MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
MARK RANDAL PULLUM, Appellant.

DOCKET NUMBER WD86670

DATE: April 15, 2025

Appeal From:

Callaway County Circuit Court
The Honorable Joshua C. Devine, Judge

Appellate Judges:

Division Four: Anthony Rex Gabbert, Chief Judge, Presiding, Cynthia L. Martin, Judge, and Gary D. Witt, Judge

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Attorneys:

Nathan J. Aquino, Jefferson City, MO, Counsel for Respondent.

Carol Jansen, Columbia, MO, Counsel for Appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
MARK RANDAL PULLUM, Appellant.

WD86670 Callaway County

Before Division Four Judges: Anthony Rex Gabbert, Chief Judge, Presiding, Cynthia L. Martin, Judge, and Gary D. Witt, Judge

Mark Pullum appeals the judgment of the Callaway County Circuit Court convicting him after jury trial for assault in the first degree and burglary in the first degree. Pullum was sentenced to imprisonment terms of twenty-five years in the Missouri Department of Corrections for assault and ten years in the Missouri Department of Corrections for burglary. The sentences were ordered to run concurrently. In his sole point on appeal, Pullum argues the trial court erred in failing to instruct the jury on self-defense for the charge of burglary in the first degree.

AFFIRMED.

Division Four holds:

The trial did not err in refusing to give a self-defense instruction when a defendant was charged with burglary. The burglary charge required a jury finding that that the defendant entered unlawfully or knowingly remained unlawfully in the victim's home. Self-defense would have required a finding that the defendant did not have a duty to retreat, and the defendant in this case could not have established that he did not have a duty to retreat from the victim's home.

Opinion by: Anthony Rex Gabbert, Chief Judge, Presiding April 15, 2025

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