Missouri Court of Appeals
Southern District

In Division

THE OLIVER FIRM, L.C., Plaintiff-Respondent, v. SHERIFF CARL HEFNER, in his capacity as Sheriff of Stoddard County, Missouri, Defendant-Appellant, and AMY HOLDEN, in her capacity as Records Custodian for the Stoddard County Sheriff's Department, Defendant.	No. SD38762 Filed: February 4, 2026

APPEAL FROM THE CIRCUIT COURT OF STODDARD COUNTY

Honorable C. Wade Pierce, Special Judge

AFFIRMED AND REMANDED WITH DIRECTIONS

Defendant Carl Hefner, in his capacity as Sheriff of Stoddard County, Missouri (hereinafter referred to as Sheriff), appeals a judgment in favor of the plaintiff, the Oliver Firm, L.C. (Plaintiff). Plaintiff represented the Pennington family in their lawsuit to obtain

a bodycam video (the Video) that showed the killing of the Pennington family's dog by a deputy employed by Sheriff. Following a bench trial, the trial court found Sheriff knowingly violated Missouri's Sunshine Law, § 610.010, *et seq*., by refusing to provide Plaintiff with the Video.[1] The court ordered Sheriff to pay Plaintiff a civil penalty, reasonable attorney fees, and deposition costs, totaling $6,317.50.[2]

Sheriff presents three points on appeal. He contends the trial court: (1) lacked authority to enter judgment against him because the matter was rendered "moot" after the Video was later provided to Plaintiff by another public governmental body eight months after it was first requested; (2) erred in including a penalty against Sheriff because the court "lacked authority to issue such penalty in that the applicable statue does not permit such a penalty"; and (3) erred in including attorney fees and costs because the amounts are "unreasonable" and "excessive under the circumstances." Finding no merit in any of these points, we affirm. We also grant Plaintiff's motion for attorney fees on appeal, which was taken with the case.[3] We remand the case with directions for the trial court to award reasonable attorney fees on appeal to Plaintiff.

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[1] All statutory references are to RSMo (2016), except references to § 610.100, which are to RSMo Cum. Supp. (2020). All rule references are to Missouri Court Rules (2024).

[2] Defendant Amy Holden, the office manager and records custodian for the Stoddard County Sheriff's Department, did not join Sheriff in this appeal. The trial court specifically found no knowing violation of relevant statutes on Holden's part and assessed no civil penalty, costs, or attorney fees against her.

[3] As required by our Special Rule 14, Plaintiff filed its motion for attorney fees on appeal prior to the submission of the cause to this Court.

Standard of Review

"The judgment is presumed correct, and the party challenging the judgment bears the burden of proving it erroneous." ***O'Connell v. Deering***, 631 S.W.3d 649, 652 (Mo. App. 2021); *see also* ***City of De Soto v. Parson***, 625 S.W.3d 412, 416 n.3 (Mo. banc 2021). In this court-tried case, our review is governed by Rule 84.13(d) and the principles articulated in ***Murphy v. Carron***, 536 S.W.2d 30, 32 (Mo. banc 1976). This Court must affirm the trial court's judgment unless it is not supported by substantial evidence, it is against the weight of the evidence, or it erroneously declares or applies the law. ***Murphy***, 536 S.W.2d at 32; *see* ***Roland v. St. Louis City Bd. of Election Commissioners***, 590 S.W.3d 315, 318 (Mo. banc 2019). We review questions of law *de novo*. ***Pearson v. Koster***, 367 S.W.3d 36, 43-44 (Mo. banc 2012).

The interpretation of statutory language is a question of law, subject to *de novo* review. ***Wilson v. City of Kansas City***, 598 S.W.3d 888, 894 (Mo. banc 2020). In interpreting statutory provisions, we are guided by legislative intent and the text of the statute. ***Weeks v. St. Louis Cnty.***, 696 S.W.3d 333, 338-39 (Mo. banc 2024). "Legislative intent with respect to public records is clear." ***Roland***, 590 S.W.3d at 319. The Sunshine Law expressly states: "It is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public unless otherwise provided by law." § 610.011.1. To promote this public policy, the Sunshine Law states its open records provisions "shall be liberally construed and their exceptions strictly construed[.]" ***Id.***; ***Roland***, 590 S.W.3d at 319; *see also* ***Strake v. Robinwood W. Cmty. Improvement Dist.***, 473 S.W.3d 642, 645 n.5 (Mo. banc 2015) (portions of the Sunshine

Law that allow for imposition of a civil penalty, attorney fees and costs are penal in nature and therefore strictly construed).

Whether Sheriff's conduct is "within the scope of the statutory definitions of knowing or purposeful conduct is a question of fact." ***Laut v. City of Arnold***, 491 S.W.3d 191, 196 (Mo. banc 2016). Accordingly, it was up to the trial court, as the fact finder, to determine whether Sheriff's conduct was knowing or purposeful, as those terms are used in the Sunshine Law, when the Sheriff declined to release the Video. *See* ***Laut***, 491 S.W.3d at 196-97. Further, in reviewing questions of fact, we will "defer to the trial court's assessment of the evidence if any facts relevant to an issue are contested." ***Pearson***, 367 S.W.3d at 44. "We review the evidence and all reasonable inferences in the light most favorable to the judgment and disregard all contrary evidence and inferences." ***Arndt v. Beardsley***, 102 S.W.3d 572, 574 (Mo. App. 2003). We defer to the trial court's determination of witness credibility, recognizing that the court is free to accept or reject all, part, or none of the testimony presented. ***Christian Health Care of Springfield West Park, Inc. v. Little***, 145 S.W.3d 44, 48 (Mo. App. 2004). Our summary of the evidence, which is set forth below, has been prepared in accordance with these principles.

Factual and Procedural Background

On August 27, 2023, the Pennington family's dog, a nine-year-old black lab mix named Parker, was shot to death and left in a ditch by a deputy employed by the Stoddard County Sheriff's Department (hereinafter referred to as Deputy). Deputy was wearing a bodycam and created the Video at the time of the shooting. According to the record, Parker became disoriented earlier that day during a storm. He was discovered by a neighbor, who

lived about a mile away, but the neighbor did not know to whom Parker belonged and posted a message on Facebook to try to locate the owners. The neighbor also called the Sheriff's Department. Soon thereafter, Deputy picked up Parker in a patrol vehicle and drove to a remote area, where Parker's body was later found.

On August 29, 2023, Plaintiff hand-delivered a letter to the Sheriff's office requesting government records pursuant to the Sunshine Law. Specifically, the request was for "all body worn camera footage for [Deputy] created on August 27, 2023." In response, the office manager produced two videos created on that date, but these were unrelated to Parker's death. The office manager explained that "only two videos [can be] released at this time due to active investigations." The Sunshine Law includes an exception to producing records involved in a "criminal investigation" pursuant to § 610.100.3.[4]

On September 5, 2023, Plaintiff filed the underlying petition (Petition) seeking not only production of the Video, but imposition of a civil penalty and an award of attorney fees. The Petition alleged:

> That upon information and belief, there is no "active investigation" as described by [the office manager] in her justification for the non-disclosure of the body camera footage. As such, pursuant to § 610.100[.6], such action was a knowing violation of [the Sunshine Law] including but not limited to § 610.100[.6] and pursuant to § 610.027 and § 610.100[.6], [Sheriff is] subject to a civil penalty of up to five-thousand dollars ($5,000.00) and payment of the Plaintiff's and the Pennington family's attorney fees to bring and prosecute this action to obtain the body camera footage of the murder of Parker.

[4] Section 610.100.3 includes exceptions to producing a requested record, when information therein is reasonably likely to jeopardize a "criminal investigation" and/or pose a "danger to the safety of any victim, witness, undercover officer, or other person[.]" ***Id***.

> WHEREFORE, Plaintiff prays of this Court its order and judgment ordering [Sheriff] to produce and provide to Plaintiff all body camera footage created by [Deputy] on August 27, 2023, including the video of the murder of Parker, for an award of a civil penalty of five-thousand dollars ($5,000.00) and to award [Plaintiff] attorney fees reasonably incurred herein and for such other relief this Court finds just and proper in the premises.

The Sheriff's Department did not conduct its own investigation related to Parker's shooting, but instead requested that an investigation be conducted by the Missouri State Highway Patrol (MSHP). On September 11, 2023, the Sheriff's Department was informed by MSHP that it would not conduct any investigation into the matter.

On September 19, 2023, the file was transmitted to the Prosecuting Attorney's Office of Stoddard County to conduct a criminal investigation. The investigator for that office (Investigator) testified that he "just read the reports and watched the bodycam video." The following March, Investigator "drafted a probable cause affidavit" to submit to the Stoddard County Prosecutor (Prosecutor), but "[n]o further action" was taken with the case.

On October 24, 2023, Sheriff filed a counterclaim (Counterclaim) for declaratory judgment pursuant to § 610.027.6, seeking an interpretation by the trial court as to the extent of Sheriff and Stoddard County's disclosure obligations for the Video.[5] Sheriff argued that withholding the Video was justified due to: (1) the "active and ongoing

[5] In the Counterclaim, Sheriff stated that he was exercising his "statutory right under the safe harbor provision set out in Section 610.027.6 to seek an interpretation from this circuit court of the extent of the County's disclosure obligation of the requested materials." Specifically, the Sheriff asked the court to "undertake an in-camera review of the requested materials," including the Video, "to determine what information and materials may be protected and withheld, lawfully, from disclosure[.]"

investigation"; and (2) "safety of the public," and of Deputy and Sheriff's staff. Trial on the Petition and Counterclaim was set for May 3, 2024.

In April 2024, Prosecutor sent a letter to Plaintiff stating that the Video could be produced. At that time, two weeks before trial and eight months after Plaintiff initially requested the Video, Plaintiff received the Video. It was sent by Prosecutor – not by Sheriff. During the trial, Sheriff testified that he did not approve or have direct knowledge prior to production of the Video by Prosecutor.

According to the record, the Video showed the following.[6] Initially, Deputy opened the door to his patrol vehicle and walked away. Parker jumped out of the vehicle and ran up and down a ditch bank. Deputy then called, "Come here, boy, sit down." Parker sat down and was then shot by Deputy. Parker did not die immediately, but laid there "in great pain" for about eight minutes. Deputy then shot Parker again, finally killing him, and threw Parker's body in the ditch.

The bench trial was held May 3, 2024. Those testifying included Sheriff, the office manager, and Investigator. Plaintiff argued that Sheriff withheld the Video because it was inflammatory and Sheriff was up for re-election in 2024. On direct examination, Sheriff testified that Deputy was sent to "euthanize an injured dog." Sheriff confirmed he was up for re-election on August 6, 2024. Sheriff also confirmed his understanding of his obligations under the Sunshine Law with respect to Deputy's criminal investigation, which

[6] Apparently, because Plaintiff had received the Video, it was not offered or admitted as an exhibit at trial, and consequently was not available to include in the record on appeal. The Video was described in detail in another exhibit offered by Sheriff and admitted at trial.

involved possible misdemeanor animal-abuse charges. According to Sheriff, the investigation was still "active and ongoing" so long as the misdemeanor statute of limitations of one year had not passed, even though Sheriff was admittedly "doing nothing" and planned on "doing nothing in the future[.]" Sheriff stated that he had not been motivated by his upcoming election when making the determination to withhold the Video. However, by considering the investigation active, Sheriff asserted he was legally entitled to withhold the Video until at least 20 days *after* the election, as the one-year limitations period of Parker's shooting death ran through August 27, 2024.

Plaintiff argued that Sheriff's refusal to disclose the Video pursuant to the Sunshine Law did not depend on a possible investigation that might occur during a limitations period, but instead required an "active, ongoing effort to investigate[,]" which did not happen here. According to Plaintiff, Sheriff knowingly violated the Sunshine Law, and consequently, Plaintiff was entitled to a civil penalty, deposition costs, and attorney fees.

The trial court decided that Plaintiff had a right to bring the request for the Video pursuant to § 610.100.4 of the Sunshine Law.[7] The court also found that Sheriff violated the Sunshine Law "by engaging in behavior specifically designed to prevent the disclosure

[7] This subsection provides, in relevant part, that: "[a]ny person, including [an] ***attorney for a person … whose property is involved in an incident***, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section." § 610.100.4 (emphasis added). The next subsection, § 610.100.5, specifically authorizes an action to seek disclosure of a "***mobile video recording*** or the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of a mobile video recording or the information contained in an investigative report be released to the person bringing the action." § 610.100.5(1) (emphasis added).

to the Plaintiff" of the Video requested. The court gave the following explanation for its ruling:

> This conclusion is reached for a variety of reasons, not the least of which is [Sheriff's] clear knowledge and understanding that the request was made on behalf of persons whose property was involved in the incident and who were, accordingly, entitled to receive the same pursuant to the provisions of section 610.100.4 RSMo. [Sheriff] is charged with knowledge of the law and its clear dictates, and the circumstances under which both the request was made and the refusal was given [indicate] his intent to block release, public or otherwise, of what the parties agreed at trial was the most potentially inflammatory of the body cam video images captured on August 27, 2023. In short, a review of the evidence leaves the Court convinced [Sheriff] intended to engage in the conduct resulting in the Sunshine Law violation.

The trial court also found that, even if disclosure was refused by Sheriff based on the "criminal investigation" exception provided in § 610.100.3, Sheriff failed to follow the procedure to prevent disclosure required by § 610.100.4. The court noted that Sheriff "was required to either produce the material, or to file a motion with the circuit court within thirty days seeking closure of the record per section 610.100.4[,]" which Sheriff did not do.[8] The court explained:

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[8] In relevant part, § 610.100.4 requires that:

> ***Within thirty days of such request, the agency shall*** provide the requested material or ***file a motion pursuant to this subsection*** with the circuit court having jurisdiction over the law enforcement agency ***stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized***. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

§ 610.100.4 (emphasis added).

> The record reveals the only "motion" filed by [Sheriff] is the Counterclaim for Declaratory Judgment filed in this matter on October 24, 2023; well more than thirty days after the records request was received by him. Furthermore, a review of the Counterclaim reflects judicial intervention is sought "to determine which portion(s) of the materials requested by Plaintiff [relate] to a criminal investigation and are therefore protected from disclosure, and which portions are not exempt and therefore obligated to be disclosed." *See* paragraph 22 of Defendants' Counterclaim. No true attempt to treat the Counterclaim as a "motion" per the directives of Section 610.100.4, RSMo. is shown by the record herein.

For that same reason, the court rejected the other stated basis for Sheriff's refusal to release the Video, which was "safety of the public," for the following reason:

> This explanation is found to be revisionist and otherwise less than credible as the record of this case belies that motivation. Furthermore, a refusal to provide records based on a claim that the "safety of the victim, witness or other individual cannot reasonably be ensured," again, ***requires a timely motion be filed and pursued in the circuit court. And once again, that was not done here***.

(Emphasis added.) The trial court made a specific finding that the Sheriff's refusal to comply with Plaintiff's request was a "knowing" violation:

> To be clear, liability under the statute is not herein found by the Court based solely on [Sheriff's] simple failure to comply with the Sunshine Law. To the contrary, the evidence reflects, instead, and the Court hereby finds, that [Sheriff] ***actively sought to hide the apparent disturbing actions of one of his Deputies in order to avoid an apparent public outcry***, and systemically sought to thwart the efforts of the Plaintiff to obtain video of the incident, regardless of the reason it may have been sought. This is made all the more evident by [Sheriff's] persistent insistence on preventing only the most inflammatory of the videos from being released or viewed.
>
> It further appears from the evidence that [Sheriff's] decision to forestall release of the video was likely also designed to delay pursuit of a civil claim against the County, the Sheriff's Department, his Deputy, or himself. The sequence of events described in the testimony and shown by the exhibits, together with the months-long delay in providing the requested video, reveal ***a knowing violation*** of the Act.

(Emphasis added.)[9] Accordingly, the court: (1) assessed a civil penalty of $500 against Sheriff; (2) ordered him to pay $817.50 in deposition costs; and (3) awarded Plaintiff "reasonable and necessary attorney fees" of $5,000 and ordered Sheriff to pay the same.

