

**MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:****October 2014**

CONSIDERATION TO DISCIPLINE THE  
LICENSE TO TEACH OF KYLE NAYLOR, CASE # HR 14-004

**STATUTORY AUTHORITY:**

Section 168.071, RSMo

Consent  
ItemAction  
ItemReport  
Item**DEPARTMENT GOAL NO. 3:**

Missouri will prepare, develop, and support effective educators.

**SUMMARY:**

Kyle Naylor, Respondent, holds career certificates of license to teach in the areas of elementary education, grades 1-6, and physical education, grades K-12.

Three times Respondent pled guilty to driving while intoxicated, the third time pleading to the Class D felony of driving while intoxicated-persistent offender. He received a suspended execution of sentence and five years supervised probation. Respondent continues to be employed with State Fair Community College as a teacher in the high school equivalency and English as a second language programs, and as a citizenship teacher.

Respondent was present at his hearing, but was not represented by counsel.

**PRESENTER(S):**

Mark Allan Van Zandt, General Counsel, will participate in the presentation and discussion of this agenda item.

**RECOMMENDATION:**

It is recommended that the State Board of Education stay any action against Respondent's teaching certificates pursuant to its authority under Mo. Rev. Stat. § 168.071 (Supp. 2013). Should Respondent successfully complete his probation and have no other criminal history, then it is recommended the petition be dismissed and the matter be closed.

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF MISSOURI

IN THE MATTER OF:	)	
	)	
Department of Elementary and	)	
Secondary Education,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. HR 14-004
	)	
Kyle Naylor,	)	
	)	
Respondent.	)	

Introduction

This matter was held on April 17, 2014, before Kristen A. Morrow, Hearing Officer designated by the Commissioner of Education. Those present were:

Todd C. Lucas, Counsel for the Department of Elementary and Secondary Education;  
Margery Tanner, Director of Educator Certification;  
Dana Keilholz, Legal Assistant;  
Kyle Naylor, Respondent; and  
Deb Williams, Director, Adult Education and Literacy program, State Fair  
Community College, Sedalia, Missouri.

Findings of Fact

1. Kyle Naylor, Respondent, holds career certificates of license to teach in the areas of elementary education, grades 1-6, and Physical Education, grades K-12. Respondent's certification is current and active and was so at all times material herein (Petitioner's Exhibit 1) (Transcript page 5, line 13 – page 7, line 25).
2. Respondent held an Initial adult education and literacy certificate that expired on August 15, 2013. He has applied for an upgrade to a Career Continuous adult education and literacy certificate; that upgrade is pending a review and decision (Petitioner's Exhibit 2) (Transcript page 7, lines 1-25).
3. On or about November 24, 1999, Respondent pled guilty to the Class C misdemeanor of driving with excessive blood alcohol content in the Circuit Court of Saline County in the case styled *State v. Kyle J. Naylor*, Case No. 15R069900633. Respondent was sentenced to a total fine of \$300.00 (Petitioner's Exhibit 3) (Transcript page 12, line 13 – page 13, line 6).

4. On or about April 2, 2008, Respondent pled guilty to the Class B misdemeanor of driving while intoxicated–alcohol, in the Circuit Court of Saline County in the case styled *State v. Kyle Jon Naylor*, Case No. 07J5-CR00676. Respondent was sentenced to 180 days in jail, suspended execution of sentence (SES), and fined \$694.50. He was placed on unsupervised probation for two (2) years (Petitioner’s Exhibit 4) (Transcript page 12, line 13 – page 13, line 6).
5. On or about September 19, 2013, Respondent pled guilty to the Class D felony of driving while intoxicated–persistent offender, in the Circuit Court of Saline County in the case styled *State v. Kyle Jon Naylor*, Case No. 10SA-CR00439-01. Respondent was sentenced to four (4) years incarceration in the Missouri Department of Corrections. The court suspended execution of sentence (SES), sentencing Respondent to 30 days shock time in the county justice center. He was placed on probation for five (5) years, supervised by Missouri Probation and Parole (Petitioner’s Exhibit 5) (Transcript page 12, line 13 – page 13, line 6).
6. In a letter dated November 9, 2013, Deb Williams, Adult Education and Literacy (AEL) Director, State Fair Community College (SFCC), indicated that Respondent has worked as a teacher in the SFCC AEL program since September 2008. He teaches the high school equivalency (HSE) class, English as Second Language, and citizenship classes at the Marshall, Missouri municipal court building (Respondent’s Exhibit A) (Transcript page 11, line 24 – page 12, line 5, and transcript page 13, line 19 – page 16, line 5).
7. In her letter, Ms. Williams, who was present in support of Respondent, indicated that Respondent was an excellent teacher, who is respected by his co-workers and by her (Respondent’s Exhibit A) (Transcript page 13, lines 16-25, and transcript page 21, lines 13-17).
8. Letters of support for Respondent from colleagues, current and past, and from a former citizenship education student now business owner, indicate his competence and professionalism in the classroom (Respondent’s Exhibits B, C, D, and E) (Transcript page 14, line 3 – page 15, line 12).
9. On April 17, 2014, a hearing was held before Kristen A. Morrow, designated Hearing Officer. The Respondent was present, but not represented by counsel (Transcript page 2, lines 2-24).

#### Conclusions of Law

1. The conviction of Kyle Naylor, Respondent, of driving with excessive blood alcohol content , is a Class C misdemeanor pursuant to Mo. Rev. Stat. § 577.012 (1986).
2. The conviction of Kyle Naylor, Respondent, of driving while intoxicated-alcohol is a Class B misdemeanor pursuant to Mo. Rev. Stat. § 577.010 (2000).

3. The conviction of Kyle Naylor, Respondent, of driving while intoxicated – persistent offender, is a Class D felony pursuant to Mo. Rev. Stat. § 577.010 (2000).
4. These charges were set for hearing and notice was served on Respondent in compliance with the requirements of Mo. Rev. Stat. § 536.067 (2000).
5. These charges were set for hearing and notice was served on the Respondent in compliance with the requirements of Mo. Rev. Stat. § 536.067 (2000).
6. The Missouri Supreme Court has defined “moral turpitude” as:

*An act of baseness, vileness, or depravity in the private and social duties which man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything ‘done contrary to justice, honesty, modesty and good morals’. In re Frick, 694 S.W.2d 473, 479 (Mo. banc 1985).*

7. Mo. Rev. Stat. § 168.071.1 (1) (Supp. 2013) provides the following authority to the State Board of Education:

*(1) The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes: (1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed.*

8. In *Brehe v. Missouri Department of Elementary and Secondary Education*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007), the court classified crimes into three categories:
  - Category (1) is “crimes that necessarily involve moral turpitude, such as fraud.”
  - Category (2) is “crimes so obviously petty that conviction carries no suggestion of moral turpitude, such as illegal parking.”
  - Category (3) is “crimes that may be saturated with moral turpitude, yet do not involve it necessarily, such as willful failure to pay income tax or refusal to answer questions before a congressional committee.”

An investigation into the facts needs to be made to decide whether moral turpitude was present.

9. Based upon the notice of hearing and the documentation of the criminal conviction, the State Board of Education, pursuant to Mo. Rev. Stat. § 168.071 (Supp. 2013), is authorized to suspend or revoke the certification of Kyle Naylor.

Recommendation

Respondent pled guilty to a felony, which in and of itself gives the State Board of Education the authority to take discipline against his certification. Further, the fact that he pled to driving while intoxicated-persistent offender indicates that his crime is saturated with moral turpitude even if it does not necessarily involve it. Facts demonstrate that Respondent has had a pattern of driving while intoxicated without regard for the law or danger to the public.

The principal mitigating factor in this case is that Respondent's employer continues to support him in spite of his record. He conducts his classes in the local municipal court building; his students are primarily adults seeking a high school equivalency certificate or access to citizenship. Respondent's compliance with the terms of his probation has reduced weekly visits with his probation officer to monthly visits.

For these reasons, I recommend the Board stay any action against Respondent's certification at this time. Should Respondent successfully complete his probation and have no other criminal history, then I recommend the petition be dismissed and the matter be closed.

Submitted this 22nd day of August 2014, by the  
designated Hearing Officer for the Commissioner  
of Education.



Kristen A. Morrow  
Hearing Officer

1 DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

2 STATE OF MISSOURI

3

4

5 IN RE: KYLE NAYLOR

6

7

8

9 DISCIPLINARY HEARING

10 APRIL 17, 2014

11 Jefferson State Office Building

12 205 Jefferson Street

13 Jefferson City, MO 65101

14

15 Before:

Dana Keilholz

16 Margery Tanner

Kristen Morrow - Hearing officer

17

Also present: Todd Lucas - Counsel for the Department

18 Deb Williams - on behalf of Mr. Naylor

19 Reported by:

20 Jenna Petree

21 Midwest Litigation Services

22 401 Locust Street

23 Columbia, MO 65201

24 573-449-0561

25

1 PROCEEDINGS

2 MS. MORROW: This hearing is being held in the  
3 matter of Department of Elementary and Secondary Education  
4 versus Kyle Naylor and has been designated Hearing No.  
5 14-004. This hearing is being held pursuant to Section  
6 168.071 of the Revised Statues of Missouri which authorizes  
7 the State Board of Education to suspend or revoke a  
8 certificate of license to teach if the certificate holder  
9 has pleaded to or been found guilty of a felony or crime  
10 involving moral turpitude under the laws of this state, or  
11 any other state, or of the United States, or any other  
12 country whether or not sentence is imposed.

13 Administrative rules adopted by the State  
14 Board of Education pursuant to this statute, authorizes the  
15 Commissioner of Education to designate a hearing officer in  
16 this matter. My name is Kristen A. Morrow and I have been  
17 designated to hear this case unless otherwise provided  
18 under Section 168.071. This hearing is being held pursuant  
19 to the Procedural Rules of Chapter 536, the Administrative  
20 Rules and Procedures Act.

21 Let's let the record show that the certificate  
22 holder Mr. Naylor is present at the hearing, but is not  
23 represented by counsel. Let the record also show that Todd  
24 Lucas is present on behalf of the state.

25 Okay. Mr. Lucas, we will allow you to go

1 ahead and begin. Do you have an opening statement?

2 MR. LUCAS: I do.

3 OPENING STATEMENT

4 MR. LUCAS: Kyle Naylor currently holds a  
5 certificate of license to teach in the areas of elementary  
6 education, grades 1-6; physical education, grades K-12; and  
7 has also applied to upgrade to adult education and literacy  
8 certificate, which is currently expired. The evidence  
9 today will show that Mr. Naylor pled guilty to three  
10 different driving while intoxicated offenses. The most  
11 recent plea took place on or about September 19, 2013 in  
12 the Saline County Circuit Court. In this instance, Mr.  
13 Naylor pled guilty to driving while intoxicated as a  
14 persistent offender in violation of 577.010, which is a  
15 Class D felony. Both Sections 168.071 of the Revised  
16 Statutes of Missouri, as well as 5 CSR 20-400.230 state  
17 that the State Board of Education may refuse to issue or  
18 renew or may discipline a certificate of license to teach  
19 for one of the combination of things, but mostly for  
20 someone who has pled guilty or been found guilty of a crime  
21 involving moral turpitude. The Board may also suspend or  
22 revoke for a specified time or indefinitely depending on  
23 what the Board thinks. With that in mind, the Department  
24 of Elementary and Secondary Education ask that Mr. Naylor  
25 be disciplined appropriately.

1 MS. MORROW: Mr. Naylor, did you want to make  
2 an opening statement? You don't have to, but if you do we  
3 ask that it be brief and if you do we'll need to swear you  
4 in.

5 MR. NAYLOR: No, I wouldn't.

6 MS. MORROW: You may proceed.

7 MS. LUCAS: At this time I would like to call  
8 Margery Tanner.

9 MARGERY TANNER, having been first duly sworn, testifies as  
10 follows:

11 QUESTIONS BY MR. LUCAS:

12 Q Ms. Tanner could you please state and spell  
13 your name for the record?

14 A Margery Tanner; Ma-r-g-e-r-y, T-a-n-n-e-r.

15 Q And by whom are you employed?

16 A The Department of Elementary and Secondary  
17 Education.

18 Q And how long have you been employed?

19 A Twenty years.

20 Q And what is your position within the  
21 department?

22 A I am the Director for Educator Certification.

23 Q And what are your responsibilities as the  
24 director?

25 A I license educators for the State of Missouri.

1 Q Do your duties include maintaining teacher  
2 certification records?

3 A Yes.

4 Q And are the teacher certification records  
5 prepared and maintained in the regular course of business?

6 A Yes.

7 Q Are they prepared and maintained at or near  
8 the time of the events that are recorded therein?

9 A Yes.

10 Q And are you aware of the Department's case  
11 against Mr. Kyle Naylor?

12 A Yes, I am.

13 Q I would like to have you turn to what I have  
14 already given you as Exhibit 1. Do you recognize that?

15 A Yes, I do.

16 Q And what is that?

17 A This is a certification record for Mr. Naylor.

18 Q And that's a record that's kept by the  
19 Department in regular course of business?

20 A Yes, it is.

21 Q And is that a true and complete copy of  
22 Mr. Naylor's certification?

23 A Yes, it is.

24 MS. LUCAS: I would like to offer Exhibit 1  
25 into evidence.

1 MS. MORROW: Okay. Mr. Naylor, this is your  
2 opportunity to review the record he's offering and either  
3 object or not.

4 MR. NAYLOR: On Exhibit 1, that's fine.

5 MS. MORROW: Petitioner's Exhibit 1 will be  
6 admitted into the record.

7 **Q Ms. Tanner, does Mr. Naylor hold any teaching**  
8 **certificates?**

9 A Yes, he does.

10 **Q What type of certificates does he hold?**

11 A He holds career continuous professional  
12 certificates for the areas of elementary ed, grades 1-6 and  
13 physical education, grades K-12. He also held a initial  
14 literacy certificate.

15 **Q And is that expired now?**

16 A It did expire in August of 2013.

17 **Q And when were those certificates issued?**

18 A The career certificates were issued  
19 September 22, 2009. The adult education certificate was  
20 issued August 15, 2009.

21 **Q And you already mentioned but when did the**  
22 **other two expire?**

23 A They do not expire until September 22, 2108.

24 **Q So they are active and current?**

25 A Yes.

1           **Q     Has Mr. Naylor applied for any new**  
2 **certificates?**

3           A     Yes. We received an application to upgrade  
4 the adult education certification.

5           **Q     And is that Exhibit 2, that application?**

6           A     Yes, it is.

7           **Q     Is that application a record that's kept in**  
8 **the regular course of business by the Department?**

9           A     Yes, it is.

10          **Q     And is this a true and accurate copy of**  
11 **Mr. Naylor's application?**

12          A     Yes, it is.

13                   MS. LUCAS: I would like to offer Exhibit 2  
14 into evidence.

15                   MS. MORROW: Mr. Naylor, any objections?

16                   MR. NAYLOR: No.

17                   MS. MORROW: Petitioner's Exhibit 2 will be  
18 admitted into the record.

19          **Q     Are you aware if any decision has been made on**  
20 **this application?**

21          A     No, there has been no decision made at this  
22 time.

23          **Q     And is Mr. Naylor required to have the adult**  
24 **education certificate to teach the adult education classes?**

25          A     Yes, it is an appropriate certificate to hold.

1           **Q**     I would like to have you turn back to Exhibit  
2     **1. Does Exhibit 1 reflect whether or not Mr. Naylor is**  
3     **currently teaching or acting as an administrator in**  
4     **Missouri?**

5           A     No. It shows previous years that he was  
6     employed by a public school district.

7           **Q**     And when was the last time he taught in  
8     **Missouri according to this record?**

9           A     For 09/10 school year. It shows he was  
10    employed by the Hardeman R-10 School District.

11          **Q**     And if Mr. Naylor has taught an adult  
12    **education class would that be listed in this grouping?**

13          A     No, it would not.

14          **Q**     Is there a separate listing for that or that  
15    **record doesn't exist?**

16          A     There is not any core data about that.

17          **Q**     Does Exhibit 1 indicate whether Mr. Naylor is  
18    **licensed to teach in any other states?**

19          A     No.

20                MS. LUCAS: That is all I have.

21                MS. MORROW: Probably I would did miss on not  
22    having you sworn in because now you will have an  
23    opportunity to ask questions, so let's go ahead and have  
24    you sworn in.

25    KYLE NAYLOR, having been first duly sworn, testifies as

1 follows:

2 MS. MORROW: Do you have any questions for Ms.  
3 Tanner?

4 MR. NAYLOR: The only question is -- and we're  
5 going back in the past that I know they changed the statute  
6 on August 28, 2013. If I would have updated my certificate  
7 before then would there have been a problem with this  
8 because I had done it before?

9 A No, I'm not aware of a statutory change in  
10 2013.

11 MR. NAYLOR: Okay. My case -- when I had got  
12 arrested in 2010 was drug out for almost three and half  
13 years, well we'll call it three years approximately. Then,  
14 you know, they changed the statutes on me and then I went  
15 to court and now here I am. So I was just curious if I  
16 would have applied before that if, you know, since the  
17 case, the criminal case -- the felony -- occurred  
18 approximately August 2010 I didn't finally go to trial and  
19 get it over with until September of 2013.

20 A Right. But the criminal conviction you had  
21 would still be applicable.

22 MR. NAYLOR: So that's where it starts at,  
23 after criminal conviction and not when I was arrested?

24 A Correct.

25 MR. NAYLOR: At the time I was arrested -- and

1 I don't have this information here -- when I was arrested,  
2 I signed a piece of paper with a state patrolman, the  
3 sheriff there, that said from the moment that I did that I  
4 was on probation. Does that have bearing to you guys  
5 either?

6 A I don't know.

7 MR. NAYLOR: What I did was I signed a piece  
8 of paper that said, you know, you want to come to my house  
9 and give me a breathalyzer, you want to pull me over any  
10 time you want to check me out, urine stamp; all that stuff.  
11 So that whole three years basically I was still on some  
12 kind of probation as well?

13 A Right. What our statute reflects is that if  
14 someone is guilty of a felony this is grounds for possible  
15 discipline.

16 MR. NAYLOR: And I understand the moral  
17 turpitude because it has to do with a felony. If a  
18 person -- is moral turpitude the same thing as if a person  
19 has some type of disease as far as alcoholism and stuff  
20 like that?

21 MS. MORROW: I think this is really getting  
22 beyond the purview of the witness and I think we're going  
23 to give Mr. Lucas an opportunity to go ahead and put on his  
24 case and maybe some of these question will be answered at  
25 that time.

1 MR. NAYLOR: I'm just wondering because it was  
2 some of the things that have been going through my mind  
3 since all this stuff came up.

4 MS. MORROW: Sure. Maybe we will have an  
5 opportunity to figure some of those things out or you will  
6 perhaps.

7 MR. NAYLOR: I understand the moral turpitude.  
8 I'm just trying to go from there, so I appreciate it.

9 MS. MORROW: Do you have any other questions  
10 related specifically to your record here for Ms. Tanner?

11 MR. NAYLOR: You know I guess the only thing  
12 that my record doesn't show is all the times that I did get  
13 pulled over.

14 MS. MORROW: We'll just talking about your  
15 certification record.

16 MR. NAYLOR: I thought you were talking about  
17 my criminal record.

18 MS. MORROW: No, no. We haven't got there  
19 yet. Those are questions that you can address as you have  
20 opportunity to move forward here. Mr. Lucas puts on his  
21 case. This is just strictly in regard to your teaching  
22 record. Do you have any further questions?

23 MS. LUCAS: I do not.

24 MS. MORROW: I do have one question. Are you  
25 currently teaching?

1 MR. NAYLOR: Yes, I am.

2 MS. MORROW: Where are you teaching?

3 MR. NAYLOR: I teach GED classes, I teach ESL  
4 classes and I teach citizenship classes at the municipal  
5 court building in Marshall, Missouri.

6 MS. MORROW: And that wouldn't be reflected on  
7 this because they would only reflect your teaching in a  
8 public school district.

9 MR. NAYLOR: I am teaching adult education,  
10 various classes, at the moment.

11 MS. MORROW: Okay. So no further questions  
12 for Ms. Tanner. You may step down. You may proceed.

13 MS. LUCAS: Other than that I have got  
14 pursuant to 490.130 certified records may be received as  
15 evidence. So I would offer Exhibit 3, 4 and 5, which are  
16 the records of Mr. Taylor's three driving while intoxicated  
17 offenses. I would offer them into evidence.

18 MS. MORROW: Have you had a chance to review  
19 these records?

20 MR. NAYLOR: Yes, ma'am. And could I state  
21 something too on this?

22 MS. MORROW: Yes, you have an opportunity now.

23 MR. NAYLOR: The records they show -- I guess  
24 these are the criminal charges that were against me. They  
25 don't show the civil charges against me, correct?

1 MS. LUCAS: Yes, just the criminal charges.

2 MS. MORROW: This is still 2014. Okay. Now  
3 do you have any objection to these records being admitted?

4 MR. NAYLOR: No, I don't.

5 MS. MORROW: Okay. Petitioner's Exhibits 3, 4  
6 and 5 will be admitted into the record.

7 MS. LUCAS: And with that I have nothing  
8 further.

9 MS. MORROW: Okay. Thank you counsel. Okay.  
10 Mr. Naylor, now it's your turn. So, whatever you feel is  
11 relevant or appropriate to tell us in regard to your  
12 record.

13 MR. NAYLOR: Do you want these?

14 MS. MORROW: If you want to go ahead and  
15 explain to us or offer.

16 MR. NAYLOR: I have reference letters.

17 MS. MORROW: Why don't you tell us a little  
18 bit about each one of those.

19 MR. NAYLOR: I have a reference letter from  
20 Deb Williams, my current boss at State Fair Community  
21 College basically telling me what I have been doing for  
22 them for the past seven years.

23 MS. MORROW: And that is which exhibit?

24 MR. NAYLOR: This is Exhibit A. It's the one  
25 with State Fair.

## DISCIPLINARY HEARING 4/17/2014

Page 14

1 MS. MORROW: And you have a copy of this?

2 MS. LUCAS: Yes.

3 MR. NAYLOR: I have one from Susan Murdock,  
4 who is one of my co-teachers at the AEL Program for ESL and  
5 it's Exhibit B. And it's just again the reference letters  
6 that were asked for before I came here. I also have one  
7 from Rebecca Hernandez, another lady who I taught with at  
8 ESL and I currently use her room at Marshall High School to  
9 teach citizenship classes. So I still have some  
10 interaction with her. And I have another from Anna  
11 Robinson, another person that I taught with at Miami  
12 Elementary School and it's just another reference letter.  
13 I guess they didn't make a copy, I also had a copy of a  
14 legal business owner in Marshall who I helped get  
15 citizenship through one of my classes.

16 MS. LUCAS: I have a copy here if you want  
17 that.

18 MS. MORROW: Do you want to add that as an  
19 exhibit?

20 MR. NAYLOR: I would like to because it was  
21 somebody that I helped.

22 MS. MORROW: So you've have offered A, B, C, D  
23 and E.

24 MR. NAYLOR: Yes.

25 MS. MORROW: Now, let me explain to you you're

1 offering these to be admitted into the record and they will  
2 be placed in your record, are you okay with or do you want  
3 me to use the copies instead?

4 MR. NAYLOR: I'm okay with that, yes.

5 MS. MORROW: All right. So we have reference  
6 letters A, B, C, D and E reference letters regarding  
7 Mr. Naylor being offered into the record.

8 MS. LUCAS: I have no objection.

9 MS. MORROW: Okay. So certificate holders  
10 reference letters A, B, C, D and E will admitted into the  
11 record. Do you have anything further that you would like  
12 to say Mr. Naylor in regard to any of this?

13 MS. MORROW: Just the fact that currently I  
14 teach in Saline County, Missouri. You know I teach GED  
15 classes, adult education and literacy classes, citizenship  
16 classes and ESL classes. You know, I work in the municipal  
17 court building in Marshall. I have interaction with some of  
18 the judges and I have interaction with people in Marshall  
19 and, you know, everything is still going good as far as  
20 that is concerned. The judges, they send some people from  
21 the court to me that I help out with the GED classes. The  
22 City of Marshall we were working at another building and  
23 the City of Marshall was kind enough, even after the last  
24 criminal charge, were kind enough to let me start teaching  
25 in their court building. So I teach those classes in the

1 court building as well as the high school in Marshall. So,  
2 I still continue to teach and I still continue to try to do  
3 the best job I can at teaching. So that would probably be  
4 about all I want to admit as far as what we're talking  
5 about at the moment.

6 MS. MORROW: All right.

7 MR. NAYLOR: Now, is this for the -- just in  
8 general what we're talking about to?

9 MS. MORROW: Just everything related to the  
10 reasons why we're here today. So anything you want to say  
11 about your record.

12 MR. NAYLOR: Another thing that I would also  
13 like to say about my record is that each time I was  
14 arrested and pulled over by the state highway patrol in  
15 Saline County, Missouri, I did refuse the breathalyzer. So  
16 that's the civil. They got civil cases and criminal cases.  
17 So, you know, I did on every single one of those refuse.  
18 And looking where we're at right now, this last one I had,  
19 I should have went ahead and taken it to trial and paid the  
20 money to the lawyer and did it, but I didn't. So that's  
21 hindsight so, you know, I want to also enter that into  
22 evidence as well too if that's possible.

23 MS. MORROW: Well, without your record we  
24 can't enter it but we have your testimony.

25 MR. NAYLOR: Okay. And the fact that I enjoy

1 what I do. I enjoy my teaching. You know, in the last six  
2 or seven years I have helped probably, you know, 20 to 25  
3 people become citizens of the United States. I continue to  
4 help people, the Spanish population in town I continue to  
5 help them by teaching, learn English by teaching it to them  
6 and also I interact with a lot of people that haven't had  
7 the best education in the world and help them obtain their  
8 GED and also helped numerous ones after they get -- the  
9 arrest and conviction; arrest is when it happens and is  
10 when you plea or whatever. You know, I also after -- I  
11 went over to Sedalia State Fair and I taught in the  
12 classroom over there for one summer in between all of this.  
13 And, you know, I think I do a good job teaching and it's  
14 something that I really enjoy doing. I'm just sorry that  
15 we had to come here at this point in time, but this is  
16 where we're at so I will just leave it at that.

17 MS. MORROW: Do you have any questions  
18 Mr. Lucas?

19 MS. LUCAS: Yes. Mr. Naylor, do you have any  
20 other professional licenses in the Missouri?

21 MR. NAYLOR: As far as from the Department of  
22 Elementary and Secondary Education?

23 MS. LUCAS: Just anything like a real estate  
24 license or anything like that?

25 MR. NAYLOR: No, I don't.

1 MS. LUCAS: Do you have any other licenses in  
2 other states?

3 MR. NAYLOR: I had a teaching license in Utah  
4 when I graduated from Utah State University. I'm sure it's  
5 way expired. That's been awhile, so.

6 MS. LUCAS: And now you're first driving while  
7 intoxicated offense that took place in 1999?

8 MR. NAYLOR: It was 9/9/99.

9 MS. LUCAS: And you pled guilty in that case?

10 MR. NAYLOR: To a blood alcohol content.

11 MS. LUCAS: And did you pled guilty because  
12 you were driving while intoxicated?

13 MR. NAYLOR: Yes, did. I pleaded guilty  
14 because my blood alcohol content was, you know.

15 MS. LUCAS: So you had alcohol in your blood?

16 MR. NAYLOR: Yes, I did.

17 MS. LUCAS: And your second driving while  
18 intoxicated offense that took place in 2007?

19 MR. NAYLOR: Yes, it did.

20 MS. LUCAS: And you pled guilty in that case?

21 MR. NAYLOR: I did.

22 MS. LUCAS: And did you plead guilty because  
23 you were driving with alcohol in your system?

24 MR. NAYLOR: That one, yes.

25 MS. LUCAS: And your third that was 2010?

1 MR. NAYLOR: Correct.

2 MS. LUCAS: And you pled guilty on that one?

3 MR. NAYLOR: Yes, I did.

4 MS. LUCAS: And did you plead guilty because  
5 you were driving with alcohol in your system?

6 MR. NAYLOR: I should have done the  
7 breathalyzer and gone from there, but I didn't.

8 MS. LUCAS: So you were driving with alcohol  
9 in your system?

10 MR. NAYLOR: Yes.

11 MS. LUCAS: And do you have any other  
12 convictions that haven't been mentioned today as far as  
13 criminal convictions go?

14 MR. NAYLOR: No.

15 MS. LUCAS: Are you currently on probation?

16 MR. NAYLOR: Can I elaborate on that?

17 MS. LUCAS: Sure.

18 MR. NAYLOR: I am currently on probation. I  
19 got through the first part of my probation, so I don't have  
20 to go see my probation officer all the time now. I just  
21 call into the State of Missouri and any time that they want  
22 to come and check my house, any time they want to, you  
23 know, have me come in for a urinalysis or something like  
24 that they can. But I did call into a probation officer  
25 every week, so now I call in once a month.

1 MS. LUCAS: And have you ever had any  
2 violations of that probation?

3 MR. NAYLOR: I have not, no.

4 MS. LUCAS: When is that probation scheduled  
5 to end?

6 MR. NAYLOR: Well, it's five years and my  
7 lawyer said they take it off the front and they take it off  
8 the back. So two and half -- so two years from now or 23  
9 months from now that would be when my probation would end,  
10 yes.

11 MS. LUCAS: I have nothing further.

12 MS. MORROW: Have you in regard to your  
13 history here, have you -- did the court order you to go to  
14 any kind of -- what am I wanting to say?

15 MR. NAYLOR: Rehab.

16 MS. MORROW: Yes.

17 MR. NAYLOR: Yes, they did.

18 MS. MORROW: Did you attend rehab?

19 MR. NAYLOR: Yes, I have. The last time I hit  
20 rehab, it stuck. So I have been to rehab a few times.

21 MS. MORROW: Okay. And so when would have  
22 been the last time you would have been to rehab?

23 MR. NAYLOR: The last rehab that I went to was  
24 in September -- I think it was in October of 2010 after  
25 this one happened I entered into Pathways. I think it was

1 a 30 day treatment and then a 21 day treatment and that's  
2 the last time I went to rehab was approximately October of  
3 2010.

4 MS. MORROW: And another question that I have,  
5 who is your current employer? I know you told me what you  
6 were doing.

7 MR. NAYLOR: My current employer is State Fair  
8 Community College in Sedalia, Missouri.

9 MS. MORROW: I can't think of anything else.

10 MS. LUCAS: I have nothing further.

11 MS. MORROW: Well, do you have any witnesses  
12 that you wanted to call?

13 MR. NAYLOR: No. This is Deb Williams the  
14 lady I work for over at Sedalia. My person that I directly  
15 report to is basically here for moral support. So one of  
16 her letters of recommendation that should probably speak  
17 for her. But she came for moral support.

18 MS. MORROW: All right. In regard to those  
19 other letters, are the people who wrote those -- obviously  
20 Ms. Williams is aware of your convictions. Did the people  
21 who wrote those to the best of your knowledge -- we already  
22 admitted them into evidence -- but do they have knowledge  
23 of your conviction?

24 MR. NAYLOR: Yes, they do. All of them.

25 MS. MORROW: Okay. Well, if we have no

1 witnesses and you have no further questions. Then we're to  
2 the point where we can close the case. Do you have any  
3 final statements you would like to make to me or Mr. Lucas?

4 MR. NAYLOR: No, I not really. I'm just a  
5 little disappointed that this is what it's came to from  
6 working in a place that I went to and was born and raised  
7 and everything else. So it's, you know, the last -- well  
8 actually since 1999 -- it's been a little nuts. You know,  
9 this last one, the will last criminal infraction I had just  
10 gotten back on my feet, started a new job teaching and  
11 coaching and, you know, it happened again. So, yes there  
12 is a pattern and there is a pattern both ways and again I  
13 enjoy what I do for State Fair. It gives me great measure  
14 to help people kind of similar to myself sometimes in the  
15 GED classes because they have been ordered there by court  
16 or, you know, that's what they know they need to do. You  
17 know, I feel like, you know, I help the Hispanic gain  
18 citizenship. Actually I have one at the courthouse today  
19 that's getting naturalized at 11 o'clock. I like what I do  
20 and I hope and pray that's what I continue to get to do.  
21 You know, other than that, just kind of little disappointed  
22 that this is where we are at, but that's what happened, so.

23 MS. MORROW: Thank you Mr. Naylor.

24 MR. NAYLOR: You're welcome.

25 MS. MORROW: Do you have a closing?

1 MS. LUCAS: Yes.

2 CLOSING STATEMENT

3 MS. LUCAS: The evidence today has shown that  
4 Mr. Naylor holds two teaching certificates issued by the  
5 Department and is also requesting a third. The evidence  
6 also shows that he has pled guilty to three different  
7 DWI's, one of which is a felony. Mr. Naylor's crimes also  
8 involved moral turpitude and provide cause to discipline  
9 his current certificates and/or deny his pending  
10 application pursuant to Section 168.071.1(2) of the Revised  
11 Statutes of Missouri.

12 The Missouri Supreme Court has defined moral  
13 turpitude as an act that is contrary to the accepted or  
14 customary rules and duties between people or an act  
15 contrary to just, honesty, modesty and good morals. In  
16 Brehe versus Missouri Department of Elementary and  
17 Secondary Education, the court listed out three categories  
18 of moral turpitude. The first dealt with crimes that  
19 necessarily involved moral turpitude such as fraud, which  
20 we don't believe applies here. Crimes so obviously petty  
21 the conviction carries no suggestion of moral turpitude,  
22 that would be category two, which we also don't believe  
23 applies here. And third, crimes that are saturated with  
24 moral turpitude but do not necessarily involve it and  
25 that's where we believe Mr. Naylor's crimes fit in here

1 into category three. As a category three type you kind of  
2 look to the circumstances. Here Mr. Naylor has  
3 demonstrated a pattern of driving while intoxicated. This  
4 pattern displays persistent disregard for the law and for  
5 the danger to the public that such conduct involves and  
6 therefore should be considered a category three crime.

