

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

STATE OF MISSOURI,

Respondent,

v.

DEANDRE J. KEY,

Appellant.

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**DOCKET NUMBER WD75596**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** April 8, 2014

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**APPEAL FROM**

The Circuit Court of Jackson County, Missouri  
The Honorable Charles H. McKenzie, Judge

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**JUDGES**

Division One: Martin, P.J., and Pfeiffer and Mitchell, JJ.

CONCURRING.

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**ATTORNEYS**

Chris Koster, Attorney General  
Daniel N. McPherson, Assistant Attorney General  
Jefferson City, MO

Attorneys for Respondent,

Laura G. Martin, District Defender  
Kansas City, MO

Attorney for Appellant.

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

STATE OF MISSOURI, )  
)  
) **Respondent,** )  
v. ) **OPINION FILED:**  
) **April 8, 2014**  
DEANDRE J. KEY, )  
)  
) **Appellant.** )

**WD75596**

**Jackson County**

**Before Division One Judges:** Cynthia L. Martin, Presiding Judge, and Mark D. Pfeiffer and Karen King Mitchell, Judges

Deandre J. Key appeals his convictions and sentences, following a jury trial, for unlawful use of a weapon, under section 571.030, and armed criminal action, under section 571.015. Key first claims that there is insufficient evidence to support his convictions. In support of his insufficiency claim, Key argues that section 571.030.1(9) was enacted to criminalize the act of shooting a firearm *from* a motor vehicle, not *at* a motor vehicle. Therefore, he argues that because the State failed to present any evidence that he shot a firearm from a motor vehicle and, instead, presented evidence that he shot a firearm at a vehicle from the front yard of a townhouse complex, the evidence was insufficient to support his convictions under section 571.030.1(9) and the trial court erred in overruling his motion for judgment of acquittal. Key also claims that the trial court plainly erred in allowing testimony related to uncharged crimes.

**AFFIRMED.**

**Division One holds:**

(1) Section 571.030.1(9) is not ambiguous and criminalizes the act of shooting a firearm at a motor vehicle.

(2) Key failed to facially establish substantial grounds for this Court to believe that a manifest injustice or miscarriage of justice resulted from the admission of testimony related to a

witness's mistaken belief that Key was going to shoot him before Key disposed of his weapon. Therefore, we decline to reach Key's claim of plain error.

**Opinion by: Karen King Mitchell, Judge**

April 8, 2014

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.