Supreme Court of Missouri

en banc

SC101563

State of Missouri,

Respondent,

v.

Lisa Coots,

Appellant.

Opinion issued November 10, 2026

Appeal from the Circuit Court of Worth County, Missouri
The Honorable Corey K. Herron, Judge

Lisa Coots appeals her judgment of conviction for second-degree drug trafficking under section 579.068, RSMo Supp. 2020, and possession of drug paraphernalia under section 579.074 for which she was sentenced to concurrent terms of seven years' imprisonment and 30 days, respectively.[1] This Court has jurisdiction pursuant to article V, section 10 of the Missouri Constitution. The circuit court's judgment is affirmed.

Background

On June 4, 2022, around 4:15 p.m., Coots was a passenger in a vehicle a corporal of the Missouri State Highway Patrol ("Corporal") observed speeding. Corporal pulled

[1] All statutory references are RSMo 2016 unless otherwise noted.

the vehicle over and approached the driver's side window. Corporal asked the driver ("Driver") to step out of the vehicle and join him in the patrol car.

In the patrol car, Driver appeared to be unduly nervous. He was breathing heavily, fixating on his phone, avoiding eye contact, and talking very rapidly. Driver stated he picked Coots up in Ridgeway, drove her to King City to see her ex-boyfriend, and was heading back to Arkoe. When asked for the location of Coots' ex-boyfriend's house, Driver gave an address Corporal knew to be associated with drug sales and use.

Corporal asked Driver about any recent drug use, and Driver admitted he had used methamphetamine within the "last couple days." Driver also indicated he had been arrested, had a criminal history, and spent time in prison. Corporal asked for Coots' name, and Driver responded her name was "Koontz," which the Corporal believed was intentionally false and intended to mislead.

Based on Driver's behavior and statements, Corporal requested consent to search the vehicle. Driver refused, stating the vehicle did not belong to him. Corporal told Driver he could give consent to search because he was in possession of the vehicle. Again, Driver refused. Because Driver admitted to recent drug use, exhibited nervous and deceptive behavior, and indicated he was coming from a location Corporal knew to be associated with drug sales and use, Corporal suspected there was contraband in the vehicle and summoned a K-9 unit to assist. Corporal approached Coots to tell her what was happening and to verify she was unarmed. Around 4:33 p.m., just 18 minutes after Corporal first noticed the vehicle speeding, the K-9 unit arrived.

Corporal asked Driver and Coots to take their dog out of the vehicle and keep it some distance away while police dog sniffed the outside of the vehicle. When the police dog alerted, Corporal searched the vehicle and discovered what he believed to be methamphetamine in the center console. On the floor in front of the passenger seat, Corporal found a backpack with several bags containing approximately 46 grams of methamphetamine, some empty bags, a straw, and several dozen oxycodone pills. The straw was made of red plastic with one end plugged. Some of the items bore the name "Lisa Marie." Corporal seized all this evidence and arrested both Driver and Coots.

The state charged Coots as a prior offender and prior drug offender with one count each of second-degree trafficking, possession of a controlled substance, and possession of drug paraphernalia. Before trial, Coots filed a motion to suppress the evidence seized following Corporal's search of the vehicle on the ground Corporal exceeded the scope of the initial stop and unreasonably prolonged Coots' detention without reasonable suspicion for doing so. The circuit court overruled the motion to suppress.

At the close of its case, the state dismissed the possession count. After hearing the evidence, the jury found Coots guilty of second-degree drug trafficking and possession of drug paraphernalia. The circuit court sentenced her to seven years' imprisonment for trafficking, with a 120-day callback under section 559.115.3, RSMo Supp. 2021, and a concurrent term of 30 days for possession of paraphernalia.

On appeal, Coots first argues the circuit court erred in overruling her motion to suppress and admitting the evidence seized from the vehicle on the ground that Corporal unlawfully extended the traffic stop without reasonable suspicion. Second, she argues the

evidence was insufficient to support the charge of possession of paraphernalia because there was no evidence she intended to use the straw to inhale methamphetamine as described in the information and set forth in the state's verdict director.

I. Motion to Suppress

"A [circuit] court's ruling on a motion to suppress will be reversed only if it is clearly erroneous." *State v. Barton,* 669 S.W.3d 661, 664 (Mo. 2023) (quotations omitted). The circuit court's decision is clearly erroneous when the appellate court is left with a definite and firm impression a mistake has been made. *State v. Thomas*, 699 S.W.3d 442, 447 (Mo. 2024). In reviewing the record, appellate courts will defer to the circuit court's factual findings and credibility determinations. *Id.* All evidence is viewed and reasonable inferences drawn in the light most favorable to the circuit court's ruling. *Id.* "Whether the Fourth Amendment has been violated is an issue of law that is reviewed *de novo." Id.* When reviewing the circuit court's ruling on a motion to suppress, this court considers the evidence presented at both the suppression hearing and the trial "to determine whether sufficient evidence exists to support the [circuit] court's ruling." *Id.* (citing *State v. Hicks*, 408 S.W.3d 90, 94 (Mo. 2013)).

Coots filed a motion to suppress claiming the traffic stop "lost its lawful purpose and was unlawfully prolonged into a drug investigation without reasonable and articulable facts to do so." Because the traffic stop was for speeding, Coots argued the Corporal should have issued a speeding ticket and concluded the stop without delaying it until a K-9 unit could arrive.

"The Fourth Amendment guarantees individuals protection from unreasonable searches and seizures." *Thomas*, 699 S.W.3d at 447-48. "A routine traffic stop based on the violation of state traffic laws is a justifiable seizure under the Fourth Amendment." *State v. Granado,* 148 S.W.3d 309, 311 (Mo. 2004). Such a seizure is constitutional "[s]o long as the police are doing no more than they are legally permitted and objectively authorized to do." *Id*. Canine sniffs of a vehicle's exterior are constitutional if completed without delaying the traffic stop. *Illinois v. Caballes*, 543 U.S. 405, 409 (2005).

An officer conducting a routine traffic stop has authority, among other things, to "check the driver's license and registration, ask the driver about his destination and purpose, and request that the driver sit inside the patrol car." *United States v. Brown,* 345 F.3d 574, 578 (8th Cir. 2003). But, "[t]he fact that the police may detain a person for a routine traffic stop does not justify indefinite detention." *Granado,* 148 S.W.3d at 311.

Here, only 18 minutes passed from the time Corporal saw Driver speeding to the time the K-9 unit arrived, and only minutes more before the police dog alerted, giving Corporal probable cause to search the vehicle and, upon finding the drugs, to arrest Coots and Driver. While the K-9 unit was en route, Corporal did only those things the stop required, e.g., speaking to Driver and Coots, checking Driver's and Coots' identification, checking the vehicle's registration, checking Driver's driving record and criminal history, entering information in his patrol car's computer, and writing Driver a traffic ticket. He spoke to Coots to tell her what was happening and asked her to get out of the car so he could make sure she was not armed. Corporal had not finished issuing Driver the ticket before the K-9 unit arrived. As a result, there was sufficient evidence for the circuit court

to find there was no extension – let alone an unreasonable and, therefore, unconstitutional extension – of the traffic stop.

Even if the stop had been extended beyond the time nominally needed for a traffic violation, Corporal developed a reasonable suspicion there were drugs in the car sufficient to justify such an extension. An officer can lawfully detain an individual beyond the time necessary to investigate the traffic violation if the officer develops reasonable and articulable grounds to suspect illegal activity based on the individual's behavior and responses during the traffic stop. *Rodriguez v. United States*, 575 U.S. 348, 357-58 (2015); *Thomas*, 699 S.W.3d at 448. "The totality of the circumstances is considered when evaluating whether the standard for reasonable suspicion has been met." *Thomas*, 699 S.W.3d at 448. Whether an officer had reasonable suspicion is determined objectively based on whether the circumstances were such that a reasonable officer would believe, in light of his or her experience, criminal activity is occurring. *State v. Waldrup*, 331 S.W.3d 668, 673 (Mo. 2011). Circumstances that, taken in isolation, might seem entirely innocent can, when taken together, support reasonable suspicion. *Thomas*, 699 S.W.3d at 448.

Here, even assuming Corporal extended the stop beyond the time needed for an ordinary traffic violation, the totality of the circumstances show such an extension was lawful because he developed reasonable suspicion the vehicle contained drugs. After pulling over Driver, Corporal requested identification from Driver and Coots. He asked Driver to accompany him to the patrol car, where he retrieved information about both Driver and the vehicle and questioned Driver about his travels. At this point, Corporal's

actions remained within the permissible scope of an investigation into the traffic violation.

While speaking with Driver in the patrol vehicle, however, Corporal developed a reasonable suspicion the vehicle contained drugs. This suspicion was based on many factors, including: (1) Driver admitted to using methamphetamine recently; (2) he displayed nervous and deceptive behavior, including heavy breathing, rapid speech, avoidance of eye contact, and misidentifying Coots' last name; and (3) Driver stated they were coming from an address Corporal knew to be associated with drug sales and use. These circumstances, considered together, provided Corporal with reasonable suspicion the vehicle contained drugs and, therefore, justified the very short delay needed to summon the K-9 unit. Accordingly, the circuit court did not err in overruling Coots' motion to suppress the evidence ultimately seized from the vehicle. Coots' first point is denied.

II. Sufficiency of the Evidence

The standard of review for sufficiency claims is well established and remains unchanged. As this Court stated in *State v. Winter*, 719 S.W.3d 738, 745-46 (Mo. 2025):

> "[T]his Court reviews whether there is sufficient evidence to support the charged crime, based on the elements of the crime as set forth by statute and common law and the evidence adduced at trial." *State v. Jackson-Bey*, 690 S.W.3d 181, 186 (Mo. banc 2024) (quotation omitted). The elements of a crime are found ***only*** in the statute creating that crime. § 556.026, RSMo 2016 ("No conduct constitutes an offense or infraction unless made so by this code or by other applicable statute."). The reference to "common law" in *Jackson-Bey* was merely to judicial constructions given those statutory elements when necessary. *See State v. McTush*, 827 S.W.2d 184, 188 (Mo. banc 1992) (holding elements of an offense are "gleaned from the statutes or common law definitions"); *State v. Hines,* 377 S.W.3d 648, 655

> (Mo. App. 2012) (holding "elements of an offense are derived from the statute establishing the offense or, when relevant, common law definitions" (quotation omitted)).
>
> … "In considering whether the evidence is sufficient to support the jury's verdict, we must look to the elements of the crime and consider each in turn." *State v. Grim*, 854 S.W.2d 403, 411 (Mo. banc 1993). "[T]he Court does not act as a 'super juror' with veto powers, but gives great deference to the trier of fact." *State v. Chaney*, 967 S.W.2d 47, 52 (Mo. banc 1998) (citation omitted). Nor does this Court "weigh the evidence but rather accepts as true all evidence tending to prove guilt together with all reasonable inferences that support the verdict, and ignores all contrary evidences and inferences." *State v. Gilmore*, 537 S.W.3d 342, 344 (Mo. banc 2018) (alterations and quotation omitted). In conducting such a review, however, this Court "may not supply missing evidence, or give the State the benefit of unreasonable, speculative or forced inferences." *Id.* (alterations and quotation omitted). "[T]he relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *State v. Tate*, 708 S.W.3d 483, 489 (Mo. banc 2025) (alteration in original) (quotation omitted).

(Alterations and emphasis in original).

Coots argues there was insufficient evidence for a reasonable juror to find she possessed the straw with the intent to use it to "inhale" drugs, which was the only purpose included in the charging document and described in the jury instruction. But Coots' claim is not that there was insufficient evidence to support the jury instruction the circuit court gave.[2] Instead, she argues her conviction violates due process because the evidence was insufficient to establish the statutory elements of the crime of unlawful

[2] Coots moved for judgment of acquittal at the close of the evidence, arguing there was insufficient evidence for the jury to find she possessed the straw for the purpose of using it to inhale drugs. Coots argued Corporal had testified the straw was plugged at one end and suggested this could mean the straw was to be used to package drugs rather than inhale them. The state moved to change the verdict director "to conform to the evidence," but the circuit court denied the request on the ground Corporal had testified the straw could be used for inhaling or packaging.

possession of drug paraphernalia. For such a due process claim, the only relevant question is whether the evidence, viewed in the light most favorable to the conviction, could persuade any reasonable juror Coots committed the statutory elements of unlawful possession of drug paraphernalia ***regardless*** of the manner in which the charging document or jury instruction describe the crime. *Id.* at 748; *see State v. Zetina-Torres*, 482 S.W.3d 801, 809 (Mo. 2016) (holding a "reviewing court's limited determination on sufficiency review thus does not rest on how the jury was instructed").

Coots contends it is unnecessary and unfair to distinguish between a due process sufficiency claim and a claim the jury instruction is not supported by sufficient evidence. She insists limiting the analysis of a due process claim – which does not need to be preserved, *see* Rule 29.11(e)(2)(C) – to whether the evidence is sufficient to prove the statutory elements regardless of how the crime was described in the charging document and jury instructions forces defense counsel to object to the instruction at trial. This, she argues, creates an ethical dilemma for counsel because objections to instructions require the objecting party to tender a proper instruction, i.e., defense counsel would be required to tender an instruction that ***is*** supported by the evidence. This Court disagrees. True, this Court has held an objection to the form of an instruction requires the objecting party to tender an instruction in proper form. *See State v. Blurton*, 484 S.W.3d 758, 768 (Mo. 2016) (holding the "trial court is not compelled to give an incorrect instruction and does not err in refusing a flawed instruction"). This requirement, however, does not apply to an objection that an instruction the state proffered is not supported by the evidence.

Of course, if the circuit court sustains a defendant's objection to the jury instruction, the state may tender a different instruction (presumably, one supported by the evidence). Doing so risks creating a variance between the charging document and the instruction, however, which is reversible error if the variance is material. *State v. Glass*, 136 S.W.3d 496, 520 (Mo. 2004) (holding an instruction at variance with the charging document is reversible error if it "submits a new and distinct offense from that with which defendant was charged" or it "affect[s] whether the accused received adequate notice" and unfairly impedes "the defendant's ability to defend against the charges" (quotations omitted)).

Coots did not object to the state's verdict director at trial, and her motion for judgment of acquittal based on that instruction does not suffice to preserve such an objection. Nor does she ask this Court to conduct a plain error review the circuit court's decision to give that instruction. Instead, the only claim she raises in this appeal is the considerably different claim that her conviction for possession of drug paraphernalia under section 579.074 violates due process because the evidence was insufficient to prove the statutory elements of that crime. *See State v. O'Brien,* 857 S.W.2d 212, 215 (Mo. 1993) (noting "[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" (quotation omitted)). Due process sufficiency of the evidence claims will be rejected if the evidence is sufficient to establish each of the statutory elements of the crime ***even if*** the evidence shows the defendant committed these

elements in a manner other than that described in the charging document and/or jury instruction.

Section 579.074 sets forth the elements of possession of drug paraphernalia, stating:

> A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance or an imitation controlled substance[.]

Accordingly, the elements of this offense are: (1) knowingly (2) using, or possessing with intent to use, (3) drug paraphernalia (4) for any ***one*** of the 22 different purposes listed in the statute.

Coots' argument focuses only on the fourth element. She claims the evidence did not show she knowingly possessed the straw with the intent to "inhale" a controlled substance, which was the only purpose identified in the charging document and described in the jury instruction. As noted above, however, Coots is not challenging the jury instruction and, for purposes of her due process sufficiency claim, it does not matter which of the 22 purposes listed in section 579.074 the evidence proves so long as there is sufficient evidence to prove at least one of them beyond a reasonable doubt. The evidence meets this requirement.

Leaving aside the question of whether the evidence shows Coots knowingly possessed the straw with the intent to use it to inhale drugs, any juror looking at that straw could reasonably infer she possessed it for the purpose of using it to pack, repack,

store, contain, or conceal drugs. Corporal's testimony, though not strictly necessary for the jury to draw this inference, certainly strengthens it. He not only testified straws are used to snort drugs such as methamphetamine or cocaine, but he also testified this straw was "plugged off at the bottom," suggesting to him someone may have been "trying to package drugs in it instead of ingest drugs with it." The appearance of the straw – when taken in light of Corporal's testimony and the evidence the straw was found in Coots' belongings together with multiple bags of methamphetamine, empty bags, and oxycodone pills – was more than sufficient for a reasonable juror to infer Coots knowingly possessed the straw for any or all of these purposes even if the fact the straw was plugged precluded a reasonable juror from inferring she possessed it for the purpose inhaling drugs (a question this Court does not decide). Coots' second point is denied.

Conclusion

For the reasons set forth above, the judgment of the circuit court is affirmed.



Paul C. Wilson, Judge

All concur.