

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

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**COMPLETE TITLE OF CASE**

STATE OF MISSOURI,

Respondent,

v.

LONNY LEROY MAYS,

Appellant.

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**DOCKET NUMBER WD78417**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** July 26, 2016

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**APPEAL FROM**

The Circuit Court of Benton County, Missouri  
The Honorable Mark B. Pilley, Judge

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**JUDGES**

Division IV: Alok Ahuja, P.J., Mark D. Pfeiffer, C.J., and J. Dale Youngs,  
Sp. J.

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**ATTORNEYS**

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Jefferson City, MO

Attorneys for Respondent,

Jonathan Sternberg  
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:**  
) **July 26, 2016**  
LONNY LEROY MAYS, )  
)  
) **Appellant.** )

WD78417

Benton County

Before Division Four Judges: Alok Ahuja, Presiding Judge, Mark D. Pfeiffer, Chief Judge, and J. Dale Youngs, Special Judge

Mr. Lonnie Mays (“Mays”) appeals the judgment of the Circuit Court of Benton County, Missouri (“trial court”), convicting him, after a jury trial, of one count of first-degree murder and one count of armed criminal action. On appeal, Mays claims that the trial court erred in refusing to exclude the testimony of a witness due to the clergy-communicant privilege and in refusing to suppress evidence found in his vehicle that he claims was obtained in violation of the Fourth Amendment.

**AFFIRMED.**

### **Division Four holds:**

1. The witness’s testimony regarding Mays’s admissions to him tended to prove facts that were established by other evidence properly admitted at trial. The witness’s testimony was not inconsistent with Mays’s theory of the case—that he shot the victim in self-defense. As such, the witness’s testimony did not lend any greater weight to the State’s theory of the case than it would to the defense theory, which weighs against a finding that the testimony in question caused prejudice warranting reversal. Even if the record was viewed without the witness’s testimony, the overwhelming evidence in this case supported the jury’s finding of guilt. Accordingly, Mays cannot demonstrate that the admission of the witness’s testimony at trial was so prejudicial as to deprive him of a fair trial.

2. The vehicle that law enforcement believed belonged to Mays was part of the crime scene; thus, the officers had probable cause to believe that evidence of the crime would be found within the vehicle. Likewise, exigent circumstances (mobility of the vehicle and removal of evidence from the vehicle) supported law enforcement's *seizure* of the vehicle and its removal to a secured location while a *search* warrant was being obtained. The trial court did not commit error in admitting the evidence found in the vehicle.

**Opinion by: Mark D. Pfeiffer, Judge**

July 26, 2016

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