MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI,

Respondent,

v.

GARY ANDERSON,

Appellant.

DOCKET NUMBER WD83626

Date: April 27, 2021

Appeal from:

Bates County Circuit Court
The Honorable Julie A Highley-Kuetzer, Judge

Appellate Judges:

Division Two: W. Douglas Thomson, Presiding Judge, Lisa White Hardwick and Edward R. Ardini, Jr., Judges

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Attorneys:
Chat G. Gardner, Kansas City for appellant.
Hugh C. Jenkins, Butler for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
GARY ANDERSON, Appellant.

WD83626 Bates County

Before Division Two Judges: W. Douglas Thomson, Presiding Judge, Lisa White Hardwick and Edward R. Ardini, Jr., Judges

Gary Anderson appeals from his conviction for animal abuse and the imposition of a $100 fine. Anderson contends the circuit court erred by denying his motion to suppress evidence from a search warrant that was based on information unlawfully obtained during several warrantless searches.

REVERSED AND REMANDED.

Division Two Holds:

The circuit court committed plain error in denying Anderson's motion to suppress the fruits of the warrant supported search. After finding that the prior warrantless searches were unlawful, the court plainly erred by failing to redact from the warrant affidavit information tainted by the unlawful searches. Removing the tainted information from the warrant affidavit would have precluded a finding of probable cause. Moreover, because State based its entire case on evidence obtained during the unlawful searches and execution of the search warrant, denying the motion to suppress was necessarily outcome determinative and prejudicial.

Opinion by: Lisa White Hardwick, Judge April 27, 2021

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