



2014 Annual Report

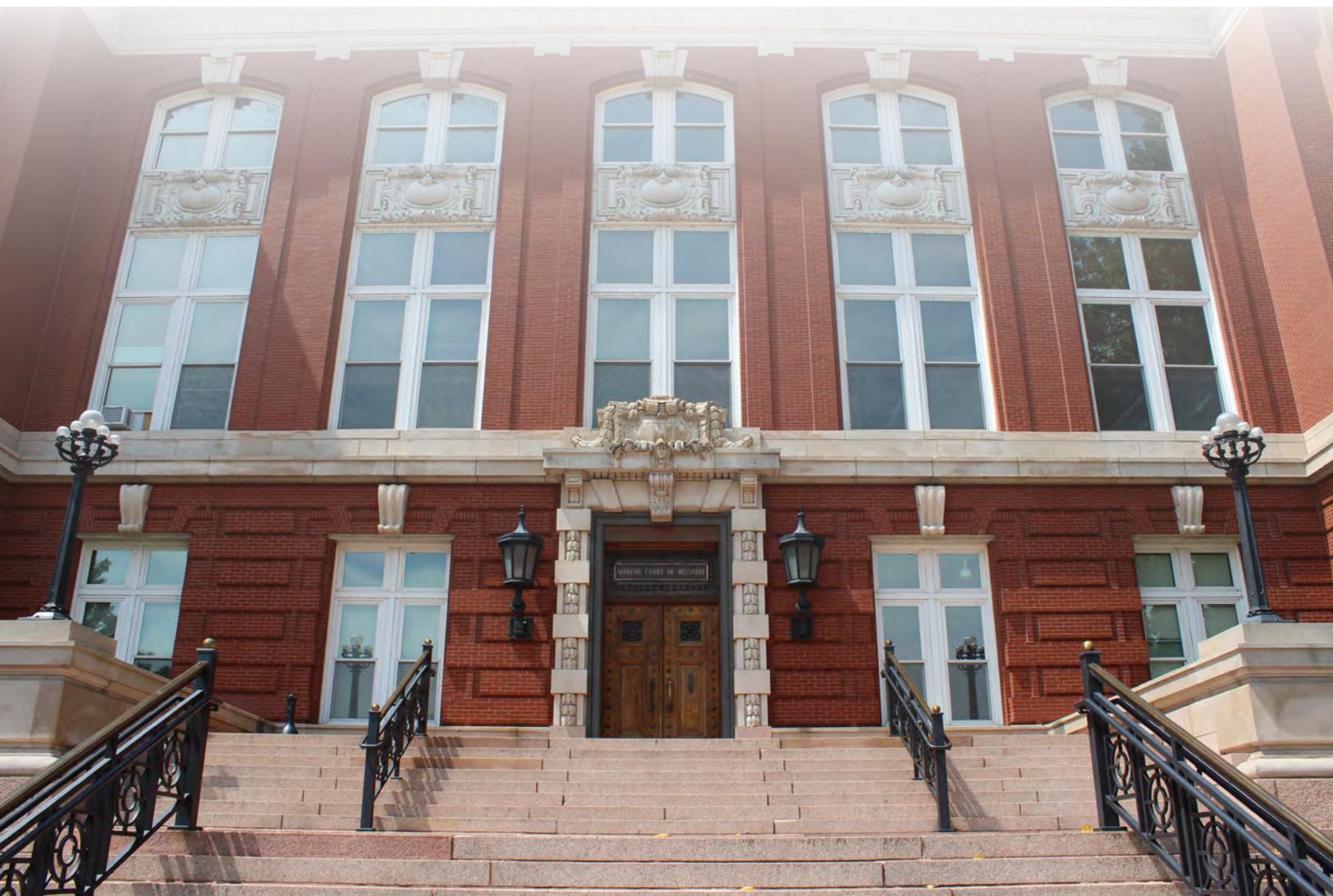
Office of the Missouri Attorney General - Chris Koster





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Introduction

I am honored to serve as your Attorney General and to work every day on behalf of Missourians. The Attorney General's Office has had a very successful year representing your interests in 2014. To give you a better understanding of all that our office does to protect Missouri citizens, this Annual Report details what each division of the Attorney General's Office accomplished last year. Here are a few examples:

- The Consumer Protection Division received 125,373 consumer complaints, the first year-over-year decrease in complaints since 2009.
- In 2014, consumer advocates recovered approximately \$8.8 million for consumers by mediating disputes between consumers and businesses.
- The office fought home-repair fraud, filing 24 lawsuits against home-repair fraudsters, obtaining jail and prison time for several individuals.
- An initiative to crack down on used car dealers who did not give vehicle titles to buyers resulted in seven civil lawsuits and two criminal cases. The office was able to obtain titles for consumers in the majority of cases in which they were withheld.
- We protected the safety and wellbeing of Missourians by prosecuting 56 homicide cases, including a man whose attempt to manufacture methamphetamine led to the fire deaths of two small children. The office also prosecuted many criminal cases involving child molestation, sexual abuse, rape, kidnapping, arson, domestic assault, burglary, identity theft and financial exploitation of the elderly.
- We identified and prosecuted Medicaid fraud cases, obtaining more than \$7 million in judgments and recoveries for the state that had been stolen by Medicaid fraud, as well as obtaining 11 state or federal criminal convictions for Medicaid fraud.
- We cracked down on charity scammers, including a New Orleans woman who illegally diverted more than \$39,000 of Joplin tornado recovery donations for her personal use.
- We protected Missouri's land, air and waterway, working on more than 700 legal matters and collecting more than \$3.1 million in penalties and settlements.
- In an effort to promote and enforce open government laws, the office responded to nearly 100 inquiries and complaints each month in 2014 regarding Missouri's Sunshine Law.

Thank you for allowing me the privilege of serving as your Attorney General. I invite you to contact my office if there is any way we can assist you.

Respectfully,

A handwritten signature in black ink that reads "Chris Koster".

CHRIS KOSTER
Attorney General



Agriculture and Environment Division

The Agriculture and Environment Division aggressively protects Missouri's natural resources, and works to protect and enhance agriculture and the quality of life for rural Missourians.

Division attorneys represent the Department of Natural Resources (DNR) and its constituent boards and commissions that regulate the use of the state's air, land and waters. When necessary, our attorneys take legal action to stop pollution of the state's air, water, and soil through injunctions, fines, penalties, and in the most serious cases, incarceration.

At any given time, the division has about 400 active cases, including enforcement referrals and administrative appeals before the DNR's commissions. Enforcement litigation is filed primarily in state courts to seek preliminary and permanent injunctions to ensure compliance with Missouri's environmental laws.

SUCCESS STORIES AND NOTABLE CASES

In 2014, the work of the division, in cooperation with the Financial Services Division, the Department of Natural Resources, the Petroleum Storage Tank Insurance Fund and the Department of Agriculture, resulted in collections of more than \$3 million in penalties, damages and costs from polluters. In addition, millions of dollars were recovered jointly with the federal government and placed in site cleanup accounts managed by the United States Treasury, and hundreds of thousands of dollars were paid directly to the Department of Natural Resources as a result of agreements reached in the Bridgeton case.

BRIDGETON AND WESTLAKE LANDFILL

In March 2013, the Attorney General filed suit against Republic Services, Inc. as a result of a subsurface fire at the Bridgeton Sanitary Landfill in St. Louis County. The fire created health and environmental problems affecting the residential and commercial areas around the site. In April 2013, Attorney General Koster reached agreement with Republic on an order requiring Republic to pay for temporary accommodations for residents most affected by the odor, and to reimburse state agencies for continuous monitoring and sampling of the air and ground at the site. That agreement has been amended, and remains in place, with the Attorney General overseeing Republic's compliance.

In 2014, the Attorney General reached agreements for increased monitoring of temperature and carbon monoxide as a method of assessing any movement of the fire, and an increase in the amount of reimbursement of state expenses up to \$1.49 million. In January 2015, the Attorney General went to court to successfully obtain monitoring in the North Quarry of the landfill.

The parties have been engaged in extensive discovery, with a trial set for March 2016. The parties continue to discuss the final remedy and ultimate penalty. The Attorney General has urged EPA to pursue more aggressive investigation and monitoring of radiological waste at the Bridgeton Landfill site. As a result, EPA ordered additional testing to determine the extent and location of the radioactive waste, and further exploration of whether any radioactive waste has entered the North Quarry of the Bridgeton Sanitary Landfill.



CYPRUS AMAX NRD SETTLEMENT

The Attorney General, together with the federal government, reached a \$7,284,677 settlement with Cyprus Amax Minerals Company and Missouri Lead Smelting Company for natural resource damages from a lead mine, mill, and smelter in Iron County. The money will be used to restore the environment in and around the site.

CONOCOPHILLIPS COMPANY

The Attorney General recovered \$1.3 million from the ConocoPhillips Company as compensation for improper claims by that company to the Missouri Petroleum Storage Tank Insurance Fund. The company had requested reimbursement for the cleanup of leaking underground storage tanks even though it had other insurance.

ANIMAL PROTECTION

The Attorney General, in conjunction with the Department of Agriculture, continued Prosecution Bark Alert, an effort to eliminate illegal and substandard dog breeding operations. The Attorney General's Office has assisted the department in the rescue of over 6,900 animals since the department and the Attorney General began this joint effort.

6900 Animals rescued since January 2009 

TYSON FOODS FISH KILL

The division sued Tyson Food in June over a fish kill in Clear Creek in Barry County. On May 16, 2014, the Tyson Foods facility at Monett discharged wastewater from Tyson's Aurora facility containing a highly acidic animal feed supplement into the city of Monett's sewer system. The discharge caused the city's biological wastewater treatment system to fail, and contaminated water containing a high level of ammonia flowed into Clear Creek, causing at least 100,000 fish to die.

MISSOURI ONE CALL ENFORCEMENT

The division increased its enforcement of the Missouri Underground Facility Safety and Damage Prevention Act (Missouri One Call). The division investigated 130 complaints, resulting in 89 settlements and 5 filed cases, and over \$50,000 in penalties assessed. The division also continued its public education efforts, appearing at training events for excavators and utilities.

FINANCIAL RECOVERIES

In 2014, the office's representation of the Department of Natural Resources resulted in collections of \$1,797,396.94 for DNR, \$951,128.03 of which came from the Doe Run Buick Resource Recycling Facility matter. In addition, \$1,300,000.00 was collected for the Petroleum Storage Tank Insurance Fund from the ConocoPhillips settlement, \$6,499.01 was collected for the Department of Agriculture and \$50,250.00 was collected as a result of Missouri One Call violations.

While these dollar figures convey the magnitude of the division's contribution to the state's financial resources, the value to our state of the environmental clean-ups and pollution control equipment is immeasurably greater.



Consumer Protection Division

The Attorney General’s Consumer Protection Division has moved Missouri toward a more open and honest marketplace since the adoption of the Missouri Merchandising Practices Act 46 years ago. The division seeks to ensure that everyone – businesses and consumers alike – has the opportunity to operate in a marketplace that is free from fraud, deception, misrepresentations, false promises, unfair practices, and unfair competition. The division also serves a vital role in enforcing Missouri’s antitrust, securities, telemarketing, nonprofit, and charitable trust laws.

Breakdown of Fraud Complaints	
Hotline Calls	49,162
Mail and In Person	5,822
Online Complaints	11,068
E-mail	7,313
Total Complaints & Inquiries	73,303

2014 was a very productive year for the Consumer Protection Division. The Division responded to 125,373 consumer complaints in 2014: 73,303 fraud complaints and 52,070 no-call complaints. Complaint volume fell in 2014 in both categories – the first year-over-year decrease since 2009.

Breakdown of No Call Complaints

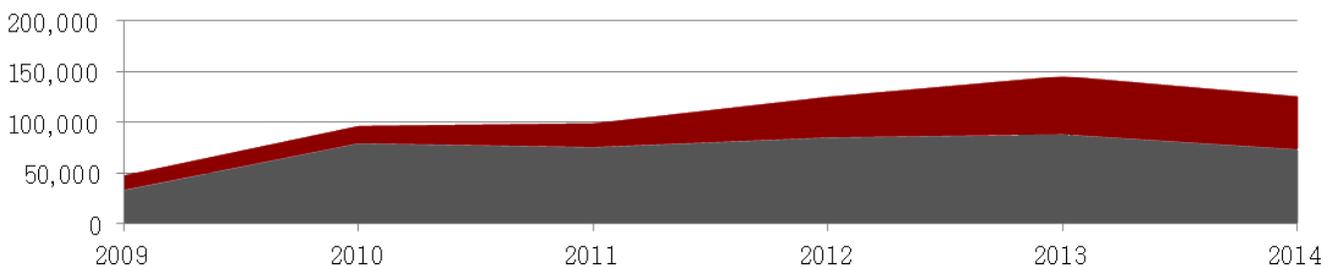
Hotline Calls	12,221
Mail and In Person	9,811
Online Complaints	30,038
Total Complaints & Inquiries	52,070

In response to complaints from Missouri consumers (as well as other sources including law enforcement, other governmental entities, and the media), the Consumer Protection Division mediated 23,777 fraud complaints. Each year, this mediation process results in millions of dollars in restitution for consumers through an exchange of services, fulfillment of promises, and other dispute resolution. In 2014, our consumer advocates were able to reach agreements to settle

disputes between businesses and consumers valued at \$8.8 million.

In addition to mediating complaints, the Consumer Protection Division investigates allegations of fraud, many of which result in formal enforcement actions. In 2014, the Division opened 186 investigations, filed 102 civil and criminal cases, and obtained 107 convictions, formal settlement agreements, injunctions, and other judgments. These enforcement actions resulted in monetary judgments of over \$49 million – \$40 million of which was allocated to restitution for consumers. Additionally, throughout 2014, members of the Consumer Protection Division appeared at 102 public and educational events in an effort to prevent fraud through education.

Complaints Received (No-Call over Fraud)





Distribution of Judgments

Consumer Recovery	\$40,459,612.77
Merchandising Revolving Fund	\$5,885,111.70
Antitrust Revolving Fund	\$1,693,027.97
Penalties	\$999,275.00
Restitution to General Revenue	\$55,000.00
Total Complaints & Inquiries	\$49,092,027.44

These figures represent the total of all judgments. Default judgments have a significantly lower likelihood of being collected. If default judgments are excluded, the Division obtained judgments of \$36.8 million, with \$27.8 million devoted to consumer restitution.

Types of Cases Filed

Civil	85
Criminal	10
Multi-state	7

2014 TOP CONSUMER SCAM LIST

- No-Call and Illegal Telemarketing (52,514 complaints)** - The Missouri Attorney General received 52,514 complaints from consumers regarding no-call violations and illegal telemarketing calls in 2014. In 2014, the no-call unit filed 20 lawsuits and obtained judgments for nearly \$630,000 in penalties and fines. Additionally, 28 companies have been permanently barred from telemarketing in Missouri.
- Debt Collectors (1,217 complaints)** - Most consumers who file complaints indicate they have received calls from harassing debt collectors who are abusive, threatening and repeatedly call when claiming to collect a debt. Many consumers who file complaints indicate they are being harassed by debt collectors for debts they may not even owe. In addition to filing complaints with the Attorney General's Office, consumers may file a complaint with the FTC for violations of the Fair Debt Collection Practices Act. For additional information, consumers may contact the FTC at www.consumer.ftc.gov.
- Mail and Phone Solicitation Scams (1,208 complaints)** - Consumers receive many unwanted mail and phone solicitations that are in fact scams. A common scam is a solicitation that looks like an invoice or bill. It is important to closely review all bills and to never give out personal information such as a social security number, bank and credit information or pay money to unfamiliar individuals.
- Financial Fraud (1,148 complaints)** - Consumers filed complaints regarding sweepstake scams, wire transfers, grandparent scams, IRS scams, and other financial scams target consumers. Scam artists often use the promise of a valuable prize or award to entice consumers to send money, buy overpriced products or services, or contribute to bogus charities. The Missouri Attorney General's Office investigates these scams and works with other law enforcement agencies in pursuing scam artists targeting vulnerable citizens.
- Home Repair and Remodeling (687 complaints)** - Complaints against home improvements/home repair contractors often involve scams related to asphalt driveway paving, remodeling work, and roof repairs. Many arise from storm chasers... The Attorney General continues to be aggressive in pursuing these types of cases.



6. **Credit and Debit Card (686 complaints)** - Consumers continue to report money taken from their bank accounts through unauthorized debits or by accessing their credit card information. Scam artists often contact consumers by telephone, email, or text messaging. Consumers should never authorize direct bank account debiting or reveal their bank account number over the phone. Consumers are encouraged to provide credit card information to only familiar merchants contacted by the consumer.
7. **Telephone Cramming and Billing (674 complaints)** - Cramming happens when consumers receive a charge to a phone bill for services that were not ordered. Consumers also filed complaints concerning unauthorized fees on their telephone bills from third parties. The Missouri Attorney General advises consumers who notice unwarranted charges to contact their carriers to request removal of the charge and a refund.
8. **Cable/Satellite Services (598 complaints)** - Complaints range from substandard installations to billing disputes and package offerings. Our office often sees an increase in complaints when providers have disputes with networks resulting in broadcast interruptions.
9. **Mortgage/Foreclosure/Loan Modifications (561 complaints)** - Homeowners complain about problematic loan modifications and foreclosures. Our office continues to work closely with banks and consumers in the foreclosure process to ensure homeowners are treated fairly.
10. **Energy and Utility Complaints (552 complaints)** - Energy and utility complaints increased in the past year. Our office worked closely with consumers who had complaints concerning supply and demand of propane and pricing. Other complaints involve scam artists calling and pretending to be someone from the local utility company. The consumers are told they are behind on their bill and if they don't pay immediately, service will be cut off. Additional complaints involve billing disputes and services.

OTHER HIGHLIGHTS FROM 2014

Addressing Price Fixing in LCD TVs and Monitors

Missouri businesses, consumers, and governmental entities spend hundreds of millions of dollars each year on computers and other electronic devices containing TFT-LCD panels, often referred to as "flat screens."

On August 17, 2010, Attorney General Koster filed suit along with other state Attorneys General, which was combined with a nationwide class action, against the world's leading manufacturers of TFT-LCD panels alleging violations of state and federal antitrust and consumer protection laws. The suit alleged that since the late 1990s the world's leading manufacturers of these TFT-LCD panels had conspired to keep prices higher to improve their profits in this mega-billion dollar market.

Missouri, joined by seven other states, settled with all of the manufacturers, generating \$1 billion for a national settlement fund covering all of the litigation.

As a result of these settlements, in 2014, Missouri businesses, consumers, and governmental entities received approximately \$28 million in restitution for LCD devices they had purchased.



Prosecuting Home Repair Fraud

The Consumer Protection Division launched two initiatives related to home repair and remodeling fraud in 2014. Home repair scams have two main types: storm chasers who follow damaging storms throughout neighborhoods offering free estimates and insist on receiving the insurance check before beginning work, but then never return, and contractors who insist on large upfront payments then do little or no work before ultimately being fired.

Among its other accomplishments in 2014, the Consumer Protection Division obtained:

- Convictions against Jeffrey Wolfson of Insurexx for stealing, unlawful merchandising practices, and public adjusting without a license for his role in creating and directing his company, Insurexx, to defraud three homeowners out of their insurance proceeds following the May 2011 Joplin tornado. Wolfson was sentenced to 13 years in prison.
- Convictions against Jason Leavy in St. Louis and St. Charles counties for financial exploitation of the elderly and unlawful merchandising practices. Leavy repeatedly demanded to be paid up-front for home repair services that he never provided, often while still on probation for similar crimes. Leavy received a total of 15 years in prison.
- An injunction preventing All Seasons Contracting, along with its owner Carol Richard and office manager Brandi Sampson, from telemarketing or operating a home repair or related business in Missouri. The defendants were also ordered to pay full restitution, penalties, and fees totaling over \$404,000.
- Civil and criminal contempt orders against Brian Ecker, working under the name “Buildings of Steel.” Ecker was sentenced to 60 days in jail for violating an injunction in a prior case of home-repair fraud by taking up-front funds and failing to do the work.

Dealing with Security Fraud: Bruce Cole & MAMTEK

Bruce Cole, the CEO of Mamtek, was convicted of securities fraud and stealing related to his failed manufacturing project in Moberly that received \$39 million in municipal bonds in July 2010. The project collapsed after Mamtek U.S. failed to make a debt payment in August 2011. A subsequent investigation of the project by the Attorney General’s Office and Randolph County Prosecuting Attorney Mike Fusselman revealed that Cole used more than \$700,000 of bond financing for his personal use, including \$281,046 to stop the foreclosure of his Beverly Hills, CA home. Cole also secured authority to claim tax credits based on the promise that the project would create hundreds of new jobs within months. However, Cole made those promises knowing they were false. Cole was sentenced to seven years in prison.

Efforts to Prevent and Prosecute Telemarketing Fraud and No-Call Violations

The Consumer Protection Division aggressively pursued telemarketing fraud and no-call violations in 2014. On April 8, 2014, the Missouri and Indiana Attorneys General co-hosted the first ever No-Call Law Enforcement Summit in Indianapolis, Indiana. The summit had over 100 participants and featured speakers from various state attorney general offices, the Federal Trade Commission, and the United States Department of Justice. Additionally, on September 9, 2014, the office co-authored a National Association of Attorneys General letter to the Federal Communications Commission (“FCC”) seeking clarification of its rules, which telephone companies claimed prohibited offering call-blocking technology to their customers.

On June 18, 2015 the FCC adopted a call-blocking rule making it clear that telephone companies face no legal barriers to allowing consumers to choose to use robocall-blocking technology.



The no-call unit filed 20 cases in 2014 and obtained judgments in 18 cases resulting in more than \$629,000 in penalties and fines. These cases include:

- On May 2, 2014, the office tried *State ex rel Koster v. Pure Air, Inc., et al.*, the first-ever trial under the Missouri No-Call and Telemarketing Laws in Missouri's history. The Defendants were ordered to pay \$35,000 in civil penalties, \$15,000 in costs, \$305,000 in suspended penalties, and to cease all telemarketing in the State of Missouri.
- Mortgage Investors Corporation of Ohio agreed to pay \$75,000 in fines and agreed not to conduct telemarketing in Missouri.

Cracking Down on Fake Charities and Charity Scams

The Attorney General, in his role as a beneficiary of all charitable trusts and in oversight of Missouri's not-for-profits, cracked down on charity scams in 2014. These cases include:

- Prosecuting William Harshbarger in St. Louis and St. Charles counties for stealing money by impersonating a Wounded Warrior Project volunteer outside of discount and grocery stores, and keeping the money for himself. In early 2015, Harshbarger was sentenced to 7 years in prison.
- Obtaining a judgment against Clark Baxter and his company, Sustainable Design, requiring them to relinquish approximately \$26,000 diverted from Joplin tornado relief for his own personal use.
- Obtaining a judgment against Edmund and Sheila Ketterer after they diverted more than \$59,000 from the Oltmann Charitable Trust. The Ketterers were required to repay the trust, created by an elderly Missouri couple to benefit Union High School graduates and Beaufort Elementary School students.
- Obtaining a judgment against Kendallwood Hospice to return \$38,000 it kept from Honor Flight, so that elderly veterans could travel to see the monuments in Washington DC.

Tracking Down Use Car Titles

In March 2014, the Consumer Protection Division launched an initiative to crack down on used car dealers who failed to convey titles at the time of sale. The division filed seven civil lawsuits and two criminal cases against Missouri car dealers and financiers in Springfield, St. Louis, Lee's Summit and Ozark, for failing to provide titles for sold vehicles as required by law. The dealers failed to pay financing companies known as "floorplanners" for cars sold to Missouri consumers. As a result, the financing companies refused to relinquish title to the vehicles, and the consumers were left having paid for cars they did not legally own and therefore could not legally register. Many of these vehicles were subsequently impounded or repossessed, leading to significant hardship for the consumer. In most cases, the division was able to obtain missing titles for the consumers. These cases include:

- Obtaining criminal convictions against Joby and Heather Schraier, owners of Auto Credit Mart, and a civil judgment resulting in \$300,000 in restitution, penalties, and fines.
- Ongoing civil litigation against Montgomery Automotive and M&P Auto Group, along with their financing company, Floorplan Xpress, to obtain missing titles and provide restitution to consumers harmed by the defendants.



Protecting Consumers from So-Called Payment-Protection Plans

In 2014, the Consumer Protection Division obtained agreements with three major credit-card companies – Capital One, HSBC, and Discover – over allegations that they misleadingly marketed payment-protection plans and other add-on products to Missouri consumers. Consumers were led to believe that for a monthly fee their credit-card payments could be suspended if they became unemployed or disabled. After making monthly protection plan payments, consumers attempting to make claims were often rejected as not qualifying for the benefit. Some consumers were unaware they had been signed up for a payment-protection plan or other add-on product, while others were misleadingly upsold after calling their card issuer on another matter or solicited directly by telemarketers. Consumers were also automatically enrolled if they failed to read and respond to a notice sent by mail. In total, the three companies paid \$2,235,000 to the state and agreed to cease misleading marketing of these products in Missouri.

Efforts to Stop “Cramming” on Telephone Bills

In 2014, the Attorney General’s Office continued its efforts to stop illegal “cramming” – the practice of billing consumers for services through their telephone bills, often without their knowledge or consent. The Office obtained judgments against two mobile carriers – AT&T Mobility and T-Mobile – to end the billing practice, which had allowed the most common form of mobile cramming. T-Mobile agreed to pay \$90 million in penalties and restitution nationally, of which Missouri consumers were entitled to seek refunds for cramming violations, Missouri received \$283,244 in penalties. AT&T Mobility agreed to pay \$105 million in penalties and restitution nationwide, of which Missouri consumers were entitled to seek refunds for cramming violations. Missouri received \$314,715 in penalties from that company.





Addressing Off-Label Marketing of Prescription Pharmaceuticals

The Consumer Protection Division worked with other state and federal agencies to protect consumers from misleading off-label marketing of prescription drugs. Missouri obtained \$2.7 million in penalties and fines against pharmaceutical companies that unsafely and improperly marketed their drugs for unapproved purposes. These cases included:

- **Rapamune.** Missouri received \$693,000 as part of a national settlement with pharmaceutical maker Wyeth, which is now owned by Pfizer, to resolve allegations that the company unlawfully marketed its immunosuppressant drug, Rapamune.
- **Advair, Paxil, and Wellbutrin.** Missouri received \$2 million as part of a national settlement with pharmaceutical maker GlaxoSmithKline (GSK) to resolve allegations that the company unlawfully marketed its asthma drug Advair, and antidepressant drugs Paxil and Wellbutrin.

Assisting Identity Theft Victims and Protecting Privacy

The Consumer Protection Division, in conjunction with the Jackson County Prosecutor's Office, convicted Terry Morrow of identity theft, forgery, and deceptive business practices in the largest identity theft prosecution in Missouri history. Morrow, through his company, Edge Auto Sales, acquired personal identifying information about his victims through their applications for auto financing. Morrow used the victims' information to forge dozens of fraudulent auto loans for car sales that never occurred. Morrow then sold those fraudulent loans to automotive finance companies, who bought the rights to collect on the loans for a lump sum payment to Morrow. The victims were left with the debt and significant issues on their credit reports, which the office assisted with correcting. Morrow was sentenced to 15 years in prison in July 2014.

The division also worked with businesses that had data breaches, such as Schnucks and Missouri Credit Union, to ensure that their customers were adequately notified of the loss of their private data.





Criminal Division

The Criminal Division filed 754 briefs in 2014, with the majority of them filed in felony cases (or post-conviction cases challenging felony convictions). A small number were Sexually Violent Predator (SVP) appeals and driver's license revocation cases.

Here are some of the notable cases the division handled that were resolved by the courts last year:

IN THE MISSOURI SUPREME COURT:

Capital Cases

The Missouri Supreme Court affirmed Walter Barton's conviction and death sentence for the 1991 murder of an 81-year-old woman. Barton had been convicted and sentenced to death by three different juries in the more than 20 years since his crime, after two early mistrials. Barton had reluctantly helped "search" for the missing manager of a trailer park where he did odd jobs, ultimately admitted to answering the phone in her trailer during the time frame of the murder, and was incriminated by the victim's DNA found on his clothing.

The Missouri Supreme Court upheld the conviction and death sentence of David Hosier. The defendant, the jilted ex-lover of the victim, was convicted of murdering a Jefferson City woman in 2009 who had gone back to her husband after she sought an order of protection against him. Hosier then fled to Oklahoma, where he was located after police obtained a court order to track his cell phone, and arrested following a high-speed chase.

The Missouri Supreme Court declined to vacate the convictions and death sentences of Brian Dorsey, who claimed that his attorneys were ineffective during his guilty plea and sentencing proceedings. Dorsey had pleaded guilty after he killed then raped his cousin and killed her husband in their Callaway County home.

The Missouri Supreme Court upheld the first-degree murder conviction and death sentence of Christopher Collings for the 2007 murder of nine-year-old Rowan Ford in southwest Missouri. Collings had kidnapped the victim from her home, sexually assaulted her, then killed her to prevent her from identifying him to authorities.

Non-Capital Cases

The Missouri Supreme Court upheld the Sharnique Jones's convictions for murder in the second degree, assault in the second degree, and endangering the welfare of a child. Defendant's infant children suffered from numerous health issues. After one of her children died, she eventually made incriminating statements revealing that she had smothered one of her children to death.

The Missouri Supreme Court affirmed Linda Gargus's conviction for elder abuse in a case where Gargus assumed the care of her bedridden mother in a Kahoka mobile home. Gargus allowed her mother to develop a massive decubitus ulcer and gangrene (resulting in amputation of a leg and ultimately death) by keeping her in unsanitary conditions among some 40 animals and rodents, one of which chewed off a portion of her mother's foot.

The Missouri Supreme Court upheld Peter Hansen's two felony convictions for abusing his 14-year-old son. Hansen had repeatedly confined his son to a small, unheated bathroom for days at a time while also severely restricting the child's food intake. This treatment constituted "cruel and inhuman punishment."



IN THE MISSOURI COURT OF APPEALS:

The Missouri Court of Appeals upheld Jeffrey Sauerbry's conviction of first-degree murder. Sauerbry was found guilty of killing a man whom he had worked with at a used car lot in Independence.

In two separate cases, the Missouri Court of Appeals upheld Joseph Sprofera's convictions on charges stemming from his sexual abuse of his adopted daughters.

The Missouri Court of Appeals upheld Vernell Loggins's conviction of murder in the first degree for stabbing his girlfriend to death following an argument.

The Missouri Court of Appeals upheld Jose Flores's conviction on 17 counts involving numerous acts of sexual abuse against his girlfriend's two daughters.

The Missouri Court of Appeals upheld the first-degree murder conviction of Douglas Howery for the death of his wife, whose remains were found in a septic tank on the couple's property in rural Pike County some 16 years after she had last been seen alive.

The Missouri Court of Appeals upheld Robert Baker's conviction on eight counts charging him with committing acts of sexual abuse against five young girls.

The Missouri Court of Appeals upheld Elex Murphy's second-degree murder and first-degree assault convictions for the 2011 murder of a St. Louis man and the assault of his wife. Murphy attacked them as part of the "Knock-out Game." The 72-year-old man and the 62-year-old woman were walking home from the grocery store, when Murphy walked up, brutally attacked them, and left without saying a word.

The Missouri Court of Appeals upheld Horace Carter's two convictions for forcible rape for the

1996 rapes of two St. Louis teenagers. Carter was caught and charged with the crimes 12 years after committing the rapes, after being identified from a "cold hit" on the statewide DNA database.

The Missouri Court of Appeals upheld Joanie Gladden's conviction for endangering the welfare of a child in the first degree for her failure to seek immediate medical attention for her two-year-old daughter, after Gladden's boyfriend struck the child and knocked her unconscious. The Court upheld her conviction, finding that Gladden knowingly created a substantial risk to her daughter's life, body, or health, by delaying seeking medical attention for her daughter who was in obvious medical distress.

The Missouri Court of Appeals upheld Steven Pyykola's convictions for three counts of first-degree murder, three counts of armed criminal action, and one count of first-degree burglary. Pyykola engaged in a conspiracy to murder the boyfriend of his co-actor's ex-girlfriend and the boyfriend's parents.

The Court of Appeals upheld the murder conviction of John L. Brinson following a post-conviction challenge. Brinson had been convicted in 2002 of murdering his wife, despite her body never being found.

The Court of Appeals upheld the murder conviction of Stewart Hopkins. Hopkins was convicted of stabbing his ex-wife in a Branson motel room in 2010, due in part to recordings of the murder left on a friend's cell phone as the victim tried to call for help.

The Court of Appeals upheld Terron Millett's first-degree murder and armed criminal action convictions for a 2013 daylight shooting at a busy gas station in St. Louis. While Millett quickly fled the scene, he was subsequently arrested, found guilty at trial, and then sentenced to life-without-parole plus 30 years. The conviction was cited in local media reports as demonstrating the value of surveillance cameras in homicide cases.



Financial Services Division

The *Financial Services Division's Recovery Unit* provides collection services to more than 40 state agencies and several divisions within the Attorney General's Office ("AGO"). Together, these agencies, commissions, and AGO divisions refer to the unit more than 100 types of debts for collection. The Unit also handles some non-collection legal work, including Income Maintenance cases. The attorneys in the unit maintain heavy caseloads. The following summary describes some of the division's most common case types:

The Estate Recovery program seeks to collect a debt from a deceased debtor's probate estate. If there is not an estate open in the probate court of the county of death, the AGO, as a creditor, has one year from the date of death to force open an estate. These cases typically are Medicaid debts, but can also include Income Maintenance sources of aid.

The Bankruptcy Recovery program seeks to collect a debt through a debtor's bankruptcy. The unit files proofs of claim in bankruptcy proceedings. In addition, the unit represents state agencies to protect a regulatory interest (i.e., an environmental concern, public safety, or licensing) that might be lost or impaired.

The Missouri Incarceration Reimbursement Act ("MIRA") recovery program seeks to collect funds from inmates in Missouri prisons to pay for their cost of incarceration.

The Third Party Liability recovery program seeks to collect a debt from the insurance proceeds to which the client's lien has attached. The State has lien and subrogation rights when a MO HealthNet recipient is entitled to recover from a third party such as another insurer (health insurance, liability, workers compensation, etc.) or a tortfeasor. Section 208.215, RSMo, allows the recipient to ask a court for relief from the lien, and the Recovery Unit defends

the State when the recipient elects to do so. The circuit court has broad discretion to, and often does, significantly reduce or eliminate the lien.

The Child Support program works with the Missouri Family Support Division to establish, enforce, and modify child support obligations through the courts.

The General Recovery program seeks to collect debts that do not fit into the other types of collections from a living debtor, who is not in bankruptcy, by setting up a payment plan or obtaining a judgment and garnishing the debtor's wages or bank accounts. This work is done for virtually every state agency, some state-wide offices, and funds, including: the Veteran's Commission; the State Lottery Commission; the Ethics Commission; the Departments of Agriculture, Corrections, Health and Senior Services, Labor and Industrial Relations, Mental Health, Public Safety, Natural Resources, Revenue, Social Services; the National Guard; the Secretary of State; and the Tort Victims Compensation Fund.

The Income Maintenance program is not a collection program but, instead, defends, in circuit court, decisions by the Department of Social Services to deny public assistance benefits to an applicant.

Non-Case Matters typically include providing general counsel legal advice on collection matters.



RECOVERY UNIT 2014

Referring Party Name	Money Received	% of Total Payments	No. of Cases w/ Payments	Avg. Amount Per Case	No. of Cases Opened
Consumer and Not for Profit (AGO)	\$9,571,928.90	37.89%	405	\$23,634.39	291
Medicaid Fraud	\$5,487,004.66	21.72%	64	\$85,734.45	37
MO HealthNet Division	\$4,541,092.40	17.98%	304	\$14,937.80	522
Dept. of Natural Resources (DNR)	\$1,97,396.94	7.12%	104	\$17,282.66	115
Petroleum Storage Tank Ins. Fund	\$1,300,000.00	5.15%	1	\$1,300,000.00	1
MO Incarceration Reimbursement Act	\$620,552.60	2.46%	103	\$6,024.78	69
No Call Unit (AGO)	\$516,415.67	2.04%	251	\$2,057.43	162
Fraud & Noncompliance Unit (DPS)	\$443,029.88	1.75%	150	\$2,953.53	105
Tort Victims' Comp. Fund (TVCF)	\$171,365.83	0.68%	4	\$42,841.46	11
Lottery Commission	\$145,082.58	0.57%	111	\$1,307.05	56
Dept. of Economic Development (DED)	\$141,373.04	0.56%	3	\$47,124.35	2
Family Support Div.	\$117,940.99	0.47%	226	\$521.86	557
Central Accident Reporting (CARO)	\$92,445.73	0.37%	5	\$18,489.15	6
AGO - Miscellaneous	\$71,189.95	0.28%	85	\$837.53	85
Dept. of Health & Senior Services	\$56,848.69	0.23%	47	\$1,209.55	26
Workers' Compensation Division	\$39,066.34	0.15%	22	\$1,775.74	7
Ethics Commission	\$37,823.20	0.15%	63	\$600.37	46
Auditor	\$28,617.10	0.11%	5	\$5,723.42	3



Secretary of State	\$15,000.00	0.06%	10	\$1,500.00	13
Health Spa Regulatory	\$14,625.00	0.06%	117	\$125.00	99
MO Medicaid Audit & Compliance (MMAC)	\$14,011.03	0.06%	2	\$7,005.52	46
Div. Labor Stds & Ind. Relations (DOLIR)	\$11,933.33	0.05%	6	\$1,988.89	13
Children's Division	\$6,861.33	0.03%	15	\$457.42	5
Dept. of Agriculture	\$6,499.01	0.03%	6	\$1,083.17	3
Court Costs Fund (AGO)	\$5,065.47	0.02%	9	\$562.83	1
Dept. of Mental Health (DMH)	\$4,830.47	0.02%	10	\$483.05	1
Veteran's Commission	\$4,631.24	0.02%	8	\$578.91	7
National Guard	\$4,366.49	0.02%	7	\$623.78	1
Highway Patrol	\$1,603.00	0.01%	3	\$534.33	0
State Fair Commission	\$1,493.06	0.01%	7	\$213.29	10
Dept. of Revenue (DOR)	\$1,200.00	0.00%	1	\$1,200.00	0
Dept. of Corrections (DOC)	\$1,019.17	0.00%	2	\$509.59	4
Office of Administration	\$876.33	0.00%	3	\$292.11	2
Public Safety	\$500.00	0.00%	1	\$500.00	1
Human Rights	\$200.00	0.00%	1	\$200.00	1
GRAND TOTAL	\$25,273,889.43	100.00%	2161	\$1,590,913.41	2308



BANKRUPTCY CASES

Referring Party Name	Money Received	% of Total Payments	No. of Cases Opened
Dept of Natural Resources (DNR)	\$378,900.75	81%	4
Dept of Economic Development (DED)	\$68,773.04	15%	1
Family Support Division	\$8,545.60	2%	64
Lottery Commission	\$4,676.84	1%	6
Fraud & Noncompliance Unit (DPS)	\$3,985.72	1%	0
Worker's Compensation Division	\$232.95	0%	1
State Fair Commission	\$232.06	0%	0
MO HealthNet Division	\$138.35	0%	1
AGO - Miscellaneous	\$0.00	0%	1
Children's Division	\$0.00	0%	1
Consumer and Not for Profit (AGO)	\$0.00	0%	2
Dept. of Agriculture	\$0.00	0%	1
Ethics Commission	\$0.00	0%	2
Dept. of Health & Senior Services	\$0.00	0%	1
Medicaid Fraud	\$0.00	0%	1
Dept. of Mental Health(DMH)	\$0.00	0%	1
MO Incarceration Reimbursement Act	\$0.00	0%	1
GRAND TOTAL	\$465,485.31	100%	89



Governmental Affairs Division

To protect the safety and well-being of Missourians the Governmental Affairs Division ensures professionals adhere to state laws; helps the most vulnerable get good care; enforces state ethics and campaign finance laws; ensures compliance with Medicaid statutes and rules; enforces state and federal sex offender registration laws; and provides representation, advice and legal support to state agencies and officials.

PROFESSIONAL LICENSING

The division serves and protects the safety and well-being of Missouri citizens by ensuring that professionals who are required to be licensed by the state (such as: pharmacists, nurses, appraisers, engineers and veterinarians) adhere to state laws and disciplinary rules. In 2014, over 200 professional licensees were prosecuted and disciplined for violations involving misconduct, negligence, or incompetence in the practice of their professions.

For example:

- Several Peace Officers were disciplined for assaulting arrestees by kicking, spitting, punching or improperly using mace or a taser.
- A real estate broker was disciplined for receiving money from clients to use for closing costs and earnest money, only to retain the money after negotiations fell through for his personal use.
- The license of a social worker was revoked for exploiting her professional relationship with a client to enter into a sexual relationship with that client.





GOVERNMENTAL ENTITIES

The Governmental Affairs Division provides representation, advice and legal support to state agencies and officials, including:

Department of Social Services

The division represents the Department of Social Services in efforts to enforce Medicaid compliance. Additionally, it represents the Children's Division in appeals to the Social Security Administration in efforts to obtain Supplemental Security Income for children who are disabled.

Department of Health and Senior Services

The division assists the Department of Health and Senior Services in obtaining civil monetary penalties against nursing home facilities for alleged violations of the law protecting the health, safety and welfare of the vulnerable residents of these facilities. These alleged violations include the failure to administer proper medical treatment resulting in serious injury or death, and the failure to provide protective oversight to residents.

Department of Elementary and Secondary Education

The Governmental Affairs Division in 2014 received 139 teacher discipline referrals from the Department of Elementary and Secondary Education. As a result, teacher certifications were surrendered, suspended and, in 30 cases, revoked. Teachers were disciplined in cases where they had committed crimes or engaged in unethical behavior, including, in some cases, sexual contact with students. The division also worked with local prosecutors to effectuate surrender or revocations of certifications held by teachers who were facing criminal charges.

Missouri State Highway Patrol

Attorneys in the division are tasked with defending the Missouri State Highway Patrol in all matters in which sex offenders around the state seek removal from state registration requirements. The issue involves difficult interplays between both state and federal laws, and many offenders seek removal even when the law requires their name remain on the

registry list. Our attorneys successfully opposed inappropriate removals at the circuit court and appellate levels.

Missouri Commission on Human Rights

In 2014, the division continued its enforcement of the provisions of the Missouri Human Rights Act. It secured a \$75,000 settlement on behalf of a victim claiming sexual harassment and hostile work environment. Due to the division's efforts, a taxi cab company was ordered to pay \$90,000 in a disability/failure to hire discrimination case.

Mental Health

Attorneys in the division protect the health, safety, and welfare of Missourians receiving services through both the Department of Mental Health and mental health practitioners in the private sector by pursuing cases of alleged abuse and neglect, and unethical practice. The division also obtains guardians for certain patients, working to ensure the appropriate level of security and oversight. The division also participates in placements for juveniles.

In 2014, attorneys prosecuted 22 abuse and neglect cases, and litigated approximately 50 guardianship cases and 47 Medicaid eligibility and waiver cases.

Open Government

In 2014, in an effort to promote and enforce open government laws, the division responded to nearly 100 inquiries per month regarding the Sunshine Law. Questions came from county and municipal employees, elected officials, and private citizens. Issues ranged from releasing public records to posting of meeting notices to proper reasons to close meetings. The division also represents state agencies in circuit court for litigation arising out of Sunshine Law disputes.



Labor Division

The Labor Division provides general counsel and litigation services for the Missouri State Treasurer in his capacity as custodian of the Second Injury Fund and for the Department of Labor and Industrial Relations in its role administering the Fund. The Division similarly provides general counsel and litigation services for the State's Office of Administration, Central Accident Reporting Office (CARO), in defending workers' compensation claims filed against state agencies by their employees.

In 2014, the Labor Division processed 5,576 new claims that were filed against the Second Injury Fund and 837 new claims filed against CARO, totaling 6,413 new claims. The division closed 8,200 Fund claims and 812 CARO claims, or a total of 9,012 claims in 2014.

TOP CASES AND ISSUES

Payment of Second Injury Fund Awards

Senate Bill 1 addressed the insolvency of the Second Injury Fund that had prevented timely payments of awards and settlements. With the passage of Senate Bill 1 in 2013, the revenue going into the Second Injury Fund increased starting January 1, 2014. The Director of the Division of Workers' Compensation was allowed to collect an additional three percent supplement surcharge for payment into the Fund. This supplemental surcharge can be collected until 2021.

Senate Bill 1 also created a statutory priority of payments from the Fund. The priorities are listed as follows:

1. Expenses related to the defense of the Fund;
2. Permanent total disability awards in the order in which claims are settled or finally adjudicated;
3. Permanent partial disability awards in the order in which such claims are settled or finally adjudicated;
4. Medical expenses incurred prior to July 1, 2012, under subsection 7 of this section; and
5. Interest on unpaid awards.

During 2014, the Fund made payments on 399 awards and 9 stipulations totaling \$40,663,929.44. These payments were made on one award that should have been paid in 2009, two that should have been paid in 2010, six that should have been paid in 2011, and the remainder of the payments were on awards that should have been paid in 2012, 2013 and 2014. In 2014, the Fund paid all awards that should have been paid up through mid-January 2014.

The additional money going in the Fund and the priority of payments set forth in the new statute have essentially ended all civil actions being taken against the Fund for payment of past awards, with no new actions being filed in 2014. Some cases continue to be docketed from civil actions filed prior to enactment of this statute, but only three are being actively pursued at this time for claims for interest.

Monetary Savings

The total savings by the Labor Division for the calendar year 2014 is \$18,063,290.305.

The 2014 calendar year savings by the Labor Division is calculated by multiplying the claims dismissed each month by the average disposition cost per claim for those months. The division obtained a total of 5,131 dismissals of claims, with 4,999 claims dismissed against the Second Injury Fund and 132 dismissed against CARO.



ANNUAL NEW CLAIMS REPORT CALENDAR YEAR 2014

Month	SIF Only	CARO Only	Total
January	696	70	766
February	707	89	796
March	533	87	620
April	491	64	555
May	468	52	520
June	376	39	415
July	469	86	555
August	352	75	427
September	458	75	533
October	506	78	584
November	237	50	287
December	283	72	355
Total	5,576	837	6,413



ANNUAL CLOSINGS REPORT CALENDAR YEAR 2014

Month	SIF Only	CARO Only*	Total
January	611	57	668
February	629	36	665
March	830	51	881
April	817	74	891
May	741	74	815
June	739	74	813
July	764	74	838
August	625	112	737
September	628	75	703
October	590	84	674
November	509	64	573
December	717	55	772
Total	8,200	830	9,030

*During April and June, the Division closed 31 Central Accident Reporting Office claims assigned to our Cape Girardeau office as part of a file inventory. Those closed claims are not included in any of the disposition numbers in this report.



SECOND INJURY FUND ANNUAL DISMISSAL SAVINGS REPORT CALENDAR YEAR 2014

Month	Number of Dismissals	Average Disposition*	Savings
January	329	\$3,522.23	\$1,158,813.67
February	361	\$3,359.58	\$1,212,808.38
March	550	\$2,960.97	\$1,628,533.50
April	451	\$3,796.14	\$1,712,059.14
May	482	\$1,972.78	\$950,879.96
June	483	\$2,806.61	\$1,355,592.63
July	446	\$2,433.73	\$1,085,443.58
August	384	\$3,364.78	\$1,292,492.66
September	414	\$3,001.19	\$1,242,492.66
October	330	\$4,254.14	\$1,403,866.20
November	311	\$4,655.57	\$1,447,882.27
December	458	\$4,379.48	\$2,005,801.84
Total	4,999	\$40,507.20	\$16,496,249.35

*Average disposition for all Second Injury Fund settlements, dismissals, and permanent partial disability awards



CENTRAL ACCIDENT REPORTING OFFICE ANNUAL DISMISSAL SAVINGS REPORT CALENDAR YEAR 2014

Month	Number of Dismissals**	Average Disposition*	Savings
January	14	\$10,451.58	\$146,321.98
February	3	\$9,748.75	\$29,246.25
March	12	\$11,047.12	\$132,565.44
April	10	\$17,519.85	\$175,198.50
May	19	\$11,450.18	\$217,553.42
June	8	\$12,064.79	\$96,518.32
July	15	\$8,216.80	\$123,252.00
August	10	\$6,305.95	\$63,059.50
September	18	\$11,541.23	\$207,742.14
October	10	\$11,353.72	\$113,537.20
November	10	\$22,265.83	\$222,658.30
December	3	\$13,129.30	\$39,387.90
Total	132	\$145,095.09	\$1,567,040.95

*Average disposition for all Central Accident Reporting Office settlements, dismissals, and permanent partial disability awards

**During April and June, the Division closed 31 Central Accident Reporting Office claims assigned to our Cape Girardeau office as part of a file inventory. Those closed claims are not included in any of the disposition numbers in this report.



Litigation Division

The Attorney General's Litigation Division defends the state and its elected officials, departments, agencies and employees against hundreds of lawsuits each year. Litigation Division attorneys handle some of the most complex legal issues facing the state, including defending constitutional challenges to state laws; advancing the state's interest in complex civil cases; defending suits brought against the Missouri State Highway Patrol and its Troopers; defending the state in employment, tort and commercial litigation cases; defending the Department of Corrections in inmate litigation; and defending the Boards of Police Commissioners and the individual police officers of Kansas City and the city of St. Louis.

In 2014, the Litigation Division closed 242 cases, including 64 lawsuits filed by inmates against the Department of Corrections and its employees. The work of the attorneys in the Litigation Division saved the state of Missouri an estimated \$77,915,000, not including the \$50,000,000 won in the litigation following the Arbitration of the Master Settlement Agreement, discussed below.

Here are examples of some of the notable achievements by Litigation Division attorneys this year:

GENERAL CIVIL LITIGATION

Tobacco Master Settlement Agreement

Under the 1998 Master Settlement Agreement (MSA), tobacco companies pay billions of dollars each year that is divided among all the U.S. states and territories. And, each year the tobacco companies have withheld millions from those payments, arguing that all states and territories (including Missouri) have failed to diligently enforce a particular tobacco law. These parties commenced arbitration in 2010

to settle the dispute over the companies' 2003 payment. During the arbitration, 22 states settled with the tobacco companies. In September 2013, the arbitrators found Missouri and 5 other states had failed to diligently enforce their tobacco law and ruled that these six losing states were responsible not only for their own share of the loss, but also for the shares of the 22 states that had settled their cases. Attorneys in the Litigation Division filed suit in St. Louis City Circuit Court, arguing that reallocating the liability of the settling states onto the six losing states violated the terms of the MSA. On June 2, 2014, Judge Jimmie Edwards agreed, finding that the share of the loss that would otherwise be assigned to the settling states should not be unfairly shifted to Missouri, a ruling that brings approximately \$50 million back to Missouri for state priorities like public education. The tobacco companies have appealed their loss.

R. Wilhoite, and others similarly situated, v. Mo. Dept. of Social Services, et al

This class action lawsuit sought to recover monies purportedly paid by plaintiffs to DSS to satisfy state medical liens resulting from Medicaid payments. Plaintiffs alleged DSS had asserted liens on plaintiffs' monetary settlements from personal injury lawsuits which violated federal law, specifically 42 USC § 1396 (the "federal anti-lien statute"). A federal court judge agreed that Mo. Rev. Stat. §208.215.8 (the state statute under which DSS has asserted the liens) violated federal anti-lien statutes. The Court then ordered additional litigation on the class members' damages claims. The DSS estimated that the total recovery being sought by plaintiffs could require the state to pay out over \$50,000,000.

Attorneys in the Litigation Division sought to limit the recoveries by negotiating claims protocols and procedures that required the claimants prove their actual damages. After several months of negotiations, the Court found that the claims and reimbursement



procedures negotiated by division attorneys was fair and equitable to the class members. By adhering to the claims protocol, the final payout by the state was approximately \$1,600,000, or a savings off the initial estimates of damages of over \$48,000,000.

EMPLOYMENT LITIGATION

The Litigation Division represents state Departments and agencies in lawsuits brought by employees claiming violations of the Missouri Human Rights Act. Significant cases in 2014 include:

RC. Rives v. Kansas City Board of Police Commissioners

A former homicide detective who was transferred to patrol sued the Kansas City Police Department, claiming KCPD violated the MHRA by demoting him and promoting a less-qualified African American. At trial, the plaintiff relied heavily on comments made by KCPD officials regarding the need for diversity in the department generally and in the homicide division specifically. Attorneys from the Litigation Division defended KCPD by showing that the plaintiff was transferred due to a history of insubordination with his superiors and hostility to members of the community. They also argued that plaintiff's transfer stemmed in part from his vocal opposition to a reorganization of the Homicide Unit. Much of the eight-day trial was devoted to whether the reorganization was race-based. A jury returned a verdict for the KCPD, and the plaintiff did not appeal.

Fogt v. Mo. Department of Public Safety

An alcohol and tobacco agent for the Missouri Department of Public Safety sued the department for age discrimination, reverse race discrimination, and retaliation when it failed to rehire him over a younger, African-American agent with less experience. He demanded \$650,000 in actual and punitive damages. After a week-long trial in the St. Louis City Circuit Court, the jury returned a unanimous verdict in favor of the department on all counts.

M. Morgan v. Hawthorne Children's Psychiatric Hospital, et al

An employee filed suit in federal court against her former state employer, Hawthorn Children's Hospital, alleging disability discrimination under the ADA and Rehabilitation Act. Specifically she alleged that Hawthorn refused to accommodate her lung condition by allowing her to either bring her oxygen tank with her to work or assign her to a permanent desk job. Hawthorn denied the allegations and insisted that the plaintiff in fact applied for permanent disability while Hawthorn was in the process of attempting to find her a light-duty position, as she hid requests. Evidence at the trial also demonstrated that the plaintiff was repeatedly untruthful about important dates and discussions with her treating physician. After a four-day jury trial, the federal court jury returned a unanimous verdict in favor of Hawthorn Children's Hospital on all counts.

CIVIL RIGHTS LITIGATION

The Litigation Division represents state agencies and their employees who are sued by individuals claiming civil rights violations. Notable cases in 2014 include:

M. Owens v. St. Louis Metropolitan Board of Police Commissioners, et al.,

A former civilian drug chemist and twenty-five year veteran of the St. Louis Metropolitan Police Department sued her entire chain of command for First Amendment retaliation, conspiracy to violate her civil rights, municipal employer liability, and breach of contract. She alleged that after she complained about a co-worker's misanalysis of drugs, she was investigated, suspended, and ultimately terminated in retaliation. On behalf of the defendants, attorneys in the Litigation Division denied the allegations at trial arguing that the defendants actions were justifiable. Following a seven-day trial, a St. Louis City jury returned verdicts in favor of the defendants on five of the six claims that were submitted, ultimately finding that plaintiff's termination was lawful. The jury awarded



her \$175,000 on her claim of First Amendment retaliation against one individual defendant for her referral to the Internal Affairs Division, but denied her request for punitive damages. Prior to the trial, the plaintiff had demanded \$750,000 to settle her claims, or nearly 5 times what the jury awarded her.

Budd v. Kansas City Police Officer M. Johnson, et al.,

The owner of a pawn shop in Wyandotte County, Kansas, sued six individual police officers of the Kansas City Police Department in Federal Court in Kansas for purported violations of his constitutional rights, following his arrest for receiving stolen property. He had been arrested by KCPD following an investigation of a stolen lawnmower, but no criminal charges were ever filed. The plaintiff then sued the KCPD officers in federal court in Kansas. Litigation Division attorneys defended the KCPD officers, and after a 3 1/2 day jury trial, the jury returned verdicts in favor of the KCPD officers.

INMATE LITIGATION

The Litigation Division defends the Missouri Department of Corrections and its employees in lawsuits filed by inmates of Missouri's correctional facilities. Notable cases in 2014 include:

Bishop v. Crawford, et al.,

An offender in prison at the Southeast Correctional Center brought suit in federal court under Section 1983, alleging a violation of his constitutional right to due process under the 14th Amendment. He claimed that he was held in administrative segregation for more than a year without meaningful reviews of his housing status. Litigation Division attorneys successfully defended the case by demonstrating the plaintiff was a continuing threat to the safety and security of the prison, and that his confinement in administrative segregation was proper.

Thomas v. Lombardi, et al.,

An inmate in the Potosi Correctional Center sued five current and former corrections officers for violating his constitutional rights by using excessive force while escorting him to an administrative segregation unit. The defendants admitted to using some force during the escort, but argued that the degree of force was necessary to gain and maintain control after plaintiff resisted their escort and made verbal and physical threats to the officers. The Litigation Division attorneys defended the officers at trial and won a verdict in favor of the officers on every claim.



Medicaid Fraud Control Unit (MFCU)

The Medicaid Fraud Control Unit (MFCU) prosecutes fraud of the Medicaid program (MOHealthNet) by health care providers and prosecutes abuse or neglect of Medicaid recipients by caregivers. The unit receives referrals or tips on potential Medicaid fraud and patient abuse or neglect from citizens and state agencies. The unit investigates these allegations across the state, and collaborates with local, state and federal agencies to prosecute those who steal from Medicaid or harm the vulnerable. In 2014, the unit obtained judgments for the state totaling \$7,151,449.28. MFCU investigations also resulted in 11 federal and state criminal convictions.

During 2014, attorneys for the unit obtained judgments or settlements for the state of Missouri in eleven civil cases and settled three criminal cases. Three notable cases are highlighted and summarized below:

Brian Keith Mitchell and Arcadia Ego, Inc. d/b/a Mitchell Health Mart Pharmacy

Mitchell Pharmacy submitted false claims to Medicaid for more expensive drugs and equipment than were dispensed and submitted claims using expired, invalid prescriptions. The U.S. Attorney's Office and the state of Missouri reached a civil settlement agreement with Mitchell and Arcadia Ego, Inc. d/b/a Mitchell Health Mart Pharmacy for \$120,000. Brian Keith Mitchell pleaded guilty to one count of health care fraud and consented to the entry of a money judgment for \$120,000, in addition to the amount paid in the civil case.

Independent Home Care

The division settled with Independent Home Care, Inc. and Sharlene Scruggs for a total recovery of \$224,616. This settlement resolved allegations that Scruggs and her company failed to ensure that the personal care attendants employed by the company were actually providing the services to the Medicaid participants as they claimed. In some instances,

Scruggs and her company billed for services to Medicaid participants in their homes during times when those participants were actually hospitalized. In other instances, Scruggs and her company billed MO HealthNet for more services than employees claimed to have provided.

Rolando A. Larice, P.C. and Rolando A. Larice, M.D.

Rolando Larice, P.C. is a psychiatrist's office that submitted claims to Medicaid and Medicare for psychiatry services performed by a physician who was not an enrolled provider or credentialed in psychiatry and submitted false claims that indicated services were provided at times when the provider was actually out-of-town. The U.S. Attorney's Office and the state of Missouri reached a settlement agreement requiring payment of \$125,000.

As Medicaid fraud knows no borders, several civil settlements also resulted from national efforts undertaken by the states, through the National Association of Medicaid Fraud Control Units (NAMFCU).



Public Safety Division

Public Safety Division attorneys are appointed by courts to assist local prosecutors in serious or complex trials and grand jury proceedings, and are appointed to act as special prosecutors when local prosecutors have a conflict of interest. Additionally, they also:

- Prosecute workers' compensation fraud and noncompliance cases
- Assist with the training of law enforcement officers and state troopers
- Seek the civil commitment of sexually violent predators
- Represent the state in habeas appeals filed by convicted prisoners

SPECIAL PROSECUTIONS UNIT

At the end of 2014, the Public Safety Division had 410 active special prosecutions pending in 92 of Missouri's 114 counties and the City of St. Louis. Attorneys in the special prosecutions unit assist local prosecutors in serious or complex trials when directed by the Governor pursuant to Section 27.030, RSMo, or when they are appointed as special prosecutors by a court when there is a conflict of interest. The unit's legal work saved counties approximately \$2.7 million in 2014. During 2014, the unit received 140 new criminal cases to investigate and prosecute from 62 different counties and the City of St. Louis.

The unit's attorneys worked on 56 homicide cases, as well as other serious felonies, including: child molestation, sexual abuse, rape, driving while intoxicated, kidnapping, arson, domestic assault, identity theft, financial exploitation of the elderly, burglary, and public corruption. Some examples of the cases handled by the unit are highlighted.

Homicides

CASE: *State v. Terry Fritz*

FACTS: Assist to Maries County, Change of Venue to Texas County. Terry Fritz killed his pregnant girlfriend and initially her body could not be found. Fritz was charged with first degree murder. There was a good deal of circumstantial evidence, including a bullet in the bed, blood spatter on the wall, the defendant was seen throwing the victim's purse in a dumpster 30 miles from home, and Fritz purchased two new pillows and a mattress cover. The body of the victim was later found by hunters and the remains were analyzed by anthropologists. The defendant was found guilty of murder in the 1st degree and armed criminal action and was sentenced to one life term, without parole, plus 100 years, to run consecutively.

CASE: *State v. Joshua Maynard*

FACTS: Conflict appointment from Reynolds County, Change of Venue to Cape Girardeau County. The defendant was charged with attempting to manufacture methamphetamine, arson in the first degree, and two counts of murder in the second degree. The first attempt to manufacture resulted in a small fire but no damage. The second attempt resulted in a fire that caused the deaths of a two-year-old boy and a three-month-old boy. Three other children who were in the house at the time of the fatal fire survived. The defendant was convicted of all four counts following a three-day jury trial in Cape Girardeau County and was sentenced to four life sentences.

CASE: *State v. Patrick Courtney*

FACTS: Assist to Grundy County. Patrick Courtney had altercations with the victim, Christopher Malloy, and struck him on the head with a blunt object. The defendant then drove to his residence (accompanied by Stephanie Miller) and retrieved a .22LR caliber



Heritage Rough Rider, only to return and shoot the victim multiple times in the left side of the head, right torso, both arms and in the back. The defendant was convicted and sentenced to twenty years for first degree murder and three years for armed criminal action.

CASE: *State v. Lonny Mays*

FACTS: Conflict appointment from Benton County. Lonny Mays and Rudy Romdall, both residents of the same subdivision, had disagreements over a period of years. Mr. Romdall was shot and killed near the Benton/Henry County line. After a five-day jury trial, the jury found him guilty of first degree murder and armed criminal action. Mays was sentenced to life in prison without parole for the murder conviction and 15 years concurrent on the armed criminal action conviction.

CASE: *State v. Mark Rhodes*

FACTS: Carroll County, Change of Venue to Ray County. Mark Rhodes was charged with the murder of his ex-wife Tina Rhodes. Prior to her death, Tina Rhodes filed a harassment complaint against Mark. Roughly two weeks after the complaint was filed, Tina left with Mark for a trip to Chillicothe, Missouri. Tina never returned and was reported missing by her family. Approximately a month later, Tina's body was found near a barn in Carroll County. She had been stabbed multiple times. Mark attempted to use a credit device belonging to Tina in Colorado, Utah and California where he was apprehended. Mark Rhodes was sentenced to life in prison for second degree murder and thirty years for armed criminal action, with the sentences to run consecutively.

CASE: *State v. Levi Elliott*

FACTS: Assist to Polk County, Change of Venue to Benton County. Levi Elliott shot his step-sister in the head while she was watching television and then fled the scene in his father's truck. He was sentenced to 20 years in the Missouri Department of Corrections for second degree murder and five years each for armed criminal action and tampering with a motor

vehicle, with those two sentences to run consecutive to the murder count.

Fraud/Public Corruption/Stealing

CASE: *State v. Jessica Bigler*

FACTS: Conflict from Henry County, change of venue to Johnson County. Jessica Bigler was employed in the Henry County Circuit Clerk's Office and was responsible for the intake of cash fines from defendants. She began to steal that cash rather than applying it to the individuals' court cases. She stole nearly \$10,000 over the course of 14 months. Defendant pleaded guilty to the Class C felony of Stealing and was sentenced to two years in the Missouri Department of Corrections, execution of sentence suspended, with five years' supervised probation. Special conditions of probation include ten consecutive days' shock time and restitution of \$9,388 to be paid to the Henry County Circuit Clerk.

Child Crimes

CASE: *State v. Jewell Gross*

FACTS: Conflict appointment from Scott County. Defendant charged with five counts of Child Molestation in the first degree. This was based upon allegations by the victim, M.T. (age 7), that while Grandma had custody of her, M.T. would sleep in the same bed as Grandma and Grandma's boyfriend, Jewell Gross. The victim claimed Gross touched her vagina repeatedly. Gross pleaded guilty to 1st degree child molestation and was sentenced to six years in the Department of Corrections.

CASE: *State v. Joseph Wilson*

FACTS: Conflict appointment from St. Francois County. Joseph Wilson was charged with six counts of 1st degree statutory sodomy, 1st degree statutory rape, 1st degree child molestation and failure to appear. The defendant is the father of victims (S.V. 4 years old, A.W. 8 years old, and R.W. 10 years old). The defendant made his children lick his private parts and perform sexual acts on him. The defendant was found guilty of three counts of statutory sodomy and one count of child molestation in the first



degree. The defendant was sentenced by the jury to three consecutive life sentences, plus 15 years.

CASE: *State v. Chane Nutt*

FACTS: Conflict appointment from Cooper County. Chane Nutt was accused of performing sexual acts on three children, between the ages of 7 and 10, one of whom was his biological child. He was found guilty of seven counts, including forcible sodomy, statutory sodomy, and endangering the welfare of a child in the first degree. He was sentenced by the court to life without parole, all counts to run concurrently.

WORKERS' COMPENSATION FRAUD AND NONCOMPLIANCE UNIT

The Workers' Compensation Fraud and Noncompliance Unit prosecutes fraud and misconduct involving workers' compensation insurance. This Unit takes seriously its obligations to the state's business community to hold accountable those individuals who steal from our workers' compensation system and undermine a sound business climate.

Unit attorneys take action against employees attempting to fraudulently obtain workers' compensation benefits, and against employers who violate the law by not obtaining mandatory workers' compensation insurance. Additionally, the Unit attempts to recover restitution for injured workers, insurance companies and the State's Second Injury Fund.

In 2014, the unit received 319 referrals from the Department of Labor for review, investigation and prosecution. In 2014, attorneys filed criminal charges in 46 cases, appearing in 58 counties throughout the state. For the year, more than \$430,000 was assessed against violators for fraud and insurance noncompliance, with actual monies collected from violators totaling \$443,029.88. In addition, attorneys collected more than \$10,000.00 in restitution for the state's Second Injury fund and other victims of workers' compensation fraud and noncompliance.

SEXUALLY VIOLENT PREDATOR UNIT

The Sexually Violent Predator (SVP) Unit seeks civil commitment of sexual predators who suffer from a mental abnormality making them more likely than not to commit additional predatory acts of sexual violence.

In 2014, attorneys in the SVP unit ensured the civil commitment of 16 sexually violent persons. The predators included lifetime child molesters and sadistic rapists.

At the end of the year, attorneys in the unit had 32 active cases pending adjudication by trial, and there were a total of 223 people committed to the Department of Mental Health under the SVP law. None of these predators will be released into Missouri communities until that person's mental abnormality no longer causes them to be likely to commit sexually violent offenses. A few notable cases included:

CASE: *In re Larry Johnson (St. Louis City)*

FACTS: Johnson had repeated arrests dating to the 1970s for rape before his first conviction in 1980 for kidnapping and raping a woman who was walking to a bus stop. In 1984, he kidnapped and raped another victim whose vehicle had broken down. While in prison, Johnson sexually coerced and assaulted numerous inmates, despite being transferred and placed in solitary confinement. In 2003, he was referred as a sexually violent predator. Johnson attacked a female staffer and injured three others before he was restrained. In 2012, he was reported again as sexually assaulting other inmates. Johnson could not moderate his violence long enough to participate in treatment.

CASE: *In re Jody Kirk (Madison County)*

FACTS: Kirk admitted to a decades-long history of molesting children beginning when he was a juvenile. By the time he was caught in 1999, he had already sexually abused 12 female children ages 5-10 as well as his 11-year old stepdaughter. In 1999, three children reported sexual abuse by Kirk but no



charges were filed. In 2000, Kirk was convicted for molesting his 6-year old daughter and sentenced to 6 years. While on parole, Kirk gained access to a computer, downloaded child pornography, and purchased movies depicting sexual abuse of children.

CASE: *In re Rusty Mann (Greene County)*

FACTS: In 1998, Mann was charged with molesting a 7-year-old female behind a convenience store. In addition, two other neighborhood male children reported sexual assault and solicitation for sex from Mann. Before Mann was arrested, he moved to Oklahoma where he molested his 4-year-old nephew within a few months. Mann was convicted in Oklahoma and returned to Missouri where he received another conviction. In 2011, after he served his sentences, Mann began targeting a Springfield church daycare by littering it with children's panties with the crotches cut out, ritualistically arranged, as well as child diapers he would soil. When caught, Mann also had child pornography images on his phone, resulting in federal charges, and the tent in which he was living contained dozens of pairs of little girls' panties and child diapers. While trial was pending, Mann continued, as he had done in prison, to draw images of adults having sex with children and to share graphic stories depicting rape of children ages 4-5.

CASE: *In re James McCreary (St. Louis City)*

FACTS: In 1988, McCreary broke into a neighbor's apartment and raped her. In 1991, while in prison, he attempted to rape a female employee. McCreary was later diagnosed with a schizoaffective disorder, which manifested in the form of persistent rape fantasies and delusions about prior and potential victims. McCreary kept a "rape list" of women he intended to rape and by 2012 had been directing his sexually violent ideations to potential victims, including a nurse and a prior public defender attorney.

CASE: *In re Aaron Patterson (St. Louis City)*

FACTS: Patterson was convicted in 2007 for sodomizing a 13-year-old mentally challenged boy over a period of years as well as soliciting another 13-year-old boy. Patterson had previously been convicted in 1996 for straddling a 3-year-old boy and

attempting to force his penis into the child's mouth. In 1992, he was accused of molesting an 8-year-old female and was hospitalized after allegations of sexually harassing a 6-year-old boy. Patterson refused all offers of treatment.

CASE: *In re Michael Sohn (Jefferson County)*

FACTS: Sohn anally raped an 8-year-old boy in 2000, and while under investigation drove around his home town looking for male children for sex. Sohn found an 8 and 10-year old pair of boys playing by a creek and ordered them to drop their pants before physically grabbing one boy and sodomizing him. The boys fought and escaped, and reported Sohn to police. In prison, Sohn admitted he would also enter fast food restaurant bathrooms to look at the genitals of children. Even after sex offender treatment was offered, Sohn continued to blame his victims for his predicament and stated in 2014 if released he would find and hurt his victims for telling on him.

