MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, RESPONDENT,
v.
BRAYON J. WILLIAMS, APPELLANT.

DOCKET NUMBER: WD85840

DATE: MARCH 5, 2024

Appeal From:

Adair County Circuit Court
The Honorable Thomas P. Redington, Judge

Appellate Judges:

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

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Attorneys:

Joellen Grohs, Kansas City, MO, for appellant.

Kristen Shively Johnson, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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STATE OF MISSOURI, RESPONDENT,
v.
BRAYON J. WILLIAMS, APPELLANT.

WD85840 Adair County

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

Brayon Williams ("Williams") appeals the judgment of the Circuit Court of Adair County, Missouri ("trial court"), convicting him, after a bench trial, of one count of possession of a controlled substance, section 579.015, RSMo. On appeal, Williams claims that the trial court erred in: (1) entering his conviction in that section 195.205, RSMo, protects persons subject to a good faith request for medical assistance for a drug or alcohol overdose from prosecution for possession of a controlled substance; and (2) admitting certain evidence at his trial because the evidence was not seized pursuant to jailhouse procedures and was not part of a proper inventory search.

AFFIRMED.

Special Division holds:

Section 195.205 does not affect the trial court's authority but instead offers an immunity from charges for a person whose possession of illegal substances is discovered during treatment for an alcohol or drug overdose. Section 195.205 immunity is an affirmative defense that the defendant must raise and prove, yet Williams raises this defense for the first time on appeal. We thus conclude that Williams waived any application of the section 195.205 immunity provisions.

Williams's claim that the trial court erred in admitting into evidence the methamphetamine seized from his person was not preserved for review and was, in fact, waived. Even if the alleged error had been preserved, however, the methamphetamine was properly discovered and seized as part of an inventory search of his person when officers determined that Williams would be taken into protective custody overnight for detoxification. Such searches are conducted when a person is taken into protective custody for the safety of officers, other detainees, and the detainment facility; for protection against police against false claims of theft; and to ascertain the identity of the person being incarcerated. Therefore there was no error, plain or otherwise.

Opinion by: Gary D. Witt, Chief Judge March 5, 2024

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