

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

STATE OF MISSOURI,

Respondent,

v.

ALTA RENEE MORAN,

Appellant.

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**DOCKET NUMBER WD 69397**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** September 29, 2009

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**Appeal from**

The Circuit Court of Gentry County, Missouri  
The Honorable Edward M. Manring, Judge

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**APPELLATE JUDGES**

Division Two: Howard, P.J., and Ellis and Pfeiffer, JJ.

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**ATTORNEYS**

Jerome Y. Biggs, Jr.  
Special Prosecuting Attorney  
Albany, MO

Attorney for Respondent,

Matthew Ward  
Assistant State Public Defender  
Columbia, MO

Attorney for Appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

STATE OF MISSOURI, )  
 )  
 Respondent, )  
v. )  
 )  
ALTA RENEE MORAN, )  
 )  
 Appellant. )

WD 69397

Gentry County

Before Division Two Judges: Victor C. Howard, P.J., and Joseph M. Ellis and Mark D. Pfeiffer, JJ.

Alta Moran (Moran) appeals the trial court’s judgment convicting her of four counts of violating court orders prohibiting her from having contact with M.R.E. and D.D.D., one count of disturbing the peace, and one count of assault. On appeal, she presents two points.

In her first point, Moran claims that the trial court erred in overruling her motion for acquittal on the charge of violating an order of protection by abusing M.R.E. because the State failed to establish an element of its *prima facie* case: that Moran emotionally abused M.R.E. Moran concedes that the State adduced evidence that M.R.E. was riding his bicycle in the Andersons’ neighborhood (his home) when Moran, who was parked in a vehicle on a street in the Andersons’ neighborhood, yelled, “I’ll get you back!” Nevertheless, she claims that her conduct does not rise to the level of emotional abuse.

In her second point, Moran claims that the trial court erred in plainly failing to *sua sponte* strike D.D.D.’s testimony that, before the trial, Moran threatened to kill her if she testified at trial against her because Moran argues that the evidence was inadmissible evidence of uncharged crimes. Specifically, she claims that this evidence was inadmissible evidence of uncharged crimes because it was introduced solely to establish her propensity to commit the alleged crimes.

**AFFIRMED.**

**Division Two holds:**

Regarding Moran’s first point, the State presented evidence from which the jury could have concluded that Moran’s remark caused an injury to M.R.E.’s psychological capacity or emotional stability. M.R.E. testified on direct examination and cross-examination that Moran’s yelled threat, “I’ll get you back!” was very upsetting to him. Toni Anderson testified that she saw M.R.E. right

after Moran made her threat, and M.R.E. told her that he was scared but would not tell her what scared him. Furthermore, the State presented evidence that M.R.E.'s interaction with Moran substantially changed his behavior. Toni Anderson testified that, after M.R.E.'s interaction with Moran, he isolated himself, quit playing outside, and became noticeably reticent. Anderson testified that M.R.E. also lost weight because he quit eating. Anderson testified that M.R.E. became more aggressive and would cry more often. This is sufficient to conclude that Moran's conduct constituted emotional abuse.

Regarding Moran's second point, the trial court did not err in failing to *sua sponte* strike D.D.D.'s testimony that Moran threatened to kill her. The State was allowed to introduce D.D.D.'s testimony for the valid purpose of establishing Moran's consciousness of guilt. From D.D.D.'s testimony, the jury had a reasonable basis for inferring that Moran knew that she had violated the court orders and that, if D.D.D. testified, she was likely to be convicted at trial. Thus, D.D.D.'s testimony established that Moran was attempting to conceal her crime by threatening D.D.D. This evidence, therefore, was logically relevant because it established her consciousness of guilt regarding the charged offenses. The evidence was also legally relevant because its probative value outweighed any of its costs.

**Opinion by: Mark D. Pfeiffer, J.**

September 29, 2009

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