

<b>MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:</b> <b>CONSIDERATION TO DISCIPLINE THE</b> <b>LICENSE TO TEACH OF MICHAEL NEFF, CASE # HR 13-020</b>	<b>March 2014</b>
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<b>STATUTORY AUTHORITY:</b>  Section 168.071, RSMo	<input type="checkbox"/> Consent Item <input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Report Item
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**DEPARTMENT GOAL NO. 3:**

Missouri will prepare, develop, and support effective educators.

**SUMMARY:**

Michael Neff, Respondent, holds a substitute teaching certificate set to expire on April 11, 2015.

In June 2013, Respondent pled guilty in St. Charles Circuit Court to three counts of stealing a controlled substance, a class C felony. The court sentenced Respondent to incarceration for five years, then suspended execution of sentence (SES), and placed him on five years supervised probation.

Respondent received notice of a hearing on this matter, but was not present either personally or through 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 revoke Michael Neff's substitute teaching certificate pursuant to its authority under Mo. Rev. Stat. § 168.071 (Supp. 2013).

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF MISSOURI

IN THE MATTER OF:	)	
	)	
Department of Elementary and	)	
Secondary Education,	)	
Petitioner,	)	
	)	
v.	)	Case No. HR 13-020
	)	
Michael Neff,	)	
Respondent.	)	

Introduction

This matter was held on January 16, 2014, before Kristen A. Morrow, Hearing Officer designated by the Commissioner of Education. Those present were:

Nichole Bock, Counsel for Department of Elementary and Secondary Education;  
Margery Tanner, Director, Educator Certification, Department of Elementary and  
Secondary Education; and  
Dana Keilholz, Legal Assistant, Department of Elementary and Secondary Education.

Findings of Fact

1. Michael Neff, Respondent, holds a substitute teaching certificate issued on April 7, 2011, and set to expire on April 11, 2015. Respondent's certificate is current and active and was so during all times material herein (Petitioner's Exhibit 2) (Transcript page 7, line 7 to page 8, line 15).
2. On or about June 17, 2013, Respondent pled guilty to three (3) counts of stealing a controlled substance, a class C felony, in the Circuit Court of St. Charles County, in the case styled *State of Missouri v. Michael A. Neff*, Case No. 1211-CR05909-01. On or about August 5, 2012, Respondent appropriated Concerta, a controlled substance, from Larry Tyler. On or about April 15, 2012, Respondent appropriated Xanax, a controlