

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

SHANNON J. SHAFFER.

Appellant

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DOCKET NUMBER WD76340

DATE: AUGUST 5, 2014

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Appeal From:

Circuit Court of Benton County, MO  
The Honorable Lisa Carter Henderson, Judge

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Appellate Judges:

Division Two  
Victor C. Howard PJ., James E. Welsh, Anthony Rex Gabbert JJ.

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Attorneys:

Robert J. Bartholomew Jr., Jefferson City, MO Counsel for Respondent,

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Attorneys:

Thomas D. Carver, Springfield, MO Counsel for Appellant

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

**STATE OF MISSOURI,**

**Respondent,**

**v.**

**SHANNON J. SHAFFER,**

**Appellant.**

**WD76340**

**Benton County**

Before Division Two Judges: Victor C. Howard PJ., James E. Welsh, Anthony Rex Gabbert JJ.

Shannon Shaffer Sr. (Shaffer Sr.) appeals the circuit court’s judgment finding him guilty of second degree murder. Shaffer Sr. raises three points on appeal. First, Shaffer Sr. argues that the court erred in denying his motion for judgment of acquittal because there was insufficient evidence that his steering input to his motor vehicle was done for the purpose of seriously injuring or killing Tommy “Bo” Bryant. Second, Shaffer Sr. argues that the court erred in overruling defense counsel’s motion for a mistrial after one of the State’s witnesses testified that “people are in jail because they’re obviously guilty” because it denied him a fair trial and destroyed his presumption of innocence. Lastly, Shaffer Sr. argues that the court erred in excluding testimony from Erika Fulbright as to whether her boyfriend, Shannon Shaffer Jr. (Shaffer Jr.), was upset after Bryant struck him in the head with a wooden stick because the testimony was admissible and its exclusion was unreasonable.

**AFFIRMED**

**Division Two holds:**

The circuit court did not err in (1) denying Shaffer Sr.’s motion for judgment of acquittal because there was sufficient evidence on the record that a reasonable juror could find beyond a reasonable doubt that Shaffer Sr.’s steering input was done with the purpose of seriously injuring or killing Bryant; (2) overruling defense counsel’s motion for a mistrial after Charles Gillan, one of the State’s witnesses, testified that “people are in jail because they’re obviously guilty” because an instruction was given to the jury to disregard Gillan’s brief, unsolicited, and general statement; and (3) excluding testimony from Fulbright as to whether her boyfriend, Shaffer Jr., was upset after Bryant struck him because Shaffer Sr. was allowed to rephrase the question and, even if the exclusion of the testimony was erroneous, the error did not materially affect the merits of the action.

Opinion by Anthony Rex Gabbert, Judge

Date: 8/5/14

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