

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

MELISSA R. WARREN.

Appellant

DOCKET NUMBER WD70671

DATE: March 16, 2010

Appeal From:

Circuit Court of Boone County, MO
The Honorable Gary M. Oxenhandler, Judge

Appellate Judges:

Division Three: James Edward Welsh, P.J., Mark D. Pfeiffer, and Karen King Mitchell, JJ.

Attorneys:

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Counsel for Respondent

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

**STATE OF MISSOURI, Respondent, v.
MELISSA R. WARREN, Appellant**

WD70671

Boone County

Before Division Three Judges: James Edward Welsh, P.J., Mark D. Pfeiffer, and Karen King Mitchell, JJ.

Melissa R. Warren appeals the circuit court's judgment convicting her of possession of more than thirty-five grams of marijuana. She claims that there was insufficient evidence to support her conviction and that the circuit court erred in overruling her motion to suppress the marijuana and drug paraphernalia seized from her home.

AFFIRMED.

Division Three holds:

(1) The evidence was sufficient to support Warren's conviction of possession of marijuana because the totality of the circumstances indicated that she jointly and constructively possessed the marijuana found in her kitchen cabinet and that she was fully aware of its nature and presence. Marijuana was present throughout Warren's home in areas that were readily accessible to her; she made several admissions that indicated that she knew about the marijuana in her home; and her behavior toward law enforcement officers evidenced consciousness of guilt.

(2) The circuit court did not err in overruling Warren's motion to suppress. Law enforcement officers acted reasonably in responding to and investigating the activated burglar alarm at Warren's residence. Upon finding the door to the residence unlocked and ajar, confirming that the alarm was still active, and twice knocking and announcing their presence and receiving no response, they were justified in entering Warren's home based upon the exigent circumstances exception to the warrant requirement. Because the officers lawfully entered the residence, their seizure of the evidence discovered in plain view and pursuant to the subsequent warrant was valid.

Opinion by: James Edward Welsh, Judge

March 16, 2010

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