

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

COMPLETE TITLE OF CASE

STATE OF MISSOURI,

Respondent,

v.

JEFFREY DEAN MORELAND,

Appellant.

DOCKET NUMBER WD77201

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: April 28, 2015

APPEAL FROM

The Circuit Court of Cass County, Missouri
The Honorable R. Michael Wagner, Judge

JUDGES

Division III: Pfeiffer, P.J., and Witt and Gabbert, JJ.

CONCURRING.

ATTORNEYS

Chris Koster, Attorney General
Shaun J. Mackelprang, Assistant Attorney General
Jefferson City, MO

Attorneys for Respondent,

Ellen H. Flottman, Assistant Public Defender
Columbia, MO

Attorney for Appellant.



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

STATE OF MISSOURI,)
)
) **Respondent,**)
v.) **OPINION FILED:**
) **April 28, 2015**
JEFFREY DEAN MORELAND,)
)
) **Appellant.**)

WD77201

Cass County

Before Division III Judges: Mark D. Pfeiffer, Presiding Judge, and Gary D. Witt and Anthony Rex Gabbert, Judges

Jeffrey D. Moreland appeals the Judgment of the Circuit Court of Cass County, Missouri (“trial court”), finding him guilty, following a jury trial, of murder in the first degree and armed criminal action. Moreland asserts: (1) that the trial court erred in admitting testimony that he was “a person of interest” in another case, contending that this evidence violated his right to due process and to be tried only for the crime with which he was charged; and (2) in admitting evidence about other guns he owned, contending that any probative value of this evidence was outweighed by its prejudicial impact since evidence of other weapons is particularly prejudicial.

AFFIRMED.

Division III holds:

1. The detective’s mere reference to Moreland as a “person of interest” was vague, indefinite, and did not refer to a specific crime or specific conduct. Without more, the challenged remark was too vague to prejudice the jury against Moreland.

2. Moreland cannot argue plain error on appeal because the trial record indicates that he made a strategic decision not to object to the admission of the gun evidence. He relied upon the

evidence he challenges in arguing that the State did not prove beyond a reasonable doubt that he was the shooter because the State could not find the murder weapon among his guns.

Opinion by: Mark D. Pfeiffer, Presiding Judge

April 28, 2015

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