* § 563.031, RSMo, establishes the defense of justification for the use of deadly force if (a) the person using such force reasonably believes it necessary to defend a third person from what he also reasonably believes to be the imminent use of unlawful force by another, provided that (b) the person also reasonably believes that the use of deadly force is necessary to protect the third person from death, serious physical injury, or any forcible felony, MAI-Cr. 4th 406.08 requires a trial court to submit this justification defense to the jury whenever there is evidence sufficient to support a finding that the defendant used deadly force in defense of another, even if the court also is instructing the jury on a self-defense theory, and the trial court's failure to submit it here deprived Mr. Pulse of his rights to a fair trial before properly instructed jurors and due process of law guaranteed in U.S. Const. Amend. XIV and Mo. Const. Art. I, §§ 10, 18(a), and 22, and manifest injustice thus resulted *in that* the evidence in this case was sufficient to support each finding necessary under § 563.031 for the jury to determine that Mr. Pulse was justified in

using deadly force against A.R. and return a verdict of not guilty, and this was even if the prosecution proved beyond a reasonable doubt that Mr. Pulse did not act in self-defense.

WD87735

Larry Brandes, Appellant,

v.

Bothwell Regional Health Center, Respondent.

Appellant Larry Brandes appeals from the judgment of the Circuit Court of Pettis County entering judgment in favor of Respondent Bothwell Regional Health Center. Brandes filed a premises liability action against Bothwell alleging that Brandes was injured on February 12, 2020, when he slipped on ice and snow while entering Bothwell's hospital. Bothwell moved for summary judgment asserting they owed no duty to Brandes under the "Massachusetts Rule." The "Massachusetts Rule" provides, generally, that a premises owner has no duty to remove snow or ice where the snow or ice accumulated naturally as a result of weather conditions within the community. The circuit court found that there were no material facts in dispute as to the conditions necessary for the application of the Massachusetts Rule and that Bothwell was entitled to summary judgment on Brandes' claim. This appeal followed.

Appellant's points on appeal:

1. The trial court erred in granting defendant's motion for summary judgment on the affirmative defense known as the "Massachusetts Rule" because well settled law applying Rule 74.04 prohibits the grant of summary judgment based on an affirmative defense that has not been pled and defendant waived the affirmative defense in that it did not plead it in its answer to plaintiff's petition.
2. The trial court erred in granting defendant's motion for summary judgment on Massachusetts Rule affirmative defense because, even if defendant had pled the affirmative defense, defendant did not prove as a matter of law that the Massachusetts Rule applied in that there remained jury questions about whether precipitation was falling at the time plaintiff fell and whether the snow or ice accumulated naturally as a result of general weather conditions within the community.
3. Even [if] defendant had established the Massachusetts Rule affirmative defense applied, the trial court erred in granting defendant's motion for summary judgment because plaintiff proved an exception to the affirmative defense in that defendant assumed the duty to remove the snow or ice from the sidewalk where plaintiff fell.

WD86680

State of Missouri, Respondent,

v.

Greg Hallgrimson, Appellant.

Appellant Greg Hallgrimson appeals the judgment of the Circuit Court of Clay County finding him guilty of first-degree domestic assault. As alleged at trial, in June 2020, Hallgrimson was in a romantic relationship and living with S.H. One evening, Hallgrimson and S.H. were arguing in their kitchen. Hallgrimson alleged that S.H. hit him in the face, and, in response, he struck S.H., but only in an effort to get away from S.H. and that he did not intend to hurt her. S.H. alleged that she did not remember being hit by Hallgrimson but awoke on the floor with her face hurting. It was later determined that S.H. had several facial bone fractures, including a broken nose, bruising, and a laceration on her nose. A jury found Hallgrimson guilty of first-degree assault, and the circuit court sentenced Hallgrimson to 18 years' imprisonment. This appeal followed.

Appellant's points on appeal:

1. The trial court abused its discretion in denying Mr. Hallgrimson's objection to the admission of Dr. S.B's testimony, in violation of Mr. Hallgrimson's rights to due process and to a fair trial, as guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and Article I, sections 10 and 18(a) of the Missouri Constitution, because reversible error results where the court's admission of evidence is against the logic of the circumstances or when it is arbitrary and unreasonable so as to indicate a lack of careful consideration and the defendant is prejudiced, in that, the court's admission of Dr. B's testimony was unreasonable, arbitrary, and against the logic of the circumstances because the court failed to consider the lack of logical and legal relevance of expert testimony regarding general concepts about domestic abuse under the specific circumstances in Mr. Hallgrimson's case where Mr. Hallgrimson was not alleging that S.H. had fabricated the incident but instead was alleging that he acted in lawful self-defense after S.H. hit him first (and the parties did not dispute that S.H. hit him first) and Mr. Hallgrimson was prejudiced because there is a reasonable probability the outcome of his trial would have been different without Dr. B's testimony, which functioned to mislead the jury from the central issue of self-defense and inflame the jury against Mr. Hallgrimson.
2. The trial court abused its discretion in sustaining the State's objection to Mr. Hallgrimson cross-examining S.H. regarding whether she agreed that the incident would not have occurred but for her striking him first, in violation of Mr. Hallgrimson's rights to due process, a fair trial, and confrontation, as guaranteed by the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article I, sections 10 and 18(a) of the Missouri Constitution, because

reversible error results where the court's ruling limiting cross-examination is against the logic of the circumstances or when it is arbitrary and unreasonable so as to indicate a lack of careful consideration and the defendant is prejudiced, in that, the court limiting Mr. Hallgrimson's cross-examination was unreasonable, arbitrary, and against the logic of the circumstances because (1) the defense's questions did not raise any concerns of prejudice, confusion, or marginal relevance, (2) S.H.'s response was highly relevant, as it went directly to the jury's determination of whether the State had met its burden to show that Mr. Hallgrimson had not acted in self-defense and to Mr. Hallgrimson's *mens rea*, (3) such testimony was not speculative as S.H. had personal knowledge of how the physical exchange unfolded and the history of her and Mr. Hallgrimson's relationship, and (4) Mr. Hallgrimson was prejudiced.

3. The trial court plainly erred in submitting an incomplete definition of "knowingly," in violation of Mr. Hallgrimson's rights to due process and to a fair trial, as guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and Article I, sections 10 and 18(a) of the Missouri Constitution, because reversible plain error results when the trial court has misdirected or failed to instruct the jury in such a manner that it is apparent to the appellate court that the instructional error affected the jury's verdict, in that, in Mr. Hallgrimson's case, the trial court instructed the jury on a definition of "knowingly" that omitted how this *mens rea* functions when the State has the burden of showing the defendant acted "knowingly" *with respect to the result of his conduct*, as is required for a first-degree domestic assault conviction, which effectively lowered the State's burden of proof, and review of the evidence demonstrates that it was not beyond serious dispute as to whether Mr. Hallgrimson was aware that, in striking S.H. he was "practically certain" to cause serious physical injury.