MISSOURI COURT OF APPEALS
WESTERN DISTRICT

GLASGOW SCHOOL DISTRICT,

Respondent

v.

HOWARD COUNTY CORONER,

Appellant

DOCKET NUMBER WD83990

DATE: September 21, 2021

Appeal From:

Circuit Court of Howard County, MO
The Honorable Scott Hayes, Judge

Appellate Judges:

Division One
Lisa White Hardwick, Presiding Judge, Alok Ahuja, Judge, Anthony Rex Gabbert, Judge

---

Attorneys:

Thomas A. Mickes, St. Louis, MO,
Counsel for Respondent

Attorneys:

Richard B. Hicks, Columbia, MO,
Counsel for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

GLASGOW SCHOOL DISTRICT, Respondent,
v.
HOWARD COUNTY CORONER, Appellant.

WD83990 **Howard County**

Before Division One Judges: Lisa White Hardwick, Presiding Judge, Alok Ahuja, Judge, and Anthony Rex Gabbert, Judge

The Howard County Coroner ("Coroner's Office") appeals the judgment of the Howard County Circuit Court finding that Coroner's Office violated the Sunshine Law and awarding a civil fine and attorney's fees to the plaintiff Glasgow School District ("School District"). In its first point on appeal, Coroner's Office argues it is a law enforcement agency and the records at issue are investigative reports. In its second point on appeal, Coroner's Office argues a finding that it purposefully violated the Sunshine Law is not supported by sufficient evidence. In its third point on appeal, Coroner's Office argues a finding that it purposefully violated the Sunshine Law is against the weight of the evidence. In its fourth point on appeal, Coroner's Office argues the trial court erred in determining the attorney's fees awarded to School District.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

Division One holds:

(1) While a coroner may at times act as a law enforcement agency, the transcript of a coroner's inquest is not a closed investigative report where the coroner acts in an almost judicial capacity and where finding that the inquest transcript is an open record is consistent with the purpose behind closing investigative reports.

(2) Sufficient evidence exists that Coroner's Office purposefully violated the Sunshine Law where the coroner gave other parties a copy of the transcript but not School District, where the coroner's son texted with the special prosecutor about how to close the records to School District, where the coroner disregarded a prior Attorney General Opinion, and where the coroner did not seek a formal Attorney General Opinion.

(3) A finding that Coroner's Office purposefully violated the Sunshine Law is not against the weight of the evidence where the coroner attempts to explain the evidence in a different light but does not demonstrate that the trial court could not have found a purposeful violation of the Sunshine from the evidence presented.

(4) A trial court abused its discretion when it ordered Coroner's Office to pay School District's attorney's fees for work done to obtain records the coroner was not the custodian of.

Opinion by: Anthony Rex Gabbert, Judge Date: September 21, 2021

* * * * * * * * * * * * * * * * *

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED