MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI,

Respondent

v.

BRENDA F. MORRIS,

Appellant

DOCKET NUMBER WD84269

DATE: February 22, 2022

Appeal From:

Circuit Court of Callaway County, MO
The Honorable Carol Ann England, Judge

Appellate Judges:

Division Three
Anthony Rex Gabbert, Presiding Judge, Lisa White Hardwick, Judge, Thomas N. Chapman, Judge

---

Attorneys:

Mandolin S. Roberson, Fulton, MO,
Counsel for Respondent

Attorneys:

Nimrod T. Chapel, Jefferson City, MO,
Counsel for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
BRENDA F. MORRIS, Appellant.

WD84269 **Callaway County**

Before Division Three Judges: Anthony Rex Gabbert, Presiding Judge, Lisa White Hardwick, Judge, and Thomas N. Chapman, Judge

Brenda Morris appeals her conviction after bench trial in the Callaway County Circuit Court. She was convicted of one count of harassment in the second degree, section 565.091, RSMo, and of three counts of trespass in the first degree, section 569.140, RSMo. Morris was sentenced to a total of twenty days in the county jail and the court suspended the execution of the sentences. Morris claims in three points on appeal that insufficient evidence was presented to support the convictions.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

Division Three Holds:

(1) Sufficient evidence was presented that the defendant's actions caused emotional distress in the context of a years-long dispute wherein the defendant repeatedly and intentionally destroyed barriers the victim constructed on the victim's property.

(2) Insufficient evidence was presented that the defendant was given actual notice not to trespass when no party testified that such notice was given and where the State of Missouri concedes no direct evidence was presented that such notice was given. The case is remanded for the trial court to enter convictions for trespass in the second degree.

(3) Sufficient evidence was presented that the defendant came onto the victim's property when both the victim and a law enforcement officer testified that they obtained maps from the city and county and that the barriers the defendant disturbed were on the victim's property.

Opinion by: Anthony Rex Gabbert, Judge Date: February 22, 2022

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

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED