In the
Missouri Court of Appeals
Western District

CITY OF KANSAS CITY, MISSOURI,	)	
	)	
Respondent,	)	**WD88170**
	)	
v.	)	**OPINION FILED:**
	)	**JULY 28, 2026**
CHARLES LAMAR BURGETT,	)	
	)	
Appellant.	)	

Appeal from the Circuit Court of Jackson County, Missouri
The Honorable Abbie Rothermich, Judge

Before Division Four: Edward R. Ardini, Jr., Chief Judge, Presiding, Alok Ahuja, Judge and Cynthia L. Martin, Judge

Charles Lamar Burgett ("Burgett") appeals from the trial court's judgment finding him guilty of failure to maintain financial responsibility of a vehicle in violation of a City of Kansas City, Missouri ("City") ordinance. Because a valid municipal prosecution requires proof of the ordinance upon which the conviction is based, the City prosecutor's failure to prove the existence and content of the ordinance defining the offense of failure to maintain financial responsibility requires the judgment to be reversed and this matter to be remanded for the entry of a judgment of acquittal.

Factual and Procedural History[1]

On June 4, 2024, an officer with the City's Police Department observed a gray Toyota RAV4 driving on Ward Parkway at a speed greater than the posted speed limit of 35 miles per hour. The officer stopped the Toyota RAV4, walked to the driver's side of the vehicle, and observed Burgett sitting in the driver's seat. The officer asked Burgett for his driver's license and proof of insurance. Burgett provided his driver's license, but the insurance card he gave the officer was expired. The officer issued Burgett two municipal citations: one for driving 31 to 35 miles per hour over the posted speed limit and one for operating a motor vehicle without maintaining financial responsibility. This appeal involves only the citation for operating a motor vehicle without maintaining financial responsibility.[2]

The municipal division found Burgett guilty of both charged ordinance violations. Burgett filed applications for a trial de novo for both offenses pursuant to section 479.200.[3] The matters were assigned to the associate circuit division of the Circuit Court of Jackson County under separate case numbers.

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[1]We view "[t]he evidence and reasonable inferences therefrom . . . in the light most favorable to the municipality," disregarding all contrary evidence and inferences. *Jackson Cnty. v. Stamps*, 708 S.W.3d 911, 916 (Mo. App. W.D. 2025) (quoting *City of Joplin v. Marston*, 346 S.W.3d 340, 341 (Mo. App. S.D. 2011)).

[2]Burgett has a separate appeal pending that involves the citation for driving over the posted speed limit. Our opinion in that appeal, styled *City of Kansas City v. Burgett*, WD88171, is being handed down simultaneously with this opinion.

[3]All statutory references are to RSMo 2016, as supplemented through June 4, 2024, unless otherwise indicated.

Burgett filed a motion to dismiss the citation for operating a motor vehicle without maintaining financial responsibility. Burgett argued that the trial court did not have subject-matter jurisdiction because the ordinance prohibiting the operation of a motor vehicle without maintaining financial responsibility is void as it conflicts with section 303.025.1, a statute concerning the same subject.

Trial was scheduled on the citation for operating a motor vehicle without maintaining financial responsibility for June 9, 2025. The trial on the speeding citation was scheduled for the same date and time.

On the day of trial, Burgett made an oral request for trial by jury. The request was denied, and Burgett's citations proceeded to a bench trial. The City prosecutor entered Exhibit 1 into evidence without objection. The prosecutor described Exhibit 1 as the "certified ordinance 70-362(2) for maximum limits established and the penalty section for the violation of the chapter, which is 70-101." Ordinance 70-362(2) is the ordinance identified on the citation Burgett received for driving over the posted speed limit. The prosecutor did not enter into evidence ordinance 70-270(A), the ordinance identified on the citation Burgett received for operation of a motor vehicle without maintaining financial responsibility.

At the conclusion of the trial, and relevant to this appeal, the trial court found Burgett guilty of violating the City's ordinance prohibiting the operation of a motor vehicle without maintaining financial responsibility. The trial court sentenced Burgett to pay a $100 fine and court costs, and entered a written judgment accordingly ("Judgment").

Burgett filed this appeal from the Judgment.

Analysis

Burgett presents three points on appeal challenging the trial court's denial of his motion to dismiss, the trial court's denial of his request for a jury trial, and the trial court's interference with Burgett's right to appeal. Ordinarily, our review would be limited to these issues. However, this case represents the rare case where unbriefed plain error requires reversal of Burgett's conviction.

"Prosecutions for municipal ordinance violations are civil proceedings with quasi-criminal aspects." *City of Center v. Andrews*, 622 S.W.3d 211, 213 (Mo. App. E.D. 2021) (quoting *Tupper v. City of St. Louis*, 468 S.W.3d 360, 371 (Mo. banc 2015)). As such, the municipality bears the burden "to produce evidence of such a convincing nature as to convince the trier of facts that defendant was guilty of the offense charged beyond a reasonable doubt." *Id.* (quoting *Tupper*, 468 S.W.3d at 371). Unlike criminal statutes, municipal ordinances are not subject to judicial notice by either the trial court or an appellate court. *Id.* As such, "[t]he rule is well settled in this state that a valid municipal prosecution requires, at a bare minimum, proof of the ordinance upon which the conviction is based." *Id.* at 213-14. Without proof of both the existence and content of the ordinance defining the charge with which the appellant was charged, a conviction cannot stand because "the offense remains undefined, and no misconduct can be shown or any conviction proven." *Id.* at 214.

Proof of an ordinance cannot be accomplished by a prosecutor's statement about an ordinance or by testimony about the ordinance. *Id.* at 213 (citing *State v. Cochran*,

365 S.W.3d 628, 637 (Mo. App. W.D. 2012); *City of Joplin v. Marston*, 346 S.W.3d 340, 342 (Mo. App. S.D. 2011)). "Further, reference to an ordinance by number in a citation is insufficient for purposes of admitting the ordinance into evidence." *Id.* Instead, a city may prove an ordinance in one of three ways: (1) by entering a handwritten or printed certified copy of the ordinance into evidence; (2) by bringing the printed volume of the current municipal ordinances published by the city into court, and proving the existence of the subject ordinance by reference to that volume; or (3) by adducing a certified copy of the ordinance or filing a certified copy of the ordinance with the clerk of the court, after which it can be judicially noticed if it has been made readily available for inspection by the parties. *City of Joplin*, 346 S.W.3d at 342 (citing sections 490.240 and 479.250).

The City prosecutor took none of these steps. Though Burgett does not challenge the prosecutor's failure to submit proof of the ordinance supporting his conviction, Rule 30.20[4] allows an appellate court to review, whether briefed or not, "plain errors affecting substantial rights . . . when the court finds that manifest injustice or miscarriage of justice has resulted therefrom." Error is plain when it is "facially evident" so that the trial court "definitively should have recognized the error." *State v. Jones*, 725 S.W.3d 577, 583 (Mo. banc 2025). Here, it is facially evident from the record that the City prosecutor made no proof of the ordinance upon which Burgett's conviction of operating a motor vehicle without maintaining financial responsibility was based. This plain error effected Burgett's substantial rights, which are those that concern the "important and essential

[4]All Rule references are to *Missouri Supreme Court Rules, Volume 1--State, 2026*, unless otherwise noted.

legal rights fundamental to our system of justice." *Id.* Within this category is the Due Process Clause of the Fourteenth Amendment to the United States Constitution, which demands that "[n]o person may be deprived of liberty, 'except upon evidence that is sufficient fairly to support a conclusion that every element of the crime has been established beyond a reasonable doubt.'" *State v. Lawson*, 232 S.W.3d 702, 704 (Mo. App. W.D. 2007) (quoting *Jackson v. Virginia*, 443 U.S. 307, 313-14 (1979)). Without proof of the ordinance supporting Burgett's conviction, no element of the offense is known, let alone established, resulting in a manifest injustice and a miscarriage of justice.

Our Eastern District faced an identical situation in *City of Center*. There, the Chief of Police for the City of Center testified during a trial de novo that the city has an ordinance against speeding within the city's limits, but the ordinance itself was not entered into evidence. 622 S.W.3d at 213. Andrews was found guilty of speeding. *Id.* The prosecutor's failure of proof of the ordinance supporting Andrews's conviction was not raised by Andrews as an issue on appeal. *Id.* Nonetheless, the Eastern District reviewed the issue for plain error and found:

> Under the facts of this case, the trial court's finding of guilt constituted evident, obvious and clear error that resulted in manifest injustice. Further, where the ordinance violation remains unproven, '"the principles of double jeopardy preclude a second trial when the evidence is found to be legally insufficient by the reviewing court." Therefore, the sole remedy is a judgment of acquittal.

Id. at 214 (citations omitted) (quoting *City of Joplin*, 346 S.W.3d at 342). The result in *City of Center* is in accord with the result in *Cochran*, 365 S.W.3d at 637, where this

court *sua sponte* concluded that in the absence of proof of the ordinance defining the offense for which a defendant was charged, a conviction for that offense cannot stand.

The City prosecutor's failure to prove the existence and content of the ordinance prohibiting the operation of a motor vehicle without maintaining financial responsibility rendered the evidence legally insufficient to support finding Burgett guilty of that offense. The trial court's finding of guilt constitutes evident, obvious, and clear error that resulted in a manifest injustice. Because we have found the evidence to be legally insufficient to support Burgett's conviction, "the principles of double jeopardy preclude a second trial." *City of Center*, 622 S.W.3d at 214 (quoting *City of Joplin*, 346 S.W.3d at 342). "[T]he sole remedy is a judgment of acquittal." *Id.*

Conclusion

The Judgment is reversed and the cause is remanded to the trial court for entry of a judgment of acquittal.

Cynthia L. Martin, Judge

All concur