MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI

RESPONDENT,

v.

LARRY D. RATLIFF

APPELLANT.

DOCKET NUMBER WD83435

DATE: May 18, 2021

Appeal From:

Clay County Circuit Court
The Honorable Shane T. Alexander, Judge

Appellate Judges:

Division Four: Cynthia L. Martin, Chief Judge, Presiding, Lisa White Hardwick, Judge and W. Douglas Thomson, Judge

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Attorneys:

Dora Fichter, Jefferson City, MO, for respondent.

Damien De Loyola, Kansas City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, RESPONDENT,
v.
LARRY D. RATLIFF, APPELLANT.

WD83435 Clay County

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Lisa White Hardwick, Judge, and W. Douglas Thomson, Judge

Larry D. Ratliff appeals from a judgment convicting him of murder in the first degree and armed criminal action. Ratliff asserts that the trial court abused its discretion in allowing a police detective to give a lay witness opinion concerning Ratliff's mental health status during an interview because the jurors were able to form an opinion for themselves when the video of the interview was played for the jury. Ratliff also argues that the trial court abused its discretion in excluding evidence of his 1988 suicide attempt.

AFFIRMED.

Division Four holds:

(1) In Ratliff's objection at trial, and in his motion for new trial, Ratliff alleged that the detective was not qualified to give an expert opinion concerning Ratliff's mental health status during the interview. Because Ratliff's counsel never objected that the detective's testimony would constitute an improper lay opinion, which is the error now raised on appeal, the assertion that the detective was improperly permitted to give a lay opinion about a matter the jurors could determine on their own is not preserved for our review and is subject, at best, to plain error review.

(2) Error, if any, associated with the admission of the detective's lay opinion testimony did not result in a miscarriage of justice or manifest injustice because it was not outcome determinative given other overwhelming evidence that Ratliff deliberated before killing the Victim.

(3) The trial court did not abuse its discretion in excluding Ratliff's testimony concerning the extraneous circumstances of his 1988 suicide attempt because the testimony would have been cumulative, at best, of all of the other suicidal ideation evidence presented to the jury. Therefore, even if we could find that the trial court erroneously excluded Ratliff's testimony, which we do not, any error associated with the trial court's exclusion would have been harmless.

Opinion by: Cynthia L. Martin, Judge May 18, 2021

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