Missouri Court of Appeals
Southern District

In Division

STATE OF MISSOURI, Plaintiff-Respondent, v. MEGAN A. HAAG, Defendant-Appellant.	Case Number SD39305 **Filed: September 24, 2026**

APPEAL FROM THE CIRCUIT COURT OF BUTLER COUNTY

Honorable C. Wade Pierce, Judge

REVERSED

Megan A. Haag ("Haag") appeals the judgment of the Circuit Court of Butler County, Missouri ("trial court"), convicting her of the class A misdemeanor of violating the terms of a full order of protection.[1] Haag challenges the sufficiency of the evidence to convict her and argues in two points on appeal that the State failed to prove beyond a reasonable doubt that Haag was within 500 feet of the victim ("Victim"). We agree and reverse the conviction.

[1] *See* section 455.085. All references to statutes are to RSMo Cum. Supp. 2022, unless otherwise specified.

Standard of Review

In reviewing the sufficiency of the evidence in a bench-tried case, we determine:

> "'whether the State presented sufficient evidence from which a trier of fact could have reasonably found the defendant guilty; and in so doing, we examine the evidence and the inferences in the light most favorable to the verdict, ignoring all contrary evidence and inferences.' ***State v. Brown***, 360 S.W.3d 919, 222 (Mo. App. W.D. 2012)."

State v. Wood, 597 S.W.3d 405, 407 (Mo. App. S.D. 2020) (quoting ***State v. Allen***, 508 S.W.3d 181, 186 (Mo. App. E.D. 2017)). This Court, however, may not "supply missing evidence or give the [S]tate the benefit of unreasonable, speculative or forced inferences." ***State v. Lehman***, 617 S.W.3d 843, 847 (Mo. banc 2021) (quoting ***State v. Langdon***, 110 S.W.3d 807, 811-12 (Mo. banc 2003)).

Factual Background and Procedural History

Victim is the foster parent to Haag's three children. On May 11, 2024, Haag was served with a full order of protection which, *inter alia*, prevented her from coming within 500 feet of Victim. The order also prevented Haag from "enter[ing] or stay[ing] at [Victim's] residence." The trial court heard evidence of two different incidents, charged in two separate charging documents, during which Haag allegedly violated the order of protection. Only the second incident, which occurred on May 1, 2025, is at issue in this appeal.

The Misdemeanor Information related to this incident charged that Haag, "having been served with a copy or having knowledge of an order of [protection] that prohibited [Haag] from being within 500 feet of [Victim], knowingly violated the terms and conditions of the order by walking and parking within 500 feet of [Victim's] residence."

At trial, Victim testified that on May 1, 2025, he was leaving his home to go to Walmart when he saw Haag's car parked in the parking lot of Ferguson Grove Park, which is directly across from his house. Victim testified that he does not have a driveway, it is just "yard, street, park." Victim also testified that while he took pictures of Haag's car parked in the parking lot of the park, he did not see Haag anywhere at the park; he stated she was not in her car, that he had not seen her prior to finding her vehicle, and that he did a scan of the park and did not see her there either. Victim then called the police.

City police officer Brentyn Clark ("Officer Clark") testified that he responded to Victim's home on the evening of May 1st regarding a violation of an order of protection there that night. Clark did not specify how long after Victim had called that he responded to the home, or whether Victim was home at the time he responded. Clark stated that he found Haag in the park on a park bench within eyesight of Victim's home, playing the guitar. Clark then measured and determined that it was 435 feet from where Haag was sitting on the park bench to Victim's front door. The trial court found Haag guilty as charged. Haag appeals.

Discussion

Because Haag's first point on appeal is dispositive, we only address it here. In her first point on appeal, Haag argues that the trial court erred in overruling her motion for judgment of acquittal at the close of the evidence[2] because the evidence was insufficient to prove that she was within 500 feet of Victim. We agree.

[2] While Haag did not file a physical motion for judgment of acquittal at the trial, her counsel argued that the State had failed to prove the element of the crime which required

Section 455.085.8 sets forth the elements for violation of a full order of protection:

> A violation of the terms and conditions, with regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, *or being within a certain distance of the petitioner* or a child of the petitioner, of a full order of protection shall be a class A misdemeanor […].

In this case, the State had to prove that Haag was within 500 feet of Victim for the trial court to find Haag guilty of the charged crime, as there is no dispute that Haag did not enter Victim's home. To that end, Victim testified that he was driving to Walmart when he saw Haag's *car* parked at the park, but that he did not see Haag herself, despite looking in her car and around the park. When Officer Clark responded to Victim's home, he found Haag sitting on a park bench in the park playing the guitar.

However, there was no testimony at trial from any witness that placed Victim at his home during this same timeframe that Haag was sitting on the park bench playing the guitar. Victim only testified that he had seen Haag's car as he went to Walmart, but he did not testify whether he went to Walmart, whether he went home, or whether he was home when Officer Clark responded to the scene and found Haag sitting on the park bench. Victim simply failed to provide any testimony to establish that he was home at the time that Haag was physically present at the park, which would at least conceivably place Haag within 500 feet of Victim. Officer Clark's testimony placed Haag on the park

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Haag to be within 500 feet of Victim. Regardless, Haag's sufficiency of the evidence claim "is preserved on appeal even if not raised or not timely raised in the trial court." ***State v. Claycomb***, 470 S.W.3d 358, 361 (Mo. banc 2015).

bench, which was within 500 feet of Victim's home, but his testimony failed to establish whether Victim was home at this time.

The order of protection in this case prevented Haag from entering Victim's home – which is not at issue in this case – or being within 500 feet of Victim. It did not prohibit Haag from being within 500 feet of Victim's home, which is what the Misdemeanor Information charged and what the State ultimately proved at trial. However, proving that Haag was within 500 feet of Victim's home, in and of itself, was neither a violation of the order of protection statute, or the relevant order of protection in this case.

The facts of this case stand in contrast to those of ***State v. Jonas***, 738 S.W.3d 756 (Mo. App. W.D. 2026), wherein the Western District of this Court held that the evidence was sufficient to find that the defendant was within 500 feet of the victim when he was found in the home next door to the victim's home. ***Id.*** at 761-62. In ***Jonas***, the defendant was arrested in the home next door to the victim's home, and the officer at the scene spoke to both the defendant and the victim, who was present in the home next door. ***Id.*** at 758. In ***Jonas***, the officer detained the defendant in one home, then he "walked next door to [v]ictim's home" and "spoke to [v]ictim, who was inside her home[.]" ***Id.***

For the reasons discussed above, the State failed to prove that Haag was within 500 feet of Victim's person, which is what the statute and the order of protection both required to convict Haag of the class A misdemeanor of violating the terms of a full order of protection. For this Court to conclude otherwise would require us to supply missing evidence, which this Court cannot do. *See* ***Lehman***, 617 S.W.3d at 847.

The judgment is reversed, and Haag's conviction is vacated.

JENNIFER R. GROWCOCK, J. – OPINION AUTHOR

BECKY J. WEST, C.J. – CONCURS

MATTHEW P. HAMNER, J. – CONCURS