

**MISSOURI COURT OF APPEALS – WESTERN DISTRICT
DIVISION ONE**

**Alok Ahuja, Presiding Judge
Cynthia Martin, Judge
Thomas N. Chapman, Judge**

**February 27, 2024
University of Missouri-Kansas City School of Law
Kansas City, Missouri**

WD85181

State of Missouri, Respondent,

v.

Aasim I. Karim, Appellant.

Appellant Aasim Karim appeals the judgment of the Circuit Court of Jackson County finding him guilty of one count of murder in the first degree and one count of armed criminal action. The evidence presented at trial established that Karim had an ongoing dispute with Victim. The day before the murder, Karim had threatened to kill Victim if Victim did not stop “messing” with Karim’s vehicle and his dog. On the night of January 4, 2018, Victim was driving a work van eastbound on 40 Highway. The van was near the right curb and, what was described by witnesses to be a dark P.T. Cruiser or H.H.R with a tail-light out, was straddling the lane line. The van then jumped the curb and hit a pole; the dark car kept driving. It appeared that Victim was shot while driving. The bullet entered through the left side of his face, and there was soot found in and around the wound, indicating that the muzzle of the gun was at close range when fired. A .40 caliber casing was found on the highway, approximately 102 feet from the front of the van. There was also a visible trail of what appeared to be blood leading from the casing towards where the van crashed. When notified of Victim’s death, the Victim’s girlfriend indicated to police that Karim drove a black P.T. Cruiser. On January 9, 2018, the police discovered a black H.H.R. parked outside Karim’s residence. An eventual search of the vehicle revealed a .40 caliber pistol. Casings found in Karim’s residence and the casing found at the scene were a ballistics match for the pistol. The taillight of the vehicle was damaged, but the light was functioning. A DNA test of the trigger of the pistol revealed Karim was a match to the DNA profile of the major DNA contributor. A jury found Karim guilty of first-degree murder and armed criminal action. The court sentenced him to a total of one term of life in prison without the possibility for parole. This appealed followed.

Appellant’s points on appeal:

1. The trial court abused its discretion in excluding evidence about threats made by Individual One against Victim, prior instances of violence against Victim, and the financial benefits gained by Victim’s murder. By excluding this evidence, the trial court prejudiced Mr. Karim by depriving him of a meaningful opportunity to present a complete defense, a fair trial, and due process of law in violation of his rights under the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution and

Article I, Sections 10 and 18(a) of the Missouri Constitution. Due to the lack of overwhelming evidence of guilt, the trial court's abuse of discretion in excluding this evidence is prejudicial.

2. The trial court abused its discretion in sustaining the State's objection and preventing Mr. Karim from arguing his defense theory that Individuals Two and Three killed Mr. Rice at the behest of Individual One, which was drawn from the evidence presented at trial and reasonable inferences. Preventing the defense theory from being argued, deprived Mr. Karim of the meaningful opportunity to present a defense, a fair trial, and due process of law in violation of his rights under the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution and Article I, Sections 10 and 18(a) of the Missouri Constitution. Had Mr. Karim been permitted to argue his theory of the case, there is a reasonable likelihood that the outcome of this trial would have been different.

WD85214

State of Missouri, Respondent,

v.

Grayden Lane Denham, Appellant.

Appellant Grayden Denham appeals the judgment of the Circuit Court of Platte County finding him guilty of four counts of first-degree murder, four counts of armed criminal action, felony stealing, arson, and animal abuse. The facts as alleged at trial established that Denham lived with his grandparents, his sister, and her baby. On the night of February 19, 2016, a neighbor discovered Denham's house on fire. The neighbor also discovered bodies in the front yard, two adults, a baby, and a dog. Another body was later discovered in a pickup that was parked close to the shed that was also on fire. The bodies were later identified as Denham's grandparents, his sister, her baby, and the family dog. Autopsies revealed that they had all been shot and killed before being burned. Denham was arrested on February 21, 2016, in Seligman, Arizona, following reports of a naked man running through people's yards. When police searched the car Denham was driving, they found a bag filled with various types of ammunition including the type used to kill his family. Subsequent testing of the clothes found in the car came back positive for gunshot powder residue. The police investigation revealed surveillance footage of Denham purchasing gasoline and diesel fuel at multiple locations prior to the murders. A jury found Denham guilty as charged. The trial court sentenced Denham to multiple terms of life in prison without the possibility of parole. This appeal followed.

