

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED99261
)	
Respondent,)	Appeal from the Circuit Court
)	of Monroe County
vs.)	
)	Honorable Rachel Bringer Shepherd
BRENDA CHURCHILL,)	
)	
Appellant.)	FILED: March 4, 2014

Brenda Churchill (“Churchill”) appeals from the judgment of the trial court following a bench trial in which Churchill was convicted of perjury. Churchill was charged with the class D felony of perjury for false testimony she gave under oath during a protective custody hearing before the Juvenile Division of the Monroe County Circuit Court. The trial court found Churchill guilty of perjury and sentenced her to four years’ imprisonment. On appeal, Churchill asserts that her perjurious testimony in the juvenile court proceeding should have been suppressed in her criminal trial because such testimony was obtained in violation of her constitutional and statutory rights to counsel and her constitutional right against self-incrimination. Churchill also alleges that insufficient evidence exists to support her conviction because her false statements were not material, and because she effectively retracted the statements during the course of the juvenile court proceeding.

AFFIRMED.

Division III Holds: Although the trial court violated Churchill’s right to counsel under Missouri statute, lying under oath is not a permissible response to such violation. Because the violation of Churchill’s statutory right to counsel does not immunize her false testimony from prosecution for perjury, the trial court did not commit error in denying Churchill’s motion to suppress her juvenile court testimony. Churchill’s juvenile court testimony provides sufficient evidence to support the judgment of the trial court.

Opinion by: Kurt S. Odenwald, J.
Angela T. Quigless, J., Concurs in result only, and
Mary K. Hoff, P.J., Dissents in separate opinion.

Attorney for Appellant: Amy Bartholow

Attorney for Respondent: Chris Koster and Evan J. Buchheim

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.