MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
DEION D. CRUM, Appellant.

DOCKET NUMBER WD87996

DATE: November 10, 2026

Appeal From:

Jackson County Circuit Court
The Honorable Charles H. McKenzie, Judge

Appellate Judges:

Division Two: Mark D. Pfeiffer, Presiding Judge, Cynthia L. Martin, Judge, and W. Douglas Thomson, Judge

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Attorneys:

Shajiah Jaffri, Kansas City, MO, for appellant.

Garrick Aplin, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
DEION D. CRUM, Appellant.

WD87996 Jackson County

Before Division Two Judges: Mark D. Pfeiffer, Presiding Judge, Cynthia L. Martin, Judge, and W. Douglas Thomson, Judge

Deion D'Wayne Crum appeals his conviction of unlawful use of a weapon and armed criminal action. This case ultimately centers on a National Integrated Ballistic Information Network ("NIBIN") ballistics match of a shell casing found at the scene of the shooting Crum committed to a firearm found in the possession of D.F., a third party, months after the shooting in question. Crum sought to offer evidence attempting to connect D.F. as an alternate perpetrator through Detective, but Detective did not possess direct knowledge of the ballistics matching process in this case. The trial court denied such questioning based on a hearsay objection, a relevancy objection, and because there was a lack of any other evidence directly connecting D.F. to the subject shooting.

Crum raises five points on appeal, arguing the trial court abused its discretion in excluding testimony from Detective that a NIBIN hit connected shell casings from the scene of the offense to a firearm in someone other than Crum's possession, because (Point I) this fell within what Crum claims is the subsequent police conduct exception to hearsay, and (Point II) this was direct connection evidence to an alternate perpetrator. Crum also argues the trial court abused its discretion in excluding testimony from Detective that a firearm used in the offense was located and linked to someone who was not Crum because (Point III) this fell within what Crum claims is the subsequent police conduct exception to hearsay, (Point IV) this was direct connection evidence to an alternate perpetrator, and (Point V) this was relevant.

AFFIRMED.

Division Two holds:

1. The challenged testimony raised in Points I and III went beyond what was necessary to explain subsequent police conduct. Further, subsequent police conduct is not an exception to the hearsay rule, it is simply not hearsay. However, because the testimony sought would have exceeded the limited purpose for which evidence of

subsequent police conduct may be admitted, it was hearsay, and the trial court did not abuse its discretion in excluding the testimony as such.

2. In Points II and IV, Crum claims the trial court abused its discretion when it sustained the State's objection to lack of direct connection during defense counsel's direct examination of Detective to testimony of (1) a NIBIN hit connecting a firearm in possession of someone other than Crum with shell casings found at the crime scene, and (2) that this firearm was located and linked to someone other than Crum because this testimony was direct connection evidence. The proffered evidence was not temporally related to Victim's shooting, and it did not establish that third party participated in the crime or was at the scene of the offense. The trial court did not abuse its discretion in excluding it on this ground.

3. The trial court did not abuse its discretion in excluding the evidence on relevance grounds given the limited connection between third party and the charged offense. The trial court properly concluded that the evidence's probative value was outweighed by the risk of confusing the issues or inviting the jury to speculate about third party's involvement based on his later possession of the firearm.

Opinion by: W. Douglas Thomson, Judge November 10, 2026

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