Finally, the trial court ruled on Sheriff's Counterclaim. With respect to Sheriff's request for declaratory judgment to determine the extent of his disclosure obligation pursuant to § 610.027.6, the court determined the only relief prayed for was moot. The court then reiterated its findings that Sheriff's refusal to provide the Video to Plaintiff was "substantially unjustified under all relevant circumstances" and concluded that, pursuant to § 610.100.5(6), the "reasonable and necessary costs and attorneys' fees found above and awarded herein [are] found to be a sufficient assessment for these purposes as well." The court explained:

> Inasmuch as it was acknowledged at trial that all of the materials requested by the Plaintiff had very recently been delivered and received, the relief prayed for in Defendants' Counterclaim is moot. Nonetheless, in light of the foregoing findings, as to Defendants' Counterclaim the Court hereby finds and determines that the decision of the law enforcement agency not to open the mobile video recording or investigative report was ***substantially unjustified under all relevant circumstances***. (*See* § 610.100.5(6)) The reasonable and necessary costs and attorneys' fees found above and awarded herein [are] found to be a sufficient assessment for these purposes as well.

(Emphasis added.) This appeal followed.

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[9] In a footnote, the trial court stated:

> [T]he video was released, not by [Sheriff], but by [Prosecutor]. It would appear, then, that [Sheriff], at the time of trial, had still not complied with his statutory duties pursuant to sections 610.010-610.026, RSMo., relying instead on the actions of another [p]ublic governmental body, as that term is defined in section 610.010, RSMo.

Discussion and Decision

Point 1

Point 1 contends the trial court lacked authority to enter judgment against Sheriff because the matter was rendered "moot" after the Video was provided to Plaintiff two weeks before trial. "A threshold question in any appellate review of a controversy is the mootness of the controversy." ***Armstrong v. Elmore***, 990 S.W.2d 62, 64 (Mo. App. 1999); *see* ***State ex rel. Reed v. Reardon***, 41 S.W.3d 470, 473 (Mo. banc 2001); ***WMAC 2013, LLC v. Metro. St. Louis Sewer Dist.***, 714 S.W.3d 457, 460 (Mo. App. 2025). "A cause of action is moot when the question presented for decision seeks a judgment upon some matter which, if the judgment was rendered, would not have any practical effect upon any then existing controversy." ***Shelton v. Farr***, 996 S.W.2d 541, 543 (Mo. App. 1999) (citation omitted); *see* ***Reardon***, 41 S.W.3d at 473. "The existence of an actual and vital controversy susceptible of some relief is essential to appellate jurisdiction." ***Armstrong***, 990 S.W.2d at 64 (citation omitted); *see* ***Reardon***, 41 S.W.3d at 473.

In Point 1, Sheriff argues that, because Plaintiff sought only the Video that has been produced, there was nothing left for the court to do. In support of Sheriff's argument, he relies on ***B.S. v. State***, 966 S.W.2d 343 (Mo. App. 1998). There, applicants for a professional license sought to prevent the MSHP from disclosing their criminal records to the licensing authority. ***Id***. at 344. However, the petition alleged that MSHP already "had provided" each of the applicants' criminal records "during background checks." ***Id***. Although the trial court entered judgment in favor of the applicants, MSHP appealed that decision, arguing the applicants sought only to prevent disclosure of the records and

nothing else. Because the records had already been released, directing MSHP not to release the information "would not have had any practical effect upon the dispute" and was therefore moot. ***Id***.

Sheriff's reliance on ***B.S.*** is misplaced because it is factually distinguishable from Plaintiff's underlying action. First, unlike the case at bar, ***B.S.*** did not involve a Sunshine Law violation.[10] Second, contrary to Sheriff's argument, Plaintiff did not *only* seek production of the Video. Based upon the allegation that Sheriff committed a "knowing" violation of the Sunshine Law, the Petition also sought: (1) a "civil penalty"; (2) "attorney fees reasonably incurred herein"; and (3) "other relief this Court finds just and proper in the premises." Whether there was a "knowing" violation of the Sunshine Law, and if so, whether Plaintiff was entitled to a civil penalty, attorney fees and costs were all issues for the trial court to decide. *See* ***Laut***, 491 S.W.3d at 194; ***Hynes v. Missouri Dep't of Corr.***, 689 S.W.3d 516, 527 (Mo. App. 2024). Thus, based on the alleged violation, the additional statutory relief sought indicates the "existence of an actual and vital controversy susceptible of some relief[.]" ***Reardon***, 41 S.W.3d at 473. Therefore, the fact that the Video was later produced by the Prosecutor did not render the underlying action moot. *See, e.g.*, ***Hynes***, 689 S.W.3d at 523 (addressing issues involving a purposeful violation of the

[10] Sheriff does not challenge the trial court's finding that he violated § 610.100.4 of the Sunshine Law by failing to either produce the Video or file a motion to prevent its disclosure within 30 days of the request. ***Id***.; *see also* ***Laut***, 491 S.W.3d at 194 ("[o]nce it is determined that a governmental body is subject to the Sunshine Law and that it has claimed that a record is closed, the burden is on the governmental body to demonstrate that the Sunshine Law does not require disclosure").

Sunshine Law and related awards of a civil penalty, attorney fees and costs). Accordingly, Point 1 is denied.[11]

Point 2

In Point 2, Sheriff challenges the trial court's authority to assess the civil penalty against him. According to Sheriff, the court lacked authority to issue such penalty because the "applicable statute does not permit such a penalty." This contention presents an issue of statutory interpretation. As stated previously, our review is *de novo*. ***Wilson***, 598 S.W.3d at 894. The primary goal of statutory interpretation is to give effect to legislative intent, as evidenced by the plain text of the statute. ***Weeks***, 696 S.W.3d at 339. If the intent of the legislature is clear and unambiguous by giving the language used in the statute its plain and ordinary meaning, then this Court is "bound by that intent and cannot resort to any statutory construction in interpreting the statute." ***Smith v. St. Louis Cnty. Police***, 659 S.W.3d 895, 898 (Mo. banc 2023) (citation omitted). "Courts look elsewhere for interpretation only when the meaning is ambiguous or would lead to an illogical result defeating the purpose of the legislature." ***Id***. (citation omitted); *see* ***Weeks***, 696 S.W.3d at 339.

[11] We note that ***B.S.*** is factually distinguishable from Plaintiff's action, but not from Sheriff's Counterclaim. Because Sheriff sought only an in-camera review of the Video for the trial court "to determine what information and materials may be protected and withheld, lawfully, from disclosure," once disclosed, the court correctly found the relief prayed for in the Counterclaim was moot. *See* ***B.S.***, 966 S.W.2d at 344. Sheriff does not take issue with this ruling.

The applicable statute, § 610.100.6, authorizes a civil penalty of "up to one thousand dollars" for a "knowing" violation by a law enforcement officer or agency.[12] Subsection 6 of § 610.100 states:

> 6. Any person may apply pursuant to ***this subsection*** to the circuit court having jurisdiction for an order requiring a law enforcement agency to open ***incident reports and arrest reports*** being unlawfully closed pursuant to this section.
>
> If the court finds by a preponderance of the evidence that the law enforcement officer or agency has ***knowingly*** violated ***this section***, the officer or agency shall be subject to a ***civil penalty in an amount up to one thousand dollars***. If the court finds that there is a knowing violation of this section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. … The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.

§ 610.100.6 (emphasis added); *see also* § 610.027.3 (authorizing assessment of the same civil penalty "up to one thousand dollars" and "all costs and reasonable attorney fees" to any party successfully establishing that a "public governmental body or member of a public governmental body has knowingly violated sections 610.010 to 610.026").[13]

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[12] A "knowing" violation of the Sunshine Law "requires proof that the public entity knew that its failure to produce the report violated the Sunshine Law." ***Laut***, 491 S.W.3d at 193. Subsection 610.100.6 goes on to authorize a higher civil penalty, "up to five-thousand dollars" against a law enforcement officer or agency that "***purposely*** violated this section[.]" ***Id***. (emphasis added). "A purposeful violation involves proof of intent to defy the law or achieve further some purpose by violating the law[.]" ***Laut***, 491 S.W.3d at 200; ***Hynes***, 689 S.W.3d at 528; *see also* § 610.027.4 (governing remedies for violations by a public governmental body that has "purposely violated sections 610.010 to 610.026").

[13] The trial court similarly noted that, at the time of trial, Sheriff had still not complied with his "statutory duties pursuant to sections 610.010-610.026[.]" *See, supra*, n.9.

Sheriff argues the first sentence of § 610.100.6 specifies only "incident reports and arrest reports" and therefore, the entire subsection applies only to those specified reports and does not apply to a "mobile video recording" as sought in this case. We disagree.

Section 610.100 currently includes eight numbered subsections. Throughout the statute, the legislature consistently identifies numbered subsections when addressing those subsections, and otherwise references "this section" when referring to § 610.100 in its entirety. *See, e.g.*, § 610.100.3 (specifying "subsections 4, 5, 6 and 7 of this section"). Here, based on the plain language of the statute, the second sentence of § 610.100.6 states that it applies to those who knowingly violate "this section[,]" which includes a violation of § 610.100.5 that authorizes disclosure of the "mobile video recording" at issue in this case. Therefore, the trial court's finding that Sheriff's refusal to disclose the Video was a "knowing" violation authorized the civil penalty pursuant to § 610.100.6, just as the trial court concluded. Sheriff's argument would require this Court to read the second sentence of § 610.100.6 as applying only to those who knowingly violate "this *sub*section" instead of "this section" as written. "This Court enforces statutes as they are written, not as they might have been written." ***Turner v. Sch. Dist. of Clayton***, 318 S.W.3d 660, 667 (Mo. banc 2010). By giving the language used in the statute its plain and ordinary meaning, the intent of the legislature is clear and unambiguous, and "there is no need to resort to further statutory interpretation." ***Weeks***, 696 S.W.3d at 338-39; *see* ***Smith***, 659 S.W.3d at 898. For all these reasons, the trial court did not lack authority to issue the civil penalty in this case. Accordingly, Point 2 is denied.

Point 3

In Point 3, Sheriff challenges only the amounts of the $5,000 award in attorney fees and $817.50 in deposition costs as "unreasonable" and "excessive under the circumstances." "We review the trial court's award of attorney's fees for an abuse of discretion." ***Warren-Cook v. Mo. Dep't of Pub. Safety***, 688 S.W.3d 75, 78 (Mo. App. 2024). We will not reverse an award of attorney fees unless "the amount awarded is arrived at arbitrarily or is so unreasonable that it indicates indifference and a lack of proper judicial consideration." ***Harrison v. Harris-Stowe State Univ.***, 626 S.W.3d 843, 853 (Mo. App. 2021); ***Petifurd v. Missouri Dep't of Corr.***, 717 S.W.3d 324, 333 (Mo. App. 2025). "We presume an award of attorney's fees to be correct, and the complaining party has the burden to prove otherwise." ***Gray v. Missouri Dep't of Corr.***, 635 S.W.3d 99, 105 (Mo. App. 2021) (citation omitted).

Here, Sheriff failed to carry his burden to prove the amounts of attorney fees and costs awarded to Plaintiff were unreasonable. The trial court capped the award of attorney fees at $5,000, even though Plaintiff sought more than that amount. The evidence of costs included $817.50 in deposition costs. It is well settled that "[w]e deem the trial court an expert on fees in a given case due [to] the court's familiarity with all issues in the case and the character of the legal services rendered." ***Gray***, 635 S.W.3d at 105. Sheriff failed to prove the amounts awarded were "arrived at arbitrarily" or were "so unreasonable that it indicates indifference and a lack of proper judicial consideration." ***Harrison***, 626 S.W.3d at 853. Finding no abuse of discretion, Point 3 is denied.

The judgment of the trial court is affirmed. We remand the case with directions for the trial court to award reasonable attorney fees on appeal to Plaintiff.[14]

JEFFREY W. BATES, J. – OPINION AUTHOR

DON E. BURRELL, J. – CONCUR

JACK A. L. GOODMAN, J. – CONCUR

[14] Section 610.027.6 provides that "[a] public governmental body which is in doubt about the legality of closing a particular meeting, record or vote may bring suit ***at the expense of that public governmental body*** in the circuit court[.]" ***Id***. (emphasis added). Missouri courts have recognized that a public governmental body bringing suit under this "safe harbor provision" pursuant to § 610.027.6 "*must* shoulder the costs for both itself and the party against whom it filed suit." ***City of Byrnes Mill v. Limesand***, 599 S.W.3d 466, 477 (Mo. App. 2020) (emphasis in original); *see* ***Hemeyer v. KRCG-TV***, 6 S.W.3d 880, 883 (Mo. banc 1999). Such costs include "*reasonable* attorneys' fees" on appeal. ***Limesand***, 599 S.W.3d at 478-79 (emphasis in original).