Appellant's points on appeal:

1. The trial court erred, in violation of Grayden Denham's rights to due process, a fair trial, and a jury trial under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article I, §§ 10 and 18(a) of the Missouri Constitution, when it found there was sufficient evidence to sustain Grayden's conviction on Count XI, stealing, § 570.030, RSMo, and entered a judgment of conviction, because at time of the offense,

felony stealing required the value of property to be an element, in that the value of property is not an element when the item stolen is a car, so the offense was a misdemeanor, not a felony.

2. The trial court erred, in violation of Grayden Denham’s rights to due process, a fair trial, and a jury trial under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article I, §§ 10 and 18(a) of the Missouri Constitution, when it found there was sufficient evidence to sustain Grayden’s conviction on Count IX, animal abuse, § 578.012, RSMo, and entered a judgment of conviction, because shooting a dog is a permissible way to kill it, in that the only evidence as to how the dog was killed was that it was shot to death, and, as charged, the statute permits shooting and killing a dog.
3. The trial court plainly erred, in violation of Grayden Denham’s rights to due process, a jury trial, and a fair trial, under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article I, §§ 10, 18(a), and 22(a) of the Missouri Constitution, when it failed to instruct on a defense in the animal abuse statute, because there are a number of defenses to animal abuse that must be instructed on if supported by the evidence, in that a person is permitted to shoot and kill a dog and that defense was not instructed on and it was supported by the evidence.
4. The trial court erred, in violation of Grayden Denham’s rights to due process under the Fourteenth Amendment to the United States Constitution and Article I, §§10 and 18(a) of the Missouri Constitution, when it failed to accurately memorialize the pronounced sentence, because the written judgment must conform to the oral pronouncement of sentence, in that the written judgment states “Counts I, II, III, IV, V, VI, VII, VIII, X, and XI are to run consecutively” while the oral pronouncement was that all counts are consecutive except that Count II and III are concurrent, and Count IX is concurrent to all counts except Counts V, X, and XI.
5. The trial court abused its discretion in overruling defense counsel’s objections to the admission of evidence related to ammunition found in the trunk of the car Grayden Denham was driving, in violation of Grayden’s rights to due process and a fair trial, under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, and Article I, §10 and 18(a), of the Missouri Constitution, because, to be admissible, the probative value of evidence must outweigh its unfair prejudice, in that the unfair prejudice resulting from the admission of evidence related to the ammunition far outweighed its nonexistent or minimal probative value.

WD86087

Dana Casnocha-Jones, Respondent,

v.

State Board of Nursing, Appellant.

This case is an administrative appeal. The Circuit Court of Cole County reversed the decision of the Appellant State Board of Nursing (“Board”) revoking the registered professional nursing

license of Respondent Dana Casnocha-Jones. Because this Court reviews the decision of the Board, not the circuit court judgment, the briefing schedule is reversed, and Respondent Dana Casnocha-Jones presents the allegations of error on appeal. The facts as alleged to the Board established that Canocha-Jones was a registered nurse working for Mercy Hospital in St. Louis. Following a traumatic event, Canocha-Jones began taking opioids from the hospital to self-medicate. On July 29, 2019, Canocha-Jones' drug screen results returned positive for opioids, and the hospital terminated her. On July 26, 2019, Canocha-Jones entered into treatment for substance use disorder and has not tested positive for opioids since treatment. On October 14, 2021, the Board filed a complaint against Canocha-Jones with the Administrative Hearing Commission seeking an order disciplining Casnocha-Jones' license. Prior to the hearing, Casnocha-Jones and the Board entered into a stipulation that cause did exist to discipline Casnocha-Jones' license. Following a disciplinary hearing, the Board revoked Casnocha-Jones' license. On appeal to the circuit court, the court found the Board erred in revoking Casnocha-Jones' license. The Board appealed to this Court, and we now review the decision of the Board.

Respondent's points on appeal:

1. The State Board of Nursing erred in revoking plaintiff's Registered Professional Nursing (R.N.) license because the board's decision to revoke plaintiff's license is not supported by substantial and competent evidence, is arbitrary, capricious, unreasonable and an abuse of discretion in that plaintiff produced substantial competent evidence at the hearing before the Board that she is rehabilitated and no contrary evidence was presented at the hearing.
2. The State Board of Nursing erred in revoking plaintiff's Registered Professional Nursing (R.N.) license because the board's decision to revoke plaintiff's license is arbitrary, capricious, unreasonable and an abuse of discretion in that the board previously offered to plaintiff first a nondisciplinary agreement and then offered a settlement agreement whereby plaintiff was offered probation, and revoked plaintiff's license in retaliation for her refusing to sign the settlement agreement without change to several of the terms offered by the Board.