

Missouri Court of Appeals, Western District

Edward R. Ardini, Jr., Chief Judge, Presiding

Lisa White Hardwick, Judge

Gary D. Witt, Judge

Division 4

October 29, 2026

Missouri Western State University

St. Joseph, Missouri

WD87973

Terrell A. Ingram, Appellant,

v.

State of Missouri, Respondent.

Appellant Terrell Ingram appeals the judgment of the Circuit Court of Jackson County denying his Rule 29.15 motion for post-conviction relief. In his underlying criminal case, Ingram was found guilty of first-degree murder and armed criminal action. Ingram admitted shooting the Victim but testified that he acted in self-defense after the Victim pointed a gun at Ingram. As relevant to Ingram's post-conviction motion, defense counsel did not cross-examine an eyewitness who testified that the Victim had not pointed the gun at anyone. Although defense counsel did cross-examine two other eyewitnesses at the scene of the shooting, he did not question them about prior inconsistent statements they had given police. At the Rule 29.15 hearing, the motion court refused to allow evidence that defense counsel had been adjudged ineffective in a previous unrelated case. The motion court denied Ingram's motion, and this appeal followed.

Appellant's points on appeal:

1. The motion court clearly erred in denying claim 8/9(a) [of the Rule 29.15 motion], in violation of Ingram's rights to due process, a fair trial, and effective assistance of counsel, under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, and Article I, sections 10 and 18(a) of the Missouri Constitution, because it is unreasonable to not cross-examine a witness on a critical issue where the witness's prior statement is helpful to the defense, in that no reasonable strategy could support the failure to cross-examine [the witness] with her prior statements that supported Ingram's testimony and self-defense, and prejudice resulted because of the centrality of the issue and the closeness of the case.

2. The motion court clearly erred in denying claim 8/9(b) [of the Rule 29.15 motion], in violation of Ingram's rights to due process, a fair trial, and effective assistance of counsel, under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, and Article I, sections 10 and 18(a) of the Missouri Constitution, because it is unreasonable to not question a critical witness with prior inconsistent statements that would undercut the witness's credibility, in that no reasonable strategy could support the failure [to] impeach [the witness] with prior inconsistent statements and set up his testimony as contrary to other witness[es]'s testimony, and prejudice resulted because of the centrality of the issue and the closeness of the case.
3. The motion court clearly erred in denying claim 8/9(c) [of the Rule 29.15 motion], in violation of Ingram's rights to due process, a fair trial, and effective assistance of counsel, under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, and Article I, sections 10 and 18(a) of the Missouri Constitution, because it is unreasonable to not question a witness on a critical issue where the witness's prior statement is helpful to the defense, in that no reasonable strategy could support the failure to question [the witness] about why he drove away just before the shooting, and prejudice resulted because of the centrality of the issue and the closeness of the case.
4. The motion court clearly erred in denying claim 8/9(e) [of the Rule 29.15 motion], in violation of Ingram's rights to due process, a fair trial, and effective assistance of counsel, under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, and Article I, sections 10 and 18(a) of the Missouri Constitution, because it is unreasonable to fail to request a paragraph in an instruction that is helpful to a defendant, in that trial counsel's failure to request the no-duty-to-retreat [before using physical force to defend oneself] paragraph was the product of a mistake of law, no reasonable strategy could support the failure, and prejudice resulted.
5. The motion court clearly erred in denying claim 8/9(g) [of the Rule 29.15 motion], in violation of Ingram's rights to due process, a fair trial, and effective assistance of counsel, under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, and Article I, sections 10 and 18(a) of the Missouri Constitution, because it is unreasonable to fail to request [a lesser-included offense instruction] based on a mistake of law, in that trial counsel's failure to request an instruction on involuntary manslaughter and inform the jury about how imperfect self-defense works was the product of a mistake of law, no reasonable strategy could support the failure, and prejudice resulted.
6. The motion court abused its discretion in refusing to admit Movant's Exhibits 9 and 10 related to [defense counsel's] being found ineffective in a different case because it is an abuse of discretion to refuse to admit relevant evidence, in that the

prior finding of ineffective assistance and related transcript were relevant to the motion court's determination of the reasonableness of [defense counsel's] purported strategies in this case, and the refusal to admit the evidence rendered the motion court's denial of the claims in the amended motion clearly erroneous.

7. The motion court abused its discretion in refusing to admit Movant's Exhibits 11-14 related to [defense counsel's] being found ineffective in a different case because it is an abuse of discretion to refuse to admit relevant evidence, in that the prior finding of ineffective assistance and related exhibits were relevant to the motion court's determination of the reasonableness of [defense counsel's] purported strategies in this case, and the refusal to admit the evidence rendered the motion court's denial of the claims in the amended motion clearly erroneous.

WD88312

Lawrence & Kay E. Keener, Appellants,

v.

Somerset Apartment Mgmt, LLC, et al., Respondents.

Appellants Lawrence and Kay Keener appeal the judgment entered against them by the Circuit Court of Clay County. The Keeners had claimed that Respondents wrongfully took possession of their vehicle and converted it after the Keeners signed the back of the vehicle's title and gave the title to a tow truck driver. The vehicle had been damaged in an accident and rendered inoperable. After the accident, the vehicle was allegedly abandoned for months in a parking garage owned by one of the Respondents. At the close of the jury trial, the court directed a verdict in favor of Respondents and entered judgment against the Keeners, finding that the Keeners had voluntarily divested themselves of their ownership interest in the vehicle. This appeal followed.

Appellants' points on appeal:

1. The trial court erred directing a verdict for Respondents, because the court's judgment misapplied the law, in that the court's judgment states the Plaintiffs divested themselves of their 1999 Lexus RX300 in July 2018, by gifting it to an unnamed tow truck driver ... who never transferred title of the vehicle into his name or to any other person, in that the court's judgment is contrary to section 301.210, RSMo, because Missouri is a "strict title" state which means the Keeners' assignment of the certificate of title and the transferee registering the Lexus in the manner provided by section 301.210, RSMo, is the exclusive and only method of transferring title to a motor vehicle out of the Keeners' names and into a transferee's name and the Court's judgment determined that didn't happen.
2. The trial court erred directing a verdict for Respondents, because the court's judgment misapplied the law, in that Appellants made a submissible case for

conversion supported by substantial evidence that (1) Appellants were the owners of the Lexus and entitled to its possession; (2) Respondents took possession of the Lexus with the intent to exercise some control over it; and (3) Respondents thereby deprived Plaintiffs of their right to possession.

3. The trial court erred directing a verdict for Respondents, because the court's judgment misapplied the law, in that the court engaged in statutory construction of the Missouri "tow statutes" by creating a "substantial compliance" standard with the Missouri "tow statutes" for the Respondents that doesn't exist in the language of the Missouri "tow statutes" instead of ascertaining the intent of the legislature from the language used, giving effect to that intent if possible, and considering the words in the Missouri "tow statutes" in their plain and ordinary meaning.

WD88347

Dale Good, Appellant,

v.

Missouri Department of Corrections, Respondent.

Appellant Dale Good appeals the judgment of the Circuit Court of Jackson County, entered following a jury verdict in favor of Respondent Missouri Department of Corrections. Good was employed by Respondent in the Division of Probation and Parole, starting in 1991. Respondent terminated Good's employment in 2022, after which Good sued Respondent claiming age discrimination and retaliation due to Good's having testified in a discrimination lawsuit brought by a coworker whose claims resulted in a judgment against Respondent. A jury found in favor of Respondent on Good's claims, and the circuit court entered judgment accordingly. This appeal followed.

Appellant's points on appeal:

1. The trial court abused its discretion in admitting the personal notes of [Appellant's] supervisor over [Appellant's] hearsay objection because the notes were offered to prove the truth of the matters they asserted and unfairly prejudiced [Appellant] in that they improperly bolstered the testimony of [Appellant's] supervisor.
2. The trial court erred in refusing to give [Appellant's] tendered verdict directing Instruction "D," submitting age discrimination and retaliation together, because such refusal denied [Appellant] the right to have the jury consider whether age and retaliation, *together*, were a motivating factor in [Appellant's] termination, and separately denied [Appellant] the right to a verdict if any combination of nine (9) jurors believed that either age discrimination or retaliation were motivating factors in the termination.

WD88448

Alexandria Vargas, Appellant,

v.

Jackson County, Missouri, et al., Respondents.

Appellant Alexandria Vargas appeals the judgment of the Circuit Court of Jackson County in favor of Respondent Mark Estrada. Vargas and Estrada had been involved in a motor vehicle collision. Vargas sued Jackson County and Estrada, alleging that Estrada, while acting in the course and scope of his employment as a Jackson County sheriff's deputy, had failed to yield the right of way at an intersection. The circuit court granted Vargas's motion for summary judgment on the basis of official immunity. This appeal followed.

Appellant's points on appeal:

1. The trial court erred in finding that Respondent Estrada's conduct was protected by official immunity, because Respondent Estrada's conduct was ministerial, in that the summary judgment shows that Respondent Estrada was operating his vehicle in a non-emergency situation at the time of the collision, and Appellant showed a genuine issue of material fact as to whether Respondent Estrada's traffic signal was red when he entered the intersection.
2. The trial court erred in finding that Respondent Estrada's conduct was protected by official immunity, because Respondent Estrada acted with malice, in that the summary judgment record shows that Respondent Estrada knew he had serious vision problems, he did not know if his eye surgery fully repaired his vision or if he had permanent vision loss or blindness, he concealed his vision problems from his employer, and he continued to operate a motor vehicle in the course of his employment.