

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI

**v.
CHADWICK LELAND WALTER**

RESPONDENT,

APPELLANT.

DOCKET NUMBER WD76655

DATE: October 7, 2014

Appeal From:

Clay County Circuit Court
The Honorable Larry D. Harman, Judge

Appellate Judges:

Division Three: Gary D. Witt, Presiding Judge, Joseph M. Ellis, Judge and Thomas H. Newton,
Judge

Attorneys:

P. Benjamin Cox, Kansas City, MO, for respondent.

Daniel L. Viets, Columbia, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

RESPONDENT,

v.

CHADWICK LELAND WALTER,

APPELLANT.

No. WD76655

Clay County

Before Division Three: Gary D. Witt, Presiding Judge, Joseph M. Ellis, Judge and Thomas H. Newton, Judge

Chadwick Leland Walter appeals the circuit court's judgment convicting him of one count of attempted manufacture of a controlled substance and one count of maintaining a public nuisance. He asserts five points on appeal. First, he argues that the evidence was insufficient to convict him on both counts. Second, he asserts error in the denial of motions to quash the search warrant and to suppress evidence resulting therefrom. Third, he asserts error in the admission of testimony based on other crimes. Fourth, he argues that the trial court erred in overruling hearsay objections to an incoming text message. Fifth, he argues that there was plain error during closing arguments because the State showed a slide of a photo on a large display screen of an enlarged mug shot of Walter dressed in orange jail clothing with the word "GUILTY" digitally superimposed in block red letters across the front of the photo.

AFFIRMED

Division Three holds:

(1) There was sufficient evidence to convict Walter beyond a reasonable doubt of attempted manufacture of a controlled substance and of maintaining a public nuisance.

(2) There was no clear error in the trial court's denial of Walter's motions to quash the search warrant and suppress evidence and in allowing the admission of evidence obtained pursuant to the search warrant because a) the scope of the warrant was stated adequately, b) Walter did make a proper pleading or an offer of proof of error related to an officer's affidavit, which nonetheless was sufficient to support the warrant, and c) nothing in the record indicates that the officers violated either the law or the language of the warrant.

(3) The trial court did not err in its ruling related to evidence of other crimes because Walter opened the door so as to allow the State to explore otherwise inadmissible evidence.

(4) The trial court did not abuse its discretion in denying Walter's hearsay objection to a police statement regarding an incoming text message because the statement was not offered for the truth of the matter asserted.

(5) The trial court did not plainly err in permitting the State to show the jury an enlarged mug shot of Walter with the word "GUILTY" digitally superimposed across the photo. This court expresses grave concerns about the prosecutor's injection of incompetent and potentially prejudicial matters into closing argument. Because we cannot say that the use of the mug shot had a decisive effect on the jury due to the overwhelming evidence of Walter's guilt, however, there is no plain error.

Opinion by Gary D. Witt, Judge

October 7, 2014

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