7 In addition, regardless of whether you or  
8 anybody believe that driving while intoxicated is a crime  
9 of moral turpitude, Mr. Naylor's final driving while  
10 intoxicated offense was a felony and therefore provides  
11 cause to discipline or deny his license. With that in  
12 mind, I ask that you consider the evidence and impose the  
13 appropriate level of discipline to Mr. Naylor's  
14 certificates. Thank you.

15 MS. MORROW: Thank you, counsel. Okay. Well,  
16 in that case, the hearing will conclude at this time. The  
17 time being 10:37 a.m. This matter will be brought before  
18 the State Board of Education at a date and time to be set  
19 by the Commissioner of Education. That concludes the  
20 process. And we thank you for being here Mr. Naylor. I  
21 think it's important for you as a certificate holder to  
22 come and state your case.

23 (Hearing concluded at 10:38 a.m.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF COLE )

I, Jenna Petree, Certified Court Reporter  
#1347(T), do hereby certify that the witness whose  
testimony appears in the foregoing deposition was duly  
sworn by me; that the testimony of said witness was taken  
by me to the best of my ability and thereafter reduced to  
typewriting under my direction; that I am neither counsel  
for, related to, nor employed by any of the parties to the  
action in which this deposition was taken, and further that  
I am not a relative or employee of any attorney or counsel  
employed by the parties thereto, nor financially or  
otherwise interested in the outcome of the action.

Certified Court Reporter



DESE - Certificate Status

▶ Selection Criteria

Educator ID: 232932  
 Name: KYLE JON NAYLOR  
 Address: 825 WEST THOMAS  
 City: MARSHALL State: MO Zip: 65340-0000  
 Personal Phone: ( 660 ) 886 - 7576  
 Work Phone: ( \_\_\_ ) \_\_\_ - \_\_\_  
 Email Address:

Social Security Number: [REDACTED]

Edit Contact Information

3 record(s)

Certification						
Subject Area/Grade Level	Classification	Effective Date	Expiration Date	Analysis Indicator	Status	Evaluation
ELEMENTARY ED 1-6	CAREER CPC	09/22/2009	09/22/2108	TEST ENDORSEMENT	ISSUED	
PHYSICAL EDUCTN K-12	CAREER CPC	09/22/2009	09/22/2108	COLLEGE RECOMMENDED	ISSUED	
ADULT EDUC/LIT P	INITIAL AEL	08/15/2009	08/15/2013	TRANSCRIPT	EXPIRED	

▼ Evaluations

0 record(s)

Evaluation			
Subject Area/Grade Level	Evaluation Date	Status	Evaluation

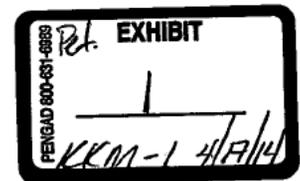
Email: [certification@dese.mo.gov](mailto:certification@dese.mo.gov)

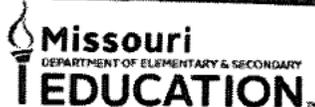
Current User: ALEE Last Modified User: Expired Batch Process Last Modified Date: 8/16/2013 11:00:02 PM

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Ver. 1.28.3103





DESE - Upgrade AEL Application



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
 OFFICE OF EDUCATOR QUALITY  
 EDUCATOR CERTIFICATION  
 POST OFFICE BOX 480  
 JEFFERSON CITY, MISSOURI 65102-0480  
 (573)751-0051

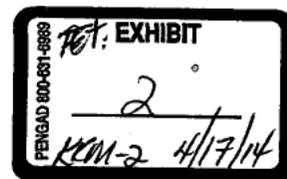
**POSSIBLE DISCIPLINE**

**APPLICATION FOR MISSOURI EDUCATOR CERTIFICATE UPGRADE (JOINT APPLICATION)**  
**SECTION I: APPLICANT INFORMATION**

**PROFILE**

Educator ID: 232932 Social Security Number: [REDACTED]  
 Name: KYLE JON NAYLOR View Application Checklist  
 Address: 825 WEST THOMAS  
 City: MARSHALL State: MO Zip: 65340-0000  
 Personal Phone: ( 660 ) 886 - 7576  
 Work Phone: ( ) - -  
 Email Address:

[Edit Contact Information](#)



**EDUCATION**

State	Institution	Degree	Major	Major GPA	Graduation Date	Attended To	Student Teaching Date	Transcript Status	Verified
UT	UTAH STATE UNIVERSITY, LOGAN	MASTERS DEGREE	PHYSICAL EDUCATION		06/13/1992	06/13/1992			04/07/2011
MO	MISSOURI VALLEY COLLEGE, MARSHALL	BACCALAUREATE DEGREE	PHYSICAL EDUCATION		05/14/1989	08/02/2000	05/14/1989		04/07/2011

**PROFESSIONAL CONDUCT (ALL QUESTIONS MUST BE ANSWERED)**

Please answer the following questions. If you answer yes to any of the questions, please provide an explanation in the box below.

Have you ever been charged with, convicted or entered a plea, including a plea of nolo contendere, to any felony or misdemeanor whether or not sentence was imposed or suspended, except minor traffic violations? If yes, explain fully.

FELONY DWI CHARGED 8/29/2010  
 CONVICTED 9/19/2013

Yes  No

Have you ever been denied a professional license, certificate, permit, credential, endorsement, or registration? If yes, explain fully.

Yes  No

Has your professional license (except for driver's license), certificate, permit, credential, endorsement, or registration ever been disciplined, suspended, revoked, reprimanded, restricted, curtailed or voluntarily surrendered or do you have any pending complaints before any regulatory board or agency or is there any investigation or adverse action now pending against you? If yes, explain fully.

Yes  No

Have you ever resigned, been restricted, disciplined, or discharged from any position, including the armed forces, while under suspicion of having engaged in criminal, immoral, unethical behavior or unprofessional conduct, or are you under investigation for any such charge? If yes, explain fully.

Yes  No

**PURPOSE OF APPLICATION** 33

I request that my classification be upgraded from an Initial Adult Education and Literacy Certificate to a Career Continuous Adult Education and Literacy Certificate.

Selected Payment Type : Debit, Credit, eCheck payment  
 Actual Payment Type : Debit, Credit, eCheck payment  
 Application Fee : 35.00  
 Amount Paid : 35.00  
 Amount Remaining : 0.00  
 Payment Status : Paid  
 Comments :

**SWORN STATEMENT**

I, the above named applicant, hereby affirm under penalties of perjury that I am the applicant referred to in the preceding application for a certificate of license to teach in the state of Missouri, and that all statements and enclosures are true and accurate to the best of my knowledge, information, and belief. I understand that any misrepresentation of facts may result in the denial or revocation of the requested certificate(s). I submit for consideration this application as required by the Missouri law governing the practice of teaching. I understand that the Missouri Department of Elementary and Secondary Education may require further information of evidence that it deems reasonable and proper. Furthermore, I voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications. In addition, I grant permission to access any court, FBI, or police records related to arrests and convictions related to good moral character or personal fitness pertinent to my certification, and to probation or parole records as well.

**RELEASE OF EDUCATIONAL INFORMATION**

I hereby give my recommending certification institution permission to release any and all information needed.  
**BY SELECTING "I Accept", I AGREE TO THE TERMS OF THE SWORN STATEMENT AND TO THE RELEASE OF MY EDUCATIONAL INFORMATION.**

I Accept

It is the policy of the Missouri Department of Elementary and Secondary Education not to discriminate on the basis of race, color, religion, gender, national origin, age, or disability in its programs or employment practices as required by Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Americans with Disabilities Act of 1990. Inquiries related to Department programs and to the location of services, activities, and facilities that are accessible by persons with disabilities may be directed to the Jefferson State Office Building, Office of the General Counsel, Coordinator-Civil Rights Compliance (Title VI/Title IX/504/ADA/Age Act), 6th Floor, 205 Jefferson Street, P.O. Box 480, Jefferson City, MO 65102-0480; telephone number (573) 526-4757 or TTY (800) 735-2966, fax (573) 522-4883, email civilrights@dese.mo.gov.

Employing District: AEL-STATE FAIR COMM COLLEGE-126831

**SECTION II: TO BE COMPLETED BY EMPLOYING SCHOOL DISTRICT**

**TO BE COMPLETED IF APPLICANT IS UPGRADING AN INITIAL ADULT EDUCATION AND LITERACY CERTIFICATE.**

- Applicant has completed four (4) years of department approved teaching experience.
- Applicant has developed and implemented a professional development plan that is on file with our district.
- Applicant has been mentored for (2) years. Name of Mentor **DEB WILLIAMS**
- Applicant has participated in an Initial Teacher Workshop.
- Applicant has completed 60 contact hours of appropriate professional development.
- Applicant has successfully participated in the yearly performance based teacher evaluation program of this district.

**AEL Site/Location:** AEL-STATE FAIR COMM COLLEGE-126831  
**AEL Director:** WILLIAMS, DEB  
**Email:** [dwilliams1@sfccmo.edu](mailto:dwilliams1@sfccmo.edu)  
**Phone:** (660-596-7289)  
**Memo:**

**BY SELECTING "I Accept", I VERIFY THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

I Accept

**SECTION III: DESE**

1 record(s)

Subject Area/Grade Level	Classification	Effective Date	Expiration Date	Analysis Indicator	Status
ADULT EDUC/LIT P	INITIAL AEL	08/15/2009	08/15/2013	TRANSCRIPT	EXPIRED

**Memo (Public):**

**Last Team Member to Update Memo:**

**Application Status:** PENDING BACKGROUND CHECK CLEARANCE  
**Assign To:** CONDUCT AND INVESTIGATIONS

**Date Received:** 10/29/2013

Email: [certification@dese.mo.gov](mailto:certification@dese.mo.gov)

Current User: ALEE Last Modified User: DBUTCHER Last Modified Date: 10/30/2013 8:50:51 AM  
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Report: CZR0026

15TH JUDICIAL CIRCUIT  
 ASSC. DIV SALINE (DO NOT USE)  
 CIRCUIT COURT DOCKET SHEET

Date: 01-Nov-2013  
 Time: 3:49:29PM  
 Page: 1

15R069900633 ST V KYLE J NAYLOR

Security Level: 1 Public

**Case Type:** AC Misdemeanor **Case Filing Date:** 21-Sep-1999  
**Status:** Defendant Sentenced  
**Disposition:** Guilty Plea **Disposition Date:** 24-Nov-1999  
**OCN#:** 99081041  
**Arresting Agency:** MOMHP0000

Release/Status Reason  
Change Date

Judge JOHN E FRERKING (25249)  
 Judge ROBERT H RAVENHILL (26730) 23-Nov-1999  
 Defendant KYLE JON NAYLOR (NAYKJ5134)  
 Attorney for Defendant ROBERT LIN ALEXANDER(24689)  
 Prosecuting Attorney DONALD G STOUFFER (29096)

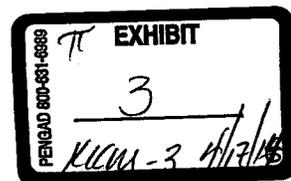
**Officer Badge No.:** H00933

	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	1	09-Sep-1999	4742000	Dwi - Alcohol (Misdemeanor B RSMo : 577.010)
Amended To:	1	09-Sep-1999	4748000	Excessive Blood Alcohol (Misdemeanor C RSMo : 577.012)
<b>Disposition:</b>		24-Nov-1999		Guilty Plea
<b>Order Date:</b>		24-Nov-1999		Sentence or SIS: Fine Start Date: 24-Nov-1999

RECEIVED

NOV 25 2013

Filing Date	Description
21-Sep-1999	<b>Information Filed</b> INF-INFORMATION;
	<b>Arraignment Scheduled</b> ARGNSF-ARRAIGNMENT SCHED AT FILING; SCHEDULED FOR 27-OCT-99 AT 13:30
27-Oct-1999	<b>Court Trial Scheduled</b> CTNUTD-TRIAL CONT AT DEF REQUEST; State to appear Def to appear; SCHEDULED FOR 24-NOV-99 AT 13:30
24-Nov-1999	<b>Guilty Plea</b> GP-GUILTY PLEA;
	<b>Amended Information Filed</b> AMDCHG-CHARGE AMENDED;
	<b>Hearing Held</b> CDSPSD-CASE DISPOSED IN COURT; State appears by AssT.Prosecutor DONALD G. STOUFFER. Def. appears in person & attny R. LIN ALEXANDER;
	<b>Sentencing Hearing Held</b> SNTNCD-DEFENDANT SENTENCED; State appears by Prosecuting Attorney. Def. appears. Charge 001 : BLOOD ALCOHOL CONTENT .10 PERC;
	<b>Judgment CVC Entered</b>



Report: CZR0026

15TH JUDICIAL CIRCUIT  
ASSC. DIV SALINE (DO NOT USE)  
CIRCUIT COURT DOCKET SHEET

Date: 01-Nov-2013  
Time: 3:49:29PM  
Page: 2

Case continued from previous page.

15R069900633

ST V KYLE J NAYLOR

Security Level: 1 Public

**Judgment Against: KYLE NAYLOR; Amount: \$10.00; Satisfied Date: 30-Nov-1999**

**Judgment Entered**

**Judgment Against: KYLE NAYLOR; Amount: \$.00; Satisfied Date:**

**Defendant Sentenced**

**Defendant Sentenced**

**FINE AMOUNT TOTAL - 300**

**RECEIVED  
NOV 25 2013**

STATE OF MISSOURI )  
 ) ss:  
COUNTY OF SALINE )

IN THE CIRCUIT COURT OF SALINE COUNTY, MISSOURI  
DIVISION NO. SIX

STATE OF MISSOURI,  
Plaintiff

vs.

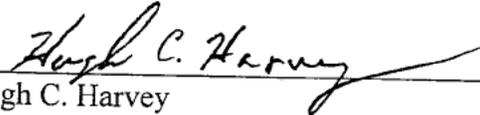
KYLE JON NAYLOR  
DOB: 03-25-64, Hgt. 6'01", Wgt 220  
WM, SS#: [REDACTED]  
Defendant

)  
)  
) Case No. CR699-  
)  
) Charge: **DRIVING WITH  
EXCESSIVE BLOOD  
ALCOHOL CONTENT**  
)  
)  
)

RECEIVED  
NOV 25 2013

AMENDED  
MISDEMEANOR INFORMATION

The Assistant Prosecuting Attorney of the County of Saline, State of Missouri, charges that the defendant, in violation of Section 577.012, RSMo, committed the class C misdemeanor of driving a motor vehicle with excessive blood alcohol content, punishable upon conviction under Sections 558.011 and 560.016, RSMo 1986, in that on or about September 09, 1999, in the County of Saline, State of Missouri, the defendant operated a motor vehicle with ten-hundredths of one percent or more by weight of alcohol in his blood.

  
Hugh C. Harvey  
Assistant Prosecuting Attorney  
Saline County, Missouri

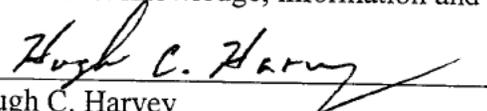
FILED

NOV 24 1999

Circuit Court  
Saline County, Missouri  
Associate Division 6

STATE OF MISSOURI )  
 ) ss:  
COUNTY OF SALINE )

Hugh C. Harvey, Assistant Prosecuting Attorney of Saline County, Missouri, being duly sworn upon oath, says that the facts stated in the above Amended Misdemeanor Information are true, according to his best knowledge, information and belief.

  
Hugh C. Harvey

Sworn and subscribed to before me this 24<sup>th</sup> day of November, 1999

  
Judge/Clerk-Division No. Six

RANGE OF PUNISHMENT

Up to 15 days County Jail,  
and/or up to \$300 fine

WITNESSES:

Cpl. T. H. Ehler, MSHP



IN THE CIRCUIT COURT OF SALINE COUNTY, MISSOURI

Judge or Division:  
JOHN FRERKING

Case Number: 15R069900633

Case Name: ST V KYLE J. NAYLOR

**Certificate of Clerk**

I, SHARON CRAWFORD, Clerk of the CIRCUIT Court, Division 4 of SALINE County, which said court is a court of record, having a clerk and seal, certify that the attached is a true, accurate and complete copy of COURT DOCKET SHEET & AMENDED MISDEMEANOR INFORMATION in the above entitled case, as the same appears of record and on file in this office.

WITNESS my hand and the seal of the court affixed hereto on NOVEMBER 1, 2013.

Clerk

*Sharon Crawford*

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

RECEIVED  
NOV 25 2013

Report: CZR0026

15TH JUDICIAL CIRCUIT  
ASSC. DIV SALINE (DO NOT USE)  
CIRCUIT COURT DOCKET SHEET

Date: 01-Nov-2013  
Time: 3:47:21PM  
Page: 1

07J5-CR00676

ST V KYLE JON NAYLOR

Security Level: 1 Public

**Case Type:** AC Misdemeanor **Case Filing Date:** 28-Nov-2007  
**Status:** Judgment Entered  
**Disposition:** Guilty Plea **Disposition Date:** 02-Apr-2008  
**OCN#:** 87086506  
**Arresting Agency:** MOMHP0000

Release/Status Reason  
Change Date

Judge JAMES TUTHILL BELLAMY (26979)  
 Defendant KYLE JON NAYLOR (NAYKJ5134)  
 Attorney for Defendant JONATHAN PAUL BUSCHMANN(56804)  
 Prosecuting Attorney DONALD G STOUFFER (29096)

**Current Bond:** Bond Refunded 02-Apr-2008  
**Accident/DWIBAC:** DWI **Officer Badge No.:** 836

Charge #	Charge Date	Charge Code	Charge Description
----------	-------------	-------------	--------------------

**Original Charge:** 1 27-Nov-2007 4742000 Dwi - Alcohol (Misdemeanor B RSMo : 577.010)

**Ticket No:** 060576484

**Disposition:** 02-Apr-2008 Guilty Plea

**Order Date:** 02-Apr-2008 **Sentence or SIS:** Incarceration Jail  
**Length:** 180 Days **Start Date:** 02-Apr-2008

**EXECUTION OF SENTENCE SUSPENDED**

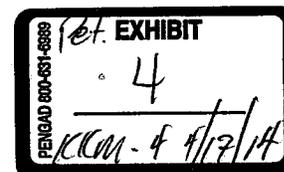
**Order Date:** 02-Apr-2008 **Sentence or SIS:** Fine  
**Start Date:** 02-Apr-2008

**Fine Amount:** \$ 500.00

**Program:** PROBATION **Agency:** ASSOCIATE DIVISION SALINE CO  
**Associated To:** Charge 1  
**Classification:** UNSUPERVISED **Outcome:** Successfully Completed  
**Start Date:** 02-Apr-2008 **Due to End:** 02-Apr-2010 **End Date:** 02-Apr-2010

Filing Date	Description
28-Nov-2007	<p><b>Warrant Served</b>                      Document ID - 07-ARWA-797; Served To - NAYLOR, KYLE JON; Server - SALINE COUNTY SHERIFF'S DEPARTMENT; Served Date - 29-NOV-07; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served</p> <p><b>Information Filed</b>                      Filed By: DONALD G STOUFFER</p> <p><b>Warrant Issued</b>                      Document ID: 07-ARWA-797, for NAYLOR, KYLE JON; \$1000.00 CASH ONLY.                      Service/Attempt Date: 29-Nov-2007</p>
29-Nov-2007	<p><b>Bond-Cash Bond Posted Full Amt</b></p>

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NOV 25 2013



Report: CZR0026

15TH JUDICIAL CIRCUIT  
 ASSC. DIV SALINE (DO NOT USE)  
 CIRCUIT COURT DOCKET SHEET

Date: 01-Nov-2013  
 Time: 3:47:21PM  
 Page: 2

Case continued from previous page.

07J5-CR00676

ST V KYLE JON NAYLOR

Security Level: 1 Public

**Bond ID:** 07J5BND145; **Amount Posted:** \$1,000.00; **Posted By:** NAYLOR, CORADEAN C

**Arrestment Scheduled**

**Scheduled For:** 13-Dec-2007; 9:00 AM; JAMES TUTHILL BELLAMY; **Setting:** 0; Assc. Div Saline (DO NOT USE)

13-Dec-2007

**Arrestment Held**

STATE BY APA. DEFENDANT APPEARS AND IS ARRAIGNED AND FULLY ADVISED OF RANGE OF PUNISHMENT AND RIGHTS, DEFENDANT REQUESTS TIME TO SEEK COUNSEL AND REQUESTS CASE BE SET WHEN CIVIL CASE IS SET.

**Counsel Status Hrng Scheduled**

**Scheduled For:** 16-Jan-2008; 9:00 AM; JAMES TUTHILL BELLAMY; **Setting:** 0; Assc. Div Saline (DO NOT USE)

**Plea of Not Guilty Entered**

**Filed By:** KYLE J NAYLOR

16-Jan-2008

**Hearing Continued/Rescheduled**

STATE APPEARS BY PROSECUTING ATTORNEY. DEFENDANT APPEARS IN PERSON. CASE CONTINUED TO FEBRUARY 13, 2008, AT 9:00 A.M. JUDGE JAMES T. "TUT" BELLAMY

**Hearing Continued From:** 16-Jan-2008; 9:00 AM

**Counsel Status Hrng Scheduled**

**Scheduled For:** 13-Feb-2008; 9:00 AM; JAMES TUTHILL BELLAMY; **Setting:** 0; Assc. Div Saline (DO NOT USE)

13-Feb-2008

**Hearing Held**

STATE BY APA. DEFENDANT APPEARS IN PERSON AND WITH ATTORNEY JONATHAN BUSHMANN.

**Scheduled For:** 13-Feb-2008; 9:00 AM

**Hearing Scheduled**

**Scheduled For:** 12-Mar-2009; 9:00 AM; JAMES TUTHILL BELLAMY; **Setting:** 0; Assc. Div Saline (DO NOT USE)

**Entry of Appearance Filed**

**Filed By:** JONATHAN P BUSCHMANN

12-Mar-2008

**Disposition Hearing Scheduled**

**Scheduled For:** 02-Apr-2008; 9:00 AM; JAMES TUTHILL BELLAMY; **Setting:** 0; Assc. Div Saline (DO NOT USE)

**Hearing Held**

STATE BY APA. DEFENDANT APPEARS AND WITH EDWARD MCINTEER APPEARS FOR GREG HARRISON. CASE SET FOR DISPOSITION DUE TO AGE.

**Scheduled For:** 12-Mar-2009; 9:00 AM; JAMES TUTHILL BELLAMY; **Setting:** 0; Assc. Div Saline (DO NOT USE)

02-Apr-2008

**Defendant Sentenced**

**Sentence Date:** 02-Apr-2008; **Sentence:** Fine

**Guilty Plea**

STATE APPEARS BY PROSECUTING ATTORNEY. DEFENDANT APPEARS IN PERSON AND WITH GREG HARRISON, ATTORNEY. DEFENDANT ENTERS PLEA OF GUILTY. THE COURT FINDS PLEA TO BE FREE, VOLUNTARY AND INFORMED AND WITH FACTUAL BASIS AND UNDERSTANDING AND ACCEPTS PLEA. JUDGE JAMES T. "TUT" BELLAMY

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Report: CZR0026

15TH JUDICIAL CIRCUIT  
ASSC. DIV SALINE (DO NOT USE)  
CIRCUIT COURT DOCKET SHEETDate: 01-Nov-2013  
Time: 3:47:21PM  
Page: 3

Case continued from previous page.

07J5-CR00676

ST V KYLE JON NAYLOR

Security Level: 1 Public

**Scheduled For:** 02-Apr-2008; 9:00 AM; JAMES TUTHILL BELLAMY; **Setting:** 0; Assc. Div Saline (DO NOT USE)**Misd Costs Assc Tax-Reg-w/cost****Associated To:** KYLE J NAYLOR**Judgment Entered****Judgment Against:** KYLE NAYLOR; **Amount:** \$694.50; **Satisfied Date:** 02-Apr-2008**Associated To:** KYLE J NAYLOR**Bond Applied****Bond Refunded****Record of Traffic Disp Issued**

The Traffic Disposition was sent electronically to DOR and MSHP for charge number 1 violation 4742000 - Dwi - Alcohol. The charge was disposed as Guilty Plea

02-Apr-2010

**Order- Probation Discharged**

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IN THE CIRCUIT COURT OF SALINE COUNTY, MISSOURI

Judge or Division: JAMES T. BELLAMY	Case Number: 07J5-CR00676
Case Name: ST V KYLE JON NAYLOR	

Certificate of Clerk

I, SHARON CRAWFORD, Clerk of the CIRCUIT Court, Division 4 of SALINE County, which said court is a court of record, having a clerk and seal, certify that the attached is a true, accurate and complete copy of COURT DOCKET SHEET, MISDEMEANOR INFORMATION, ORDER & JUDGMENT in the above entitled case, as the same appears of record and on file in this office.

WITNESS my hand and the seal of the court affixed hereto on NOVEMBER 1, 2013.

Clerk Sharon Crawford

By: \_\_\_\_\_ Deputy Clerk

(Seal of the Court)

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IN THE CIRCUIT COURT OF SALINE COUNTY, MISSOURI  
DIVISION NO. SIX

STATE OF MISSOURI,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 07J5-CR00
	)	OCN
KYLE JON NAYLOR	)	
SS#: [REDACTED] DOB: 03/25/64	)	
Hgt. 6'00", Wgt. 230 White/Male	)	
825 West Thomas	)	
Marshall, MO 65340	)	
Defendant.	)	

**MISDEMEANOR INFORMATION**

**DRIVING WHILE INTOXICATED (4742004.0)**

The Prosecuting Attorney of the County of Saline, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 577.010, RSMo, committed the class B misdemeanor of driving while intoxicated, punishable upon conviction under Sections 558.011 and 560.016, RSMo, in that on or about November 27, 2007, in the County of Saline, State of Missouri, the defendant operated a motor vehicle while under the influence of alcohol.

**RANGE OF PUNISHMENT**

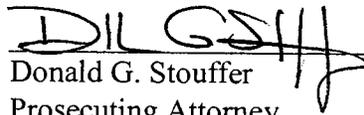
Up to 6 months County Jail,  
and/or up to \$500 fine

The facts that form the basis for this information and belief are contained in the attached statement(s) of facts, made a part hereof and submitted as a basis upon which the court may find the existence of probable cause.

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FILED  
NOV 27 2007  
Circuit Court  
Saline County, Missouri  
Associate Division 6

Wherefore, the Prosecuting Attorney prays that an arrest warrant be issued as provided by law.

  
Donald G. Stouffer  
Prosecuting Attorney  
Saline County, Missouri

WITNESSES FOR STATE

Justin Cramer, Marshall, MO 65340

William Harlow, Marshall, MO 65340

Sgt. R. W. Hicks, Missouri State Highway Patrol Troop A Zone 10, Marshall, MO

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NOV 28 2007

Circuit Court  
Saline County, Missouri  
Associate Division 6

IN THE CIRCUIT COURT OF SALINE COUNTY, MISSOURI  
ASSOCIATE DIVISION 6

STATE OF MISSOURI  
Plaintiff  
vs.

CASE NO. 07J5-CR00676

KYLE JON NAYLOR  
Defendant

**ORDER AND JUDGMENT**

**APPEARANCES**

- Pros. Atty. / Asst. Pros. Atty.
- Defendant in Person
- Deft. Failed to Appear
- Counsel GREG HARRISON
- Deft Waived Counsel

**JUDGMENT / FINDINGS**

- Plea of Guilty free, voluntary & informed.
- Factual basis for plea of guilty entered.
- Court accepts plea of guilty and finds deft. guilty beyond a reasonable doubt
- Evidence Heard
- Court finds Deft. guilty
- Sets Sentencing date of
- Upon Deft. waiving post-trial motions assesses punishment
- Court finds Deft not guilty and discharged
- Jury Finds Defendant Guilty
- Jury Finds Defendant Not Guilty

**DISMISSAL**

- Case dismissed by State, Defendant Discharged
- Case dismissed by Court for want of prosecution

**FINAL CHARGE AND STATUTE NUMBER**

Class B Misd. of driving while intoxicated 577.010

**PLEA**

- Guilty
- Not Guilty
- Alford Plea

PUNISHMENT:

- Imposition of Sentence Suspended
- Fine \$500.00
- Recoupment Judgment \$78.00
- Confinement 180 days; SES to Report on
- Execution of Sentence Suspended
- Deft placed on probation for:
  - 6 months  1 year
  - 2 years; under supervision of:
  - Court  Probation & Parole

- Conditions: Standard Conditions of Probation
- Special Conditions -- See Order of Probation

- Credit for \_\_\_\_\_ days served
- Public Defender Judgment entered
- Costs assessed to  Defendant  State
- Crime Victims Comp Judgment of \$10.00
- 
- Fines / Costs to be paid by
- Show Cause Order Issued
- Abuse and Lose Ordered

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DATED: April 2, 2008

JUDGE \_\_\_\_\_

Report: CZR0026

15TH JUDICIAL CIRCUIT  
SALINE  
CIRCUIT COURT DOCKET SHEET

Date: 01-Nov-2013  
Time: 3:28:39PM  
Page: 1

10SA-CR00439-01 ST V KYLE JON NAYLOR

Security Level: 1 Public

**Case Type:** CC Felony **Case Filing Date:** 07-Jan-2011  
**Status:** Judgment CVC \$46 - Other  
**Disposition:** Guilty Plea **Disposition Date:** 19-Sep-2013  
**OCN#:** AF001664  
**Arresting Agency:** MOMHP0000

Release/Status Reason  
Change Date

Judge R PAUL BEARD (46233)  
 Judge DENNIS ALLEN ROLF (32238) 14-Mar-2011 Judge Transferred/Reassigned

Defendant **KYLE JON NAYLOR (NAYKJ5134)**  
 Prosecuting Attorney DONALD G STOUFFER (29096)  
 Attorney for Defendant R GREGORY HARRISON (28035)

**Accident/DWIBAC:** DWI **Officer Badge No.:** 1156

Charge #	Charge Date	Charge Code	Charge Description
----------	-------------	-------------	--------------------

**Original Charge:** 1 29-Aug-2010 4741000 Dwi - Alcohol - Persistent Offender (**Felony D RSMo : 577.010**)

**Ticket No:** 091056973

**Disposition:** 19-Sep-2013 Guilty Plea

**Order Date:** 19-Sep-2013

**Sentence or SIS:** Incarceration DOC

**Length:** 4 Years

**Start Date:** 19-Sep-2013

**EXECUTION OF SENTENCE SUSPENDED**

**Original Charge:** 2 29-Aug-2010 5601900 Exceeded Posted Speed Limit (Exceeded By 16 - 19 Mph) (**Misdemeanor C RSMo : 304.010**)

**Ticket No:** 091056971

**Disposition:** 19-Sep-2013 Dismissed by Ct With Prejudice

**Original Charge:** 3 29-Aug-2010 4683500 As Owner, Oper Or Auth Another To Oper A Mtr Veh W/Out Maintain FinancI Respons (Mtr Veh ReqrD To Be Reg) (**Misdemeanor C RSMo : 303.025**)

**Ticket No:** 091056972

**Disposition:** 19-Sep-2013 Dismissed by Ct With Prejudice

**Program:** PROBATION

**Agency:** MISSOURI BOARD OF PROBATION & PAROLE

**Associated To:** Charge 1

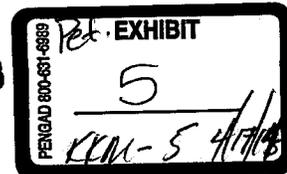
**Classification:** SUPERVISED

**Start Date:** 19-Sep-2013

**Due to End:** 19-Sep-2018

Filing Date	Description
07-Jan-2011	Judge Assigned

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Report: CZR0026

15TH JUDICIAL CIRCUIT  
SALINE  
CIRCUIT COURT DOCKET SHEET

Date: 01-Nov-2013

Time: 3:28:39PM

Page: 2

Case continued from previous page.

**10SA-CR00439-01 ST V KYLE JON NAYLOR****Security Level: 1 Public**

- 07-Jan-2011 **Transcript Filed**  
Transcript, including all original papers, together with Defendant's \$5,000.00 Surety Bond with Dodge Bail Bonds, is received from the Associate Circuit Court of Saline County, Missouri and Filed.  
**Arraignment Scheduled**  
**Scheduled For:** 14-Feb-2011; 10:00 AM; DENNIS ALLEN ROLF; **Setting:** 0; Saline
- 09-Feb-2011 **Information Filed**  
**Filed By:** DONALD G STOUFFER  
**Motion for Disclosure**  
**Filed By:** DONALD G STOUFFER
- 14-Feb-2011 **Arraignment Held**  
Comes State by Assistant Prosecuting Attorney, Defendant appears in person and by Attorney R Greg Harrison and Jonathon Buschmann. Defendant arraigned, waives reading of Information and enters a Plea of Not Guilty. Cause is Continued.  
**Plea/Trial Setting Scheduled**  
**Scheduled For:** 14-Mar-2011; 9:00 AM; DENNIS ALLEN ROLF; **Setting:** 0; Saline  
Plea/T.S.; Defendant's Motion for Change of Judge
- 18-Feb-2011 **Motion for Change of Judge**  
**Filed By:** R G HARRISON  
14-Mar-2011 **Motion Hearing Held**  
14-Mar-2011 **Motion Granted/Sustained**
- Notice of Hearing Filed**  
Notice of hearing defendant's motion to change judge on March 14, 2011 at 9:00 a.m.  
**Filed By:** R G HARRISON
- 14-Mar-2011 **Motion Hearing Held**  
State appears by Assistant Prosecuting Attorney, defendant appears in person and by attorney Jonathon Buschmann for Greg Harrison. Defendant's Motion for Change of Judge is taken up and is granted. Clerk to notify the MO Supreme Court for assignment of Judge.  
**Motion Granted/Sustained**
- 29-Mar-2011 **Judge Assigned**  
**Order for Change of Judge**  
Cause is assigned to Judge Richard Paul Beard II, Associate Circuit Judge, Pettis County, Missouri.
- 01-Mar-2013 **Trial Setting Scheduled**  
Trial setting scheduled on April 1, 2013, at 9:30 a.m.  
**Scheduled For:** 01-Apr-2013; 9:30 AM; R PAUL BEARD; **Setting:** 0; Saline
- 01-Apr-2013 **Hearing Held**  
Comes State by Assistant Prosecuting Attorney, Defendant appears in person and by Attorney Jonathon Buschmann. Cause is Set for Jury Trial.  
**Scheduled For:** 01-Apr-2013; 9:30 AM; R PAUL BEARD; **Setting:** 0; Saline  
**Jury Trial Scheduled**  
**Scheduled For:** 19-Sep-2013 ; 8:30 AM; R PAUL BEARD; **Setting:** 0; Saline; **Length:** 2 Days  
**Pre-trial Conference Scheduled**  
**Scheduled For:** 19-Sep-2013; 8:15 AM; R PAUL BEARD; **Setting:** 0; Saline

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Report: CZR0026

15TH JUDICIAL CIRCUIT  
SALINE  
CIRCUIT COURT DOCKET SHEET

Date: 01-Nov-2013

Time: 3:28:39PM

Page: 3

Case continued from previous page.

**10SA-CR00439-01 ST V KYLE JON NAYLOR****Security Level: 1 Public**

19-Sep-2013

**Sentencing Hearing Held**

Comes State by Prosecuting Attorney, Defendant appears in person and by Attorney Gregory Harrison. Cause is taken up and heard.

**Hearing/Trial Cancelled**

**Scheduled For:** 19-Sep-2013 ; 8:30 AM; R PAUL BEARD; **Setting:** 0; Saline; **Length:** 2 Days

**Hearing/Trial Cancelled**

**Scheduled For:** 20-Sep-2013 ; 8:30 AM; R PAUL BEARD; **Setting:** 0; Saline; **Length:** 2 Days

**Guilty Plea**

Defendant withdraws his plea of Not Guilty and enters a plea of Guilty as charged. The Court accepts defendant's plea as being voluntarily and competently entered and finds defendant Guilty beyond a reasonable doubt.

**Sent Assessment Report Waived****Defendant Sentenced**

ALLOCATION - Yes; 24.035/29.15 INEFFECT COUNSEL - No; PURSUANT TO THE STATE'S RECOMMENDATION, DEFENDANT SENTENCED TO 4 YEARS DOC; EXECUTION OF SENTENCE SUSPENDED AND DEFENDANT PLACED ON 5 YEARS PROBATION UNDER THE SUPERVISION OF PROBATION AND PAROLE; DEFENDANT TO SERVE 30 DAYS SHOCK INCARCERATION - SALINE COUNTY JUSTICE CENTER COMMENCING 9-23-13 AT 9:00 P.M. W/WORK RELEASE APPROVED AT \$30.00 PER DAY.

**Sentence Date:** 19-Sep-2013; **Sentence:** Incarceration DOC

**Judgment Entered****Judgment CVC \$46 - Other**

**Judgment Against:** KYLE NAYLOR; **Amount:** \$46.00; **Satisfied Date:** 27-Sep-2013

**Associated To:** KYLE J NAYLOR

**Felony Costs Tax-Reg-w/costs**

Case Party Fee Report and Notice of Missouri Debt Collection mailed to Defendant at 825 W Thomas, Marshall, MO 65340

**Associated To:** KYLE J NAYLOR

**Record of Traffic Disp Issued**

The Traffic Disposition was sent electronically to DOR and MSHP for charge number 1 violation 4741000 - Dwi - Alcohol - Persistent Offender. The charge was disposed as Guilty Plea

**Record of Traffic Disp Issued**

The Traffic Disposition was sent electronically to DOR and MSHP for charge number 3 violation 4683500 - As Owner, Oper Or Auth Another To Oper A Mtr Veh W/Out Maintain FinancI Respons (Mtr Veh Reqrd To Be Reg). The charge was disposed as Dismissed by Ct With Prejudice

20-Sep-2013

**Record of Traffic Disp Issued**

The Traffic Disposition was sent electronically to DOR and MSHP for charge number 2 violation 5601900 - Exceeded Posted Speed Limit (Exceeded By 16 - 19 Mph). The charge was disposed as Dismissed by Ct With Prejudice

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NOV 25 2013

IN THE CIRCUIT COURT OF SALINE COUNTY, MISSOURI  
DIVISION IV

STATE OF MISSOURI )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 **KYLE JON NAYLOR** )  
 825 West Thomas )  
 Marshall MO 65340 )  
 SSN: [REDACTED] DOB: 03/25/1964 )  
 Hgt: 6'00, Wgt: 230, White/Male )  
 Defendant. )

No. 10SA-CR00439-01

PA File No. 195008582

OCN: AF001664

**FILED**

**FEB 09 2011**

SHARON D. CRAWFORD  
CLERK CIRCUIT COURT  
SALINE COUNTY, MO

**INFORMATION**

COUNT I DWI- Alcohol- Persistent Offender D felony  
**4741004.0**

The Prosecuting Attorney of the County of Saline, State of Missouri, charges that the defendant, in violation of Section 577.010, committed the class D felony of driving while intoxicated, punishable upon conviction under Sections 558.011, 560.011, and 577.023, RSMo, in that on or about August 29, 2010, in the County of Saline, State of Missouri, the defendant operated a motor vehicle while under the influence of alcohol, and

On or about April 02, 2008, defendant had pleaded guilty to driving while intoxicated, for events occurring on November 28, 2007, in the Circuit Court of Saline County, Missouri, and

On or about November 24, 1999, defendant had pleaded guilty to driving with excessive blood alcohol content, for events occurring on September 09, 1999, in the Circuit Court of Saline County, Missouri.

RANGE OF PUNISHMENT  
Up to 4 years DOC,  
or up to one year County Jail,  
and/or up to \$5,000 fine

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**NOV 25 2013**

[REDACTED] anor

T [REDACTED]





# IN THE 15TH JUDICIAL CIRCUIT COURT, SALINE COUNTY, MISSOURI

Judge or Division: R. PAUL BEARD		Case Number: 10SA-CR00439-01	
		<input type="checkbox"/> Change of Venue County: Case Number:	
		Offense Cycle No.: AF001664	
State of Missouri  Defendant: KYLE JON NAYLOR		vs.	Prosecuting Attorney/MO Bar No.: DONALD STOUFFER #29096  Defense Attorney/MO Bar No.: R GREGORY HARRISON #28035
DOB: 03-25-64	SSN: [REDACTED]	SEX: M	Appeal Bond Set Date:
<input type="checkbox"/> Pre-Sentence Assessment Report Ordered <input checked="" type="checkbox"/> Pre-Sentence Assessment Report Waived			Amount:

(Date File Stamp)

## Judgment

Count No. 1 Charge Description: DWI Charge Code: 4741004.0 Statute: 577.010 Date of Offense: 08-29-10	Count No. Charge Description: Charge Code: Statute: Date of Offense:	Count No. Charge Description: Charge Code: Statute: Date of Offense:
<input type="checkbox"/> Misdemeanor <input checked="" type="checkbox"/> Felony Class <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> A    B    C    D    Unclassified On the above count, it is adjudged that the defendant has been: <input checked="" type="checkbox"/> Found Guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input type="checkbox"/> Dismissed/Nolle pros/found not guilty	<input type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony Class <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> A    B    C    D    Unclassified On the above count, it is adjudged that the defendant has been: <input type="checkbox"/> Found Guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input type="checkbox"/> Dismissed/Nolle pros/found not guilty	<input type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony Class <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> A    B    C    D    Unclassified On the above count, it is adjudged that the defendant has been: <input type="checkbox"/> Found Guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input type="checkbox"/> Dismissed/Nolle pros/found not guilty

The defendant has been found beyond a reasonable doubt to be a:

<input type="checkbox"/> Persistent Sexual Offender (558.018 RSMo)	<input type="checkbox"/> Predatory Sexual Offender (558.018 RSMo)
<input type="checkbox"/> Persistent Drug Offender (195.285, .291, .292, .295, or .296 RSMo)	<input type="checkbox"/> Prior Drug Offender (195.285, .291, .295, or .296 RSMo)
<input type="checkbox"/> Persistent Misdemeanor Offender (558.016 RSMo)	<input type="checkbox"/> Dangerous Offender (558.016 RSMo)
<input type="checkbox"/> Persistent Offender (558.016 RSMo)	<input type="checkbox"/> Prior Offender (558.016 RSMo)
<input type="checkbox"/> Persistent Domestic Violence Offender (565.063 RSMo)	<input type="checkbox"/> Prior Domestic Violence Offender (565.063 RSMo)
<input checked="" type="checkbox"/> Persistent Offender (Intoxication-related Traffic Offense) (577.023 RSMo)	<input checked="" type="checkbox"/> Prior Offender (Intoxication-related Traffic Offense) (577.023 RSMo)
<input type="checkbox"/> Aggravated Offender (577.023 RSMo)	<input type="checkbox"/> Chronic Offender (577.023 RSMo)
<input type="checkbox"/> Not Applicable	

on 09-19-13.

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NOV 25 2013

The court:

- Informs the defendant of verdict/finding, asks the defendant whether (s)he has anything to say why judgment should not be pronounced, and finds that no sufficient cause to the contrary has been shown or appears to the court.
- Defendant has been advised of his/her rights to file a motion for post-conviction relief pursuant to Rule 24.035/29.15 and the court has found
  - Probable cause       No probable cause
 to believe that defendant has received ineffective assistance of counsel.
- Finds the defendant has pled or been found guilty of a dangerous felony, as defined in section 556.061, RSMo, and if committed to the Department of Corrections, must serve at least 85% of the sentence.
- Finds the defendant has pled or been found guilty of an offense for which probation and parole are not authorized.
- Finds the defendant has pled or been found guilty of an offense that is subject to lifetime supervision pursuant to section 559.106, RSMo, and defendant must be supervised by Missouri Board of Probation and Parole for the duration of natural life, unless terminated after offender reaches age 65 or older.
- Finds the defendant has pled or been found guilty of an offense that is subject to an extended term of imprisonment.

On count I, the Court:

- Suspends imposition of sentence. Defendant is placed on probation for a period of \_\_\_\_\_ under the supervision of \_\_\_\_\_. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- Sentences and commits the defendant to the custody of MO DEPT OF CORRECTIONS for a period of 4 YRS. Sentence to be served
  - Concurrent                       Consecutive                      with \_\_\_\_\_
- Suspends execution of sentence. Defendant is placed on probation for a period of 5 YRS under the supervision of PROB & PAROLE. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- Fines the defendant \$ \_\_\_\_\_. The court stays \$ \_\_\_\_\_ with the remainder due by (date).

On count \_\_\_\_\_, the Court:

- Suspends imposition of sentence. Defendant is placed on probation for a period of \_\_\_\_\_ under the supervision of \_\_\_\_\_. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- Sentences and commits the defendant to the custody of \_\_\_\_\_ for a period of \_\_\_\_\_. Sentence to be served
  - Concurrent                       Consecutive                      with \_\_\_\_\_
- Suspends execution of sentence. Defendant is placed on probation for a period of \_\_\_\_\_ under the supervision of \_\_\_\_\_. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- Fines the defendant \$ \_\_\_\_\_. The court stays \$ \_\_\_\_\_ with the remainder due by (date).

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**NOV 25 2013**

On count \_\_\_\_\_, the Court:

- Suspends imposition of sentence. Defendant is placed on probation for a period of \_\_\_\_\_ under the supervision of \_\_\_\_\_. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- Sentences and commits the defendant to the custody of \_\_\_\_\_ for a period of \_\_\_\_\_. Sentence to be served
  - Concurrent                       Consecutive                      with \_\_\_\_\_
- Suspends execution of sentence. Defendant is placed on probation for a period of \_\_\_\_\_ under the supervision of \_\_\_\_\_. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- Fines the defendant \$ \_\_\_\_\_. The court stays \$ \_\_\_\_\_ with the remainder due by (date).

The court orders:

- The clerk to deliver a certified copy of the judgment and commitment to the sheriff.
- The sheriff to authorize one additional officer/guard to transport defendant to the Department of Corrections.
- That judgment is entered in favor of the state of Missouri and against the defendant for the crime victims compensation fund for the sum of
  - \$10.00  \$46.00  \$68.00.
  - Satisfied  Unsatisfied
- Judgment for the State of Missouri and against the defendant for appointed counsel services in the sum of \$
  - Satisfied  Unsatisfied
- Costs taxed against.
- Costs waived.
- Defendant to report immediately to the Department for fingerprinting. The Defendant is ordered to submit to the fingerprinting, and is further ordered to provide all information necessary for the officer taking the fingerprints to fully complete all identification and photograph portions of the standard fingerprint cards.
- Defendant to register as a sex offender with the chief law enforcement official of the county or city not within a county in which (s)he resides within three (3) days of conviction, release from incarceration, or placement on probation.

- §217.362 RSMo Court Ordered Long-Term Substance Abuse Program
- §559.115.2 RSMo General Population Department of Corrections shall provide a report and recommendation whether probation should be granted.

The court recommends placement into a Department of Corrections 120-day program pursuant to §559.115:

- Institutional Treatment Program (§559.115.3) Department of Corrections shall provide a report and may provide recommendations whether probation should be granted 30 days prior to the probationary release date. (Statutory Discharge)
- Shock Incarceration Program (§559.115.3) Department of Corrections shall provide a report and may provide recommendations whether probation should be granted 30 days prior to the probationary release date. (Statutory Discharge)
- Sexual Offender Assessment (§559.115.5) (Mandatory if the Defendant has pled guilty or been found guilty of sexual abuse, class B felony.) Upon completion of the assessment, Department of Corrections shall provide a report and may provide recommendations whether probation should be granted.
- §217.785 RSMo Non-Institutional Post Conviction Drug Treatment Program
- §217.785, RSMo Institutional Post Conviction Drug Treatment Program

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The court further orders: 30 days shock with work release approved.

- Defendant is placed on house arrest with electronic monitoring for a period of
  - All costs associated to the electronic monitoring shall be charged to the defendant.
  - Defendant is unable to afford the costs associated with electronic monitoring. All costs associated with electronic monitoring will be paid by the county commission.

So Ordered:

September 19, 2013

Date

R. Paul Beard

Judge

I certify that the above is a true copy of the original Judgment and Sentence of the court in the above cause, as it appears on record in my office.

(Seal of Circuit Court)

Issued on September 19, 2013  
Date

*Shaion Crawford*  
Clerk



IN THE CIRCUIT COURT OF SALINE COUNTY, MISSOURI

Judge or Division: R. PAUL BEARD	Case Number: 10SA-CR00439-01
Case Name: ST V KYLE JON NAYLOR	

**Certificate of Clerk**

I, SHARON CRAWFORD, Clerk of the CIRCUIT Court, Division 4 of SALINE County, which said court is a court of record, having a clerk and seal, certify that the attached is a true, accurate and complete copy of COURT DOCKET SHEET, INFORMATION, SENTENCE & JUDGMENT in the above entitled case, as the same appears of record and on file in this office.

WITNESS my hand and the seal of the court affixed hereto on NOVEMBER 1, 2013.

Clerk Sharon Crawford

By: \_\_\_\_\_ Deputy Clerk

(Seal of the Court)

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November 9, 2013

To Whom It May Concern:

Kyle Naylor has worked as a teacher for the State Fair Community College (SFCC) Adult Education and Literacy (AEL) program since September of 2008. He began teaching English-as-a-Second Language (ESL). Three years ago Mr. Naylor began teaching the Marshall High School Equalivancy (HSE) class along with his ESL teaching duties.

When Mr. Naylor assumed the duties of the HSE classroom it was a struggling class sites. Within two months he was able to turn the site in to one of the program's top five sites in our program. During this time he demonstrated the ability to work with community leaders to create a positive adult learning space.

Mr. Naylor is an excellent teacher. He respects his students and their individual learning styles. In the last three years, under his instruction, 20 students have obtained their high school equalivancy certificate and in the last five years 11 students have become U.S. Citizens. His classroom atmosphere and teaching strategies are good examples for others.

Kyle is respected by his co-workers and me. He is responsible and professional. His attitude is positive and he is always willing to help another teacher learn. He has successfully mentored two new teachers.

I respectfully ask that Mr. Naylor's positive contributions and commitment to the SFCC AEL program be strongly considered during the determination of the discipline process.

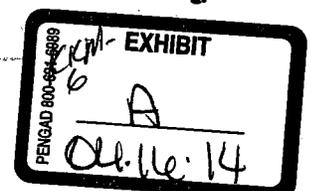
If you have any questions or need more information please contact me at 660.596.7389 or [dwilliams1@sfccmo.edu](mailto:dwilliams1@sfccmo.edu).

Sincerely,



Deb Williams  
SFCC AEL Director

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November 8, 2013

Church of the Nazarene  
782 W. North St.  
Marshall, MO 65340

**RE: Kyle Naylor**

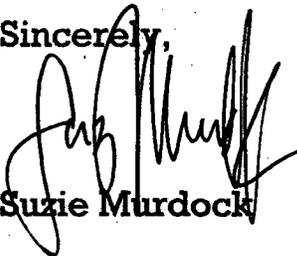
To Whom It May Concern:

I am writing in reference to Mr. Kyle Naylor with whom I have the pleasure of working with teaching both ESL and Citizenship classes. I am aware that beyond these two part time positions, he also teaches GED.

Mr. Naylor is an exceptional citizen who is extremely knowledgeable in his teaching of subject matters. He is always early to class preparing materials that will challenge his students to better enrich their learning.

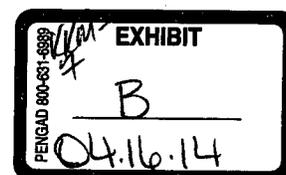
He is a devoted and passionate professional who puts his job first when it comes to teaching his class of adult students. He is truly an incredibly moral individual, who is well loved and adored by everyone that he teaches/ strikes conversations with.

Sincerely,



Suzie Murdock

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Rebecca Hernández  
1709 S. Benton Ave  
Marshall, Mo 65340

November 4, 2013

To Whom It May Concern:

I am writing this letter of recommendation on behalf of my friend and former colleague, Kyle Naylor. I met Mr. Naylor over eight years ago when he accepted an English-as-a-second-language teaching position with the adult education program I worked for. There, he immediately earned my respect by demonstrating such a strong compassion for teaching. Thus, the number of students attending Mr. Naylor's class was consistently high, proving that students truly enjoyed learning from him.

Since I resigned from my job in 2010 Mr. Naylor and I have remained friends. When he and I get together, he loves to talk about his student success stories. This is just more evidence of the pride he takes in teaching. Furthermore, Mr. Naylor is well-known and respected by the Latin community of Marshall for the work he has done for them.

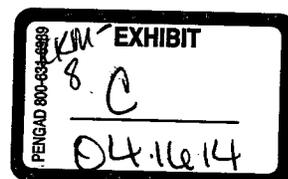
In conclusion, I support without reservation Kyle Naylor's desire to maintain his teaching career. I have no doubt he will continue doing great work as an educator.

Sincerely,

Rebecca Hernández

High School Teacher  
Marshall High School

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To Whom It May Concern:

I am privileged to write in support of my former colleague Kyle Naylor. I worked with Kyle when he was an elementary teacher at Miami R-1 school. Kyle was the Physical Education and Technology teacher at the time. He also went on to teach Science, Math and also served as the student council advisor. He was the teacher who went above and beyond in the classroom and school community. He was very comfortable teaching many areas in the prek-8 setting. He always worked well with others and if additional assignments were needed at the school he always volunteered.

It has been awhile since we worked together and Kyle has had a few personal issues to deal with. We have kept in contact however and I know he has not let them affect his ability to teach and mentor others. He currently assists individuals who wish to become citizens, learn the English language and finish their high school equivalency. I know first hand because he has assisted me with ideas and encouragement as I went back to school during this time period to become an elementary teacher. His knowledge in the educational field is vast and continually improving.

Currently I am finishing up my masters degree in administration and if I were in the position to hire Kyle for my school community I would do so without hesitation.

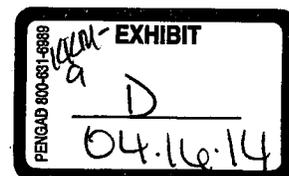
It is my pleasure to support Kyle Naylor and in my opinion he will continue to make strides and grow in his chosen profession which is education.

Sincerely,

*Amurah Anna Robinson-Cross*  
Anna Robinson-Cross  
First Grade Teacher  
Montgomery City Elementary School  
Montgomery City Missouri

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Ana Deysi Garcia  
La Paz Grocery & Restaurant  
345 N Jefferson Ave  
Marshall, MO 65340  
Phone:(660) 831-1211

To Whom It May Concern:

This letter is to reference for Kyle Naylor. Kyle was my citizenship teacher at Marshall High School in Marshall Missouri. I was very apprehensive in obtaining my United States Citizenship status since I thought it would be difficult. I am originally from the country of El Salvador. Kyle was a good teacher and had me believing that I could pass my citizenship test with study and coming to class. The class that I attended was very fun and informative. He walked me through the whole process. The process included much study and paperwork and Kyle made it very easy for me. I passed my Naturalization the first time and was very excited. He made me learn the material and class was much fun. I am not the only person from my community who has taken Kyle's class and become a citizen. Kyle is more or less the go to guy if a person wants to get naturalized into the United States. He does good work for the Latino community in Marshall.

Also I own a small hispanic grocery store in Marshall. If it was not for Kyle's help I never would of been able to own and run my own business. It was one of my dreams when coming to this country in the first place and with his help it was made possible. When asked to write this letter for character reference it was done without hesitation. He was a good teacher and I have reccomended many of my friends to him. He was always prepared for interesting classes and taught me much about the United States the country I now call home.



Ana Deysi Garcia

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NOV 25 2013