CASE: *In re Rodney Swearingin (Greene County)*

FACTS: In 1998, Swearingin pleaded guilty to molesting a 10-year-old boy he grabbed from the street and forced into his home. In 2002, he was convicted for fondling the buttocks and genitals of two 12-year-old boys. In 2007, he was convicted for soliciting a 14-year-old boy to show his genitals to Swearingin. In 1995 and 2002, he was also accused of molesting his nephews. Swearingin had completed the Department of Correction's sex offender treatment program in 2001 and 2004, though neither deterred future sexual offending.

HABEAS UNIT

Attorneys in the Habeas Unit defend the warden in habeas corpus actions filed by inmates in custody in state prisons. The actions are filed in the state and federal courts, and challenge the fact or length of confinement or the imposition the death penalty. The unit also defends other civil suits such as declaratory judgment actions and civil rights suits that challenge the length or duration of confinement of Missouri prison inmates or that may impact the imposition of a death sentence.



During 2014, attorneys in the unit defended the state's interest in 481 new cases in state and federal courts. Habeas Unit attorneys defended these actions in federal district courts in Missouri, the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court. Habeas Unit attorneys also defended actions in the Missouri trial courts, Missouri Court of Appeals and the Missouri Supreme Court.

During the past year the Habeas Unit successfully litigated matters of great importance including:

CASE: *David Zink, et al. v. Lombardi, et al.*

SUMMARY: Inmates under sentence of death filed a civil rights suit alleging Missouri lethal injection procedures are cruel and unusual punishment and violate federal law for nine other reasons. The United States District Court for the Western District of Missouri dismissed that case for failing to state a claim on which relief can be granted on May 16, 2014. The appeal of that decision was argued in the United States Court of Appeals en banc and the case has been submitted.

On January 24, 2014, as part of the litigation, the United States Court of Appeals for the Eighth Circuit, in *In re Lombardi* 741 F.3d 888 (8th Cir. 2014)(en banc), articulated the standard of review for making a claim that an execution procedure is cruel and unusual punishment and issued a writ of mandamus protecting the identities of suppliers of Missouri execution chemicals from discovery.

CASE: *State ex rel. Brooks v. Bowersox*

SUMMARY: The Missouri Court of Appeals, Southern District, denied habeas corpus relief to juvenile murderers who sought retroactive application of United States Supreme Court rule announced in *Miller v. Alabama*, 132 S.Ct.2455 (2012), which requires the sentencer to follow a new process to consider the offenders youthful characteristics before imposing a sentence of life without the possibility of parole. Sitting en banc, the court held that the offenders' claim was procedurally defaulted because they did not raise it in the ordinary course of review.

CASE: *State ex rel. Middleton v. Russell*

SUMMARY: John Middleton sought habeas corpus relief alleging that he was incompetent to be executed, thus his execution would violate the Eighth Amendment ban against cruel and unusual punishment. The Missouri Supreme Court denied relief, finding that Middleton failed to make a substantial threshold showing he was incompetent to be executed. This case established the standard for competency claims in Missouri.

CAPITAL LITIGATION

In 2014, the Habeas Unit successfully defended and completed ten (10) executions. The following are summaries of the crimes those inmates committed:

1. Herbert L. Smulls – Executed January 29, 2014

Murder: Shot jewelry store owner during robbery

On July 27, 1991, Smulls and an accomplice went into a Chesterfield jewelry store owned by Stephen and Florence Honickman. After looking at some diamonds, Smulls pointed a gun at Florence, who ran and hid behind a door. Smulls fired three shots at her, striking her arm and side. Smulls then fired several shots at Stephen Honickman, who was struck three times. Smulls and the accomplice stole jewelry worn by Florence and other items in the store, then fled. Stephen died from his wounds and Florence suffered permanent injuries from the attack.

2. Michael Anthony Taylor – Executed February 26, 2014

Murder: Raped and stabbed a 15-year-old girl

On March 22, 1989, in Kansas City, Taylor and an accomplice saw Ann Harrison waiting for the school bus at the end of her driveway. They jumped out of the car, grabbed Ann and forced her into the car. The men drove to a relative's house where Ann was forced into the basement and raped. They forced her back into the trunk of the car, where she was stabbed by both men



with kitchen knives 10 times in her throat and torso as she begged for her life. The stolen car was then driven to a nearby neighborhood and abandoned, with Ann's body in the trunk. The crime went unsolved for about six months until a \$10,000 reward led to a tip.

3. Jeffrey R. Ferguson – Executed March 26, 2014
Murder: Kidnapped, raped, killed 17 year old girl

On February 10, 1989, Ferguson and an accomplice drove to a St. Charles service station. Kelli Hall was finishing her shift when Ferguson approached her in the parking lot with a pistol in his pocket. Hall got into the back passenger seat of the vehicle. 12 days later, Hall's frozen body, clothed only in socks, was discovered on a farm in St. Charles county. She had been raped and strangled. Medical evidence showed that DNA from Ferguson matched semen recovered from Hall's coat. Witnesses said Ferguson had tried to dispose of rings that had belonged to the girl.

4. William L. Rousan – Executed April 23, 2014
Murder: Ordered his son to kill farm couple

On September 21, 1993, Rousan and his teenage son drove to the farm of Charles and Grace Lewis near Bonne Terre to steal cattle. Charles Lewis was cutting the lawn when Rousan's son ambushed him, shooting him six times, killing him. Grace Lewis stepped outside to check on the sound of gunfire. The teenage son shot her several times, but she managed to go back into the home. Rousan followed her, placed a garment bag over her head and carried her outside. He said to his son, "Finish her off." The son shot her in the head. The men placed the bodies in a tarp and took them to another farm where they buried them in a shallow grave.

5. John E. Winfield – Executed June 18, 2014
Murder: Shot three women, killing two and blinding one

On September 9, 1996, Winfield went to his ex-girlfriend's St. Louis County apartment and became upset when he found out she was on a date. When she returned home, he confronted her outside and began yelling. Her roommates called police and slashed his tires so he couldn't get away. He became enraged, grabbed a pistol and ran into the apartment and shot Arthea Sanders in the head. He then went outside and shot his ex-girlfriend four times, blinding her. He then went back inside and shot Shawnee Murphy in the head.

6. John C. Middleton – Executed July 16, 2014
Murder: Shot a man twice in the back and once in the face

John Middleton and Alfred Pinegar were both meth dealers. Middleton believed that Pinegar snitched on other dealers. Middleton told a friend that he was going "to take Alfred Pinegar fishing." Around noon on June 23, 1995, Middleton picked up Pinegar at his home. They drove to a Wal-Mart store in Bethany where Middleton bought ammunition. They drove several miles and parked in a field. Pinegar got out of the truck and began to run. Middleton shot Pinegar twice in the back. Middleton then walked over and shot him in the face. Middleton then went back to the Wal-Mart store and returned the unused ammunition.

7. Michael Worthington – Executed August 6, 2014
Murder: Strangled woman to death as he raped her

On September 29, 1995, Worthington saw the kitchen window was open in the condo of his neighbor, Melinda Griffin. Worthington got a razor blade and gloves and cut through the screen in the window. He confronted Melinda and covered her mouth and strangled her until she became unconscious. He began to rape her and she regained consciousness. She fought Worthington, and he beat her and strangled



her to death with a rope. He stole her jewelry, credit cards, mobile phone and car. A neighbor found Melinda's body two days later. When he was arrested, Worthington was wearing a fanny pack containing jewelry and keys belonging to Melinda.

8. Earl Ringo, Jr. – Executed September 10, 2014
Murder: During robbery, shot man in face and ordered accomplice to shoot woman

Early on July 4, 1998, Ringo and an accomplice went to a Ruby Tuesday restaurant to rob it. They hid outside the back door, waiting for a manager who could open the safe. Joanna Baysinger, a manager in training, opened the back door to meet Dennis Poyser, a delivery truck driver who had just arrived. Carrying his pistol, Ringo forced his way into the building and shot Poyser in the face from six inches away. Ringo ordered Baysinger to open the safe. Ringo took petty cash from one part of the safe. Baysinger could not open the part of the safe containing the previous day's receipts. Ringo gave his accomplice the gun and told him to shoot Baysinger in the head.

9. Leon Taylor – Executed November 19, 2014
Murder: During a gas station robbery, shot a man and tried to kill clerk's daughter

On May 6, 1994, while with a small group of family, Taylor and the family members discussed robbing a drug dealer or a convenience store. Taylor and his accomplices found their way to the convenience store where Robert Newton was working. Newton's eight-year-old stepdaughter, Sarah Yates, was at work with him. Taylor, armed with a 9 millimeter pistol, entered the store to purchase oil. Taylor requested Newton to assist him in finding a specific weight of oil, and upon Newton assisting Taylor, Taylor pulled the gun on him and requested the cash from the drawer. Newton, while pleading for his and Sarah's life, gave Taylor the money from register. Taylor then forced Newton and Sarah into the back room and shot Newton in the head, then turned the

gun on Sarah, but the gun jammed. Taylor then locked Sarah in the back room with Newton's body and fled.

10. Paul Goodwin – Executed December 10, 2014
Murder: Bludgeoned neighbor to death

On March 1, 1998, Goodwin broke into the home of his neighbor, Joan Clotts. While in the home, Goodwin sat waiting in Clotts' basement. Goodwin finally made his way upstairs and confronted Clotts with a sledgehammer, forcing her to her bedroom, where he had sexual contact with her. Goodwin then lead Clotts into the kitchen toward the basement stairs. Goodwin had Clotts stand at the head of the basement stairs, and then shoved her down the stairs with both hands. Goodwin then walked down the stairs to Clotts' motionless body and struck her several times in the back of the head with the sledgehammer he had been carrying. Goodwin left Ms. Clotts, who was later found by her daughter. Clotts died that evening at the hospital.

VICTIM SERVICES UNIT

The Victim Services Unit provides assistance to crime victims with compassion and respect, helping them understand their options, seeking to minimize their trauma, and helping them to stabilize their lives. Dealing with the aftermath of a violent crime can be overwhelming, and the unit employs two full-time victim advocates to help reduce stress and make sure the rights of crime victims are honored, as well as to ensure that they have a strong voice in the criminal justice system. Our advocates serve victims of crime and their families across the state of Missouri through home visits, court accompaniment and helping them obtain victim compensation and other support as needed.

In 2014, the unit served 436 victims in criminal prosecutions, making 1,428 different individual contacts.



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