MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, RESPONDENT,
v.
SADIQ JAMARIO MOORE, APPELLANT.

DOCKET NUMBER WD85834

DATE: FEBRUARY 13, 2024

Appeal From:

Randolph County Circuit Court
The Honorable Scott Alan Hayes, Judge

Appellate Judges:

Special Division: Gary D. Witt, Chief Judge, Presiding, Cynthia Martin, Judge and James E. Welsh, Special Judge

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Attorneys:

Gregary L. Barnes, Jefferson City, MO, for respondent.

Ellen H. Flottman, Colubmia, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, RESPONDENT,
v.
SADIQ JAMARIO MOORE, APPELLANT.

WD85834 Randolph County

Before Special Division Judges: Gary D. Witt, Chief Judge, Presiding, Cynthia Martin, Judge, and James E. Welsh, Special Judge

Sadiq Jamario Moore appeals from the trial court's judgment convicting him of second-degree murder, unlawful use of a weapon, first-degree burglary, and felony armed criminal action arguing that the trial court erred by overruling his objections to hearsay statements made by a co-conspirator, overruling his request for a mistrial after a witness from the State testified that Moore had a probation and parole officer, and overruling his motion for judgment of acquittal because, without his co-conspirator's statements, there was insufficient evidence from which a rational trier of fact could find him guilty beyond a reasonable doubt.

AFFIRMED.

Special Division holds:

1. Statements made by Moore's co-conspirator were admissible under the co-conspirator exception to the hearsay rule as they were made in furtherance of a demonstrated conspiracy shortly after the criminal offenses were committed to elicit the help of others in declarant's search for Moore and another co-conspirator who declarant had abandoned at the scene of the crimes.

2. The trial court's decision to overrule Moore's request for a mistrial was not an abuse of discretion where the reference to Moore's probation and parole officer by a State's witness was brief, appeared to have been volunteered, and was sufficiently remediated by the trial court's curative instruction.

3. Since the statements of Moore's co-conspirator were admissible, Moore's contention that without his co-conspirator's statements there was insufficient evidence from which a reasonable fact-finder could have found Moore guilty beyond a reasonable doubt is without merit.

Opinion by: Cynthia L. Martin, Judge February 13, 2024

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