

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

STATE OF MISSOURI,

Respondent,

v.

KELLY J. BRAND,

Appellant.

DOCKET NUMBER WD71068

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: May 18, 2010

APPEAL FROM

The Circuit Court of Harrison County, Missouri
The Honorable Jack N. Peace, Judge

APPELLATE JUDGES

Division One: Karen King Mitchell, Presiding Judge, and Lisa White
Hardwick and Cynthia L. Martin, Judges

ATTORNEYS

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Attorney for Appellant.



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

STATE OF MISSOURI,)
)
Respondent,)
v.)
)
KELLY J. BRAND,)
)
Appellant.)

WD71068

Harrison County

Before Division One Judges: Karen King Mitchell, Presiding Judge, and
Lisa White Hardwick and Cynthia L. Martin, Judges

Kelly J. Brand appeals her convictions of possession of a controlled substance and possession of drug paraphernalia after a jury trial. On appeal, Brand claims that the trial court erred in admitting evidence in an unconstitutional search of an automobile and in admitting evidence of other uncharged crimes.

AFFIRMED.

Division One holds:

The search of the automobile was conducted with the consent of the owner and operator of the vehicle after a constitutionally permissible stop of the vehicle. We find that the stop was justifiable either as a traffic stop, in that the operator of the vehicle had violated traffic laws and was not detained longer than reasonably necessary to effect the purpose of the stop when she offered her consent to search the vehicle, or as a *Terry* stop, in that at the time of the stop, law enforcement officers had reasonable suspicion to believe that the occupants of the vehicle were involved in the manufacture of methamphetamine, because an off-duty officer had witnessed the vehicle's occupants purchasing items commonly used in the manufacture of methamphetamine just minutes before the stop.

We also find that the evidence of other uncharged crimes was properly admitted in Brand's trial. Evidence of other drugs in a defendant's possession, when found at the same time as the controlled substance with which she is being charged of possessing, as well as evidence showing that the defendant was involved in the manufacture or distribution of a controlled

substance, show that the defendant knowingly and intentionally possessed the charged substance. Also, evidence of a firearm found on or near the defendant is usually admissible to show that the defendant knew of the illegal nature of the substance she has been accused of possessing.

Opinion by: Karen King Mitchell, Judge

May 18, 2010

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