MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI

RESPONDENT,

v.

NOAH ABRAM KELLIKER

APPELLANT.

DOCKET NUMBER WD82681

DATE: August 25, 2020

Appeal From:

Pettis County Circuit Court
The Honorable Robert L. Koffman, Judge

Appellate Judges:

Division Two: Mark D. Pfeiffer, Presiding Judge, Alok Ahuja, Judge and Gary D. Witt, Judge

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Attorneys:

Kristen S. Johnson, Jefferson City, MO, for respondent.

James C. Egan, Columbia, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, RESPONDENT,
v.
NOAH ABRAM KELLIKER, APPELLANT.

WD82681 Pettis County

Before Division Two Judges: Mark D. Pfeiffer, Presiding Judge, Alok Ahuja, Judge, and Gary D. Witt, Judge

Noah Kelliker ("Kelliker") was convicted in the Circuit Court of Pettis County after a jury trial of one count of felony murder in the second degree ("Count I"); one count of unlawful use of a weapon ("Count II"); and one count of armed criminal action ("Count III"). Kelliker was sentenced to life in the Missouri Department of Corrections on Count I, 15 years on Count II, and 15 years on Count III with all sentences running concurrently. On appeal, Kelliker asserts the evidence is insufficient to support his conviction under Count II, which was the predicate offense for both Counts I and III.

On January 9, 2018, Cassandra White ("White") was shot and killed at her mobile home in Western View Estates Trailer Park ("Western View"). A few days before, Kelliker was overheard saying that White's boyfriend, whom she lived with, was a "[drug] dealer or had money that can be taken" and that would be easy to steal from. On the day of White's murder, Kelliker called his ex-girlfriend, Allison Wyrick ("Wyrick") and asked her to drive him to a trailer park in Sedalia. While at the trailer park, Kelliker left the vehicle, but Wyrick stayed in the car and played on her phone. Wyrick heard two or three gunshots, but could not identify where the shots came from or who fired a weapon.

Several hours later, White was found bleeding on the floor, and she was pronounced dead at the scene. An autopsy revealed that White sustained three bullet wounds, and her official cause of death was listed as a gunshot wound to her head. Officers recovered two nine-millimeter shell casings near the entrance to White's mobile home, one casing was silver and the other casing was brass. In total, officers discovered three bullet holes in White's mobile home and an additional bullet hole in a neighboring mobile home, indicating four shots were fired.

The day following the murder, Kelliker fled Sedalia to Oregon County. Subsequently, the Oregon County Sheriff's Office received an anonymous tip about a male that had been involved in a shooting in Sedalia, which included details of the murder that were not publicly available. Upon arrest, Kelliker denied having a vehicle, but deputies located a vehicle that belonged to Kelliker in the parking lot and a nine-millimeter Ruger was in plain view within it. The Ruger's magazine had a capacity for seventeen bullets, but only thirteen bullets remained in the magazine, consistent with four rounds having been fired from it. The bullets in the magazine

alternated between brass-colored and silver-colored casings. A receipt from a Wal-Mart located in Sedalia dated a day or two before the murder was also found in the vehicle.

During his interviews with deputies, Kelliker provided inconsistent and varying accounts of what he had done that day. First, Kelliker indicated he knew something about the shooting, but did not reveal any information. Then, Kelliker stated that he did not remember anything about the shooting because he had taken Xanax and had not eaten that day. Later, Kelliker told the officers he remembered being picked up by Wyrick, being taken to a friend's house, going to McDonald's, and then returning to the friend's house at some point.

AFFIRMED.

Division Two holds:

Given that Kelliker was overheard discussing robbing a resident of the mobile home where the murder occurred, Kelliker's presence at a trailer park in Sedalia on the day of the shooting at the time shots were fired, the fact four bullets were fired in the commission of the offense and the magazine of the firearm recovered from Kelliker was the same caliber and contained four less bullets than its capacity, the unique way the bullets were loaded in the weapon recovered from Kelliker's vehicle, and Kelliker's flight from Sedalia, a reasonable juror could find beyond a reasonable doubt that Kelliker did commit the offense of unlawful use of a weapon.

Opinion by: Gary D. Witt, Judge August 25, 2020

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