MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
ROBERT E. MATLOCK, JR., Appellant.

DOCKET NUMBER WD87929

DATE: September 15, 2026

Appeal From:

Jackson County Circuit Court
The Honorable Cory L. Atkins, Judge

Appellate Judges:

Division Two: Janet Sutton, Presiding Judge, Lisa White Hardwick, Judge, and W. Douglas Thomson, Judge

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Attorneys:

Lindsey Wiederholt, Kansas City, MO, for Appellant.

Daniel McPherson, Jefferson City, MO, for Respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
ROBERT E. MATLOCK, JR., Appellant.

WD87929 Jackson County

Before Division Two Judges: Janet Sutton, Presiding Judge, Lisa White Hardwick, Judge, and W. Douglas Thomson, Judge

Robert Matlock, Jr., (Matlock) appeals the judgment of the Circuit Court of Jackson County (trial court) convicting him, after a jury trial, of second-degree murder and armed criminal action. Matlock and Victim separately rented bedrooms in a house but shared the common areas. Victim and Matlock were not allowed in each other's bedrooms which each had locks on the doors. Matlock testified at trial that he acted in self-defense and shot Victim after Victim stood at his bedroom door, put his arm in Matlock's room, and reached behind his back as if he had a weapon. Matlock explained that, when he fired his gun, he believed Victim was going to "come at" him with a knife or a gun. Victim did not have a weapon and he died from his gunshot wounds.

As relevant to this appeal, the trial court gave two self-defense instructions. One submitted general self-defense and another submitted self-defense under the castle doctrine. The second-degree murder verdict director, submitted by the State, used "or" rather than "and" to connect the paragraphs requiring the State to prove that Matlock did not act in lawful self-defense under both the general self-defense instruction and the castle doctrine self-defense instruction. Matlock's defense counsel did not object to the second-degree murder verdict director. The jury found Matlock guilty of second-degree murder and armed criminal action.

Matlock raises one point on appeal, arguing that the trial court plainly erred in giving the second-degree murder verdict director because it used "or" rather than "and" when it cross-referenced the general self-defense and castle doctrine self-defense instructions. Matlock argues that the use of "or" between the references to the two use of force instructions lowered the State's burden of proof and that manifest injustice resulted.

REVERSED AND REMANDED.

Division Two holds:

1. As a matter of due process, the State is required to prove beyond a reasonable doubt each and every element of a criminal offense in order to convict a defendant of the offense. A verdict director which allows the jury to convict a defendant without requiring the State to satisfy its burden of proving each and every element of the offense beyond a reasonable doubt is clearly erroneous. A special negative defense, such as self-defense, is not technically an element of an offense, but it functions like an element of which the State is required to prove beyond a reasonable doubt that the special negative defense does not apply.

2. Here, the trial court found that Matlock had presented sufficient evidence to inject both general self-defense and self-defense under the castle doctrine and it gave the jury these two separate instructions. Therefore, in order to convict Matlock of second-degree murder, the State was required to prove, beyond a reasonable doubt, as a third and fourth element of its case, that Matlock did not act in lawful self-defense under *both* general self-defense and the castle doctrine.

3. The use of "or" between the two cross-references to the general self-defense and castle doctrine instructions in the second-degree murder verdict director was clear, obvious and evident error. Using "or" in the second-degree murder verdict director misdirected the jury because it provided that the State could meet its burden of proving the offense by disproving *either* general self-defense or self-defense under the castle doctrine, but that the State did not have to disprove *both*. The verdict director should have read "and" rather than "or" between the third and fourth paragraphs to correctly advise the jury that to convict Matlock of second-degree murder, it was required to find both paragraphs in the State's favor.

4. The erroneous instruction allowed the jury to convict a defendant without being required to find all of the essential elements of the offense. The errors affected the verdict and manifest injustice or miscarriage of justice resulted.

5. The judgment of the trial court convicting Matlock of murder in the second degree and armed criminal action is reversed and the case is remanded for a new trial.

Opinion by: Janet Sutton, Presiding Judge September 15, 2026

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