

**MISSOURI COURT OF APPEALS, WESTERN DISTRICT  
SPECIAL DIVISION**

**Gary D. Witt, Chief Judge, Presiding  
Cynthia Martin, Judge  
James E. Welsh, Special Judge**

**January 31, 2024  
William Jewell College  
Liberty, Missouri**

**WD85834**

**State of Missouri, Respondent,**

**v.**

**Sadiq Jamario Moore, Appellant.**

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Appellant Sadiq Moore appeals the judgment of the Circuit Court of Randolph County finding him guilty of one count of felony murder, one count of an unlawful use of a weapon, one count of burglary in the first degree, and three counts of armed criminal action. The court sentenced Moore to a total of thirty years' imprisonment. The facts as alleged at trial established that Moore's victim was a marijuana dealer living in Mexico, Missouri. In the early morning hours of June 27, 2020, Victim and his girlfriend heard two loud bangs on his front door and heard someone say "police." Victim went to his bedroom door where he was shot. His girlfriend called 911, but Victim died of a single gunshot wound. During the investigation, police found surveillance videos from the surrounding area showing two people, alleged to be Moore and his accomplice, walking in the neighborhood, immediately before and after the murder. A palm print was found on the front door and later matched to Moore. At trial, the jury heard testimony from multiple parties connecting Moore to the murder. A jury found Moore guilty and he was sentenced by the court. This appeal followed.

Appellant's points on appeal:

1. The trial court abused its discretion in overruling defense counsel's objections to the testimony and written statement of D.W. about statements made by D.F. the night of the homicide, because this violated Mr. Moore's right to confrontation guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article I, Section 18(a) of the Missouri Constitution, in that D.F.'s statements were hearsay and did not fall under the co-conspirator exception to hearsay since they were made after any arguable conspiracy had ended, and were highly prejudicial to Mr. Moore, since without this hearsay, the case against Mr. Moore was largely circumstantial.
2. The trial court abused its discretion in overruling defense counsel's objections to the testimony of K.H. about statements made by D.F. the night of the homicide, because this violated Mr. Moore's right to confrontation guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article I, Section 18(a)

of the Missouri Constitution, in that D.F.'s out of court statements were hearsay and did not fall under the co-conspirator exception to hearsay since they were made after any arguable conspiracy had ended, and were highly prejudicial to Mr. Moore, since without this hearsay, the case against Mr. Moore was largely circumstantial.

3. The trial court abused its discretion in overruling defense counsel's request for mistrial, in violation of Mr. Moore's due process rights to a fair trial and presumption of innocence, and his right to be tried only for the crime charged, guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 10, 17, and 18(a) of the Missouri Constitution, in that Mexico police officer W.J. volunteered during his testimony that Mr. Moore had a probation officer in Kirksville, which indicated to the jury he had committed prior criminal offenses.
4. The trial court erred in overruling defense counsel's motions for judgment of acquittal and sentencing Mr. Moore on his convictions, because there was insufficient evidence from which a rational finder of fact could find Mr. Moore guilty beyond a reasonable doubt, in violation of his right to due process of law, guaranteed by the Fourteenth Amendment to the United States Constitution and Article I, Section 18(a) of the Missouri Constitution, in that the state's evidence failed to prove beyond a reasonable doubt that Mr. Moore was a participant in the events that led to the death of Victim.

**WD86159**

**Christopher Patterson, Appellant,**

**v.**

**Lakeview Terrace Property, LLC, Respondent.**

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Appellant Christopher Patterson appeals the judgment of the Circuit Court of Clay County granting Respondent Lakeview Terrace Property, LLC's ("LTP") motion for summary judgment. Patterson leased a home in a rental community operated by LTP. As alleged in his petition, Patterson and his minor daughter, C.P., were playing outside in the neighborhood when C.P. was mauled by an off-leash dog owned by another tenant and resident. It was alleged that the dog had attacked another child in 2015 or 2016. Patterson, as next friend for his daughter, brought claims against LTP for negligence and breach of contract. Patterson asserted that LTP was negligent in failing to refuse or prohibit the dog from being on the property, failing to properly evaluate the dog as required by tenant leases, and failing to verify that the dog's owner held renter's insurance. LTP moved for summary judgment asserting that it owed no duty to C.P. because it did not own or possess the dog and the dog's owner should be strictly liable for the harm. The court granted judgment in favor of LTP, and this appeal followed.

Appellant's points on appeal:

1. The trial court erred in granting Respondent's Motion for Summary Judgment on Christopher Patterson's negligence claim, because Respondent owed C.P. a duty of care as a matter of law, in that its own guidelines, lease agreements and addenda imposed a duty upon it to create and enforce rules for the safety of its residents.

2. The trial court erred in granting Respondent's Motion for Summary Judgment because Christopher Patterson demonstrated that he needed more time for discovery, in that no depositions had been taken yet and there was no scheduling order in place.

**WD85840**

**State of Missouri, Respondent,**

**v.**

**Brayon J. Williams, Appellant.**

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Appellant Brayon Williams appeals the judgment of the Circuit Court of Adair County finding him guilty of one count of possession of a controlled substance. The evidence presented at trial established that, on the evening of February 29, 2020, Kirksville Police Officers ("Officers") were dispatched to a gas station in Kirksville to check on the well-being of a customer locked in the gas station restroom. Officers found Williams leaning against the wall on the toilet. His speech was slurred; he seemed confused; and he was slow to respond. Officers placed Williams in protective custody. Pursuant to department procedures, Officers conducted a full search of Williams as if he was being placed under arrest. When Officers searched Williams, they found two small bags, one with a brown substance and one with a white substance. They also found needles and brass knuckles. The substances later tested positive for methamphetamine. Williams filed a motion to suppress the evidence found in the search. The circuit court denied the motion. Following a bench trial, the court found Williams guilty of one count of possession of a controlled substance. The court sentenced Williams to seven years' imprisonment. This appeal followed.

Appellant's points on appeal:

1. The trial court erred in convicting Mr. Williams of possession of a controlled substance, in violation of Mr. Williams' right to a fair trial, due process of law, and right against unreasonable searches and seizures, as guaranteed by the Fourth, Fifth, Sixth, and Fourteenth Amendments of the United States Constitution and Article I, Sections 10, 15, and 18(a) of the Missouri Constitution, because the trial court lacked statutory authority to convict Mr. Williams of possession of a controlled substance under Section 195.205, RSMo, in that Mr. Williams was the subject of a good faith request and was experiencing an alcohol overdose or medical emergency when he was arrested.
2. The trial court plainly erred in admitting State's Exhibit 3 into evidence, in violation of Mr. Williams' right against unreasonable searches and seizures, as guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and Article I, § 15 of the Missouri Constitution, because the search the officers conducted was not pursuant to jail-house procedures and not an inventory search as allowed under *State v. Friend*, 711 S.W.2d 508 (Mo. banc 1986).

**WD86297**

**In the Interest of: E.R., Respondent; Children’s Division, Respondent,  
v.  
A.G., Appellant.**

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Appellant A.G. (“Mother”) appeals the judgment of the Circuit Court of Jackson County terminating her parental rights to child, E.R (“Child”). The facts as alleged established that Children’s Division had begun to provide services to Mother when Child was approximately three months old. When Child was approximately five months old, there was an incident in which Mother went to the hospital after taking methamphetamine and left Child in the car unattended. Child was taken into protective custody and placed in a foster home. Due to incarceration, Mother’s last visit with Child was when Child was 16 months old. Child was four years old at the time of the termination hearing. Prior to the termination hearing, Mother stipulated that grounds existed to terminate her parental rights pursuant to Missouri Revised Statute 211.447.5(2). The stipulation indicated that Mother understood the stipulation itself provided sufficient grounds for termination. The only dispute at trial was whether termination was in the best interests of Child. Mother alleged that, despite her incarceration, she had made attempts to remain in contact with Child but was limited because virtual visits were not possible at her facility. Mother also alleged that, despite a tribal determination that Child was not an “Indian Child” for the purposes of the Indian Child Welfare Act, Mother and Child were of Native America heritage and she felt it was important for Child to remain in her custody so she could raise Child in that culture. The circuit court entered judgment terminating Mother’s parental rights. This appeal followed.

Appellant’s point on appeal:

1. The trial court's judgment entered January 23, 2023, is in error in that the trial court's determination that termination of parental rights is in the best interests of the child and judgment terminating the mother's parental rights is a misapplication of the law and defective in that the trial court is required to make findings based upon the totality of the circumstances and the court failed to consider and make findings on all of the requirements of Mo. Rev. Stat. section 211.443 thereby unconstitutionally severing and failing to protect the mother's and child's liberty interests against government interference in violation of the 14th Amendment to the United States Constitution and the Missouri Constitution Article I, Section 10.