MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI,
RESPONDENT

vs.

DAIRIAN E. STANLEY,
APPELLANT

DOCKET NUMBER WD81606
DATE: SEPTEMBER 15, 2020

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Charles H. McKenzie, Judge

Appellate Judges:

Division Two: Karen King Mitchell, Presiding Judge, Anthony Rex Gabbert, Judge and W. Douglas Thomson, Judge

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Attorneys:

Daniel N. McPherson, for Respondent

Ellen H. Flottman, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, RESPONDENT,
v.
DARIAN E. STANLEY, APPELLANT.

WD81606 Jackson County

Before Division Two Judges: Karen King Mitchell, Presiding Judge, Anthony Rex Gabbert, Judge, and W. Douglas Thomson, Judge

Dairian Stanley appeals from his convictions of murder in the first degree and armed criminal action following a jury trial. On appeal, Stanley claims the trial court plainly erred in: (1) compelling Victim to testify over her assertion of marital privilege; (2) allowing Stanley to represent himself while his phone privileges were revoked; (3) admitting the testimony of Officer Brian Arant about Victim's identification of Stanley as the shooter; (4) allowing the State to question Victim about prior alleged acts of domestic violence against her by Stanley; (5) overruling Stanley's objection and allowing Tonya Stanley to testify; and (6) seating juror venirepersons 24, 44, and 41.

AFFIRMED.

Division Two holds:

The trial court did not plainly err because: (1) the parties did not comply with the statutory requirements for a valid marriage rendering the spousal privilege inapplicable; (2) in addition to Stanley's written waiver of counsel, the trial court's *Faretta* hearing elicited ample evidence that Stanley's waiver of his right to counsel was voluntary, unequivocal, knowing, and intelligent even after his motion to reinstate phone privileges was denied; (3) Officer Arant's testimony about Victim's identification of Stanley as the shooter was merely cumulative; (4) Stanley opened the door to testimony about his prior alleged acts of domestic violence against Victim; (5) the fact that Tonya Stanley was not served until mid-trial does nothing to affect her competency as a witness because she was properly disclosed during the discovery phase of the case; and (6) the trial court is under no duty to strike a venire member on its own motion.

Opinion by: W. Douglas Thomson, Judge Date: September 15, 2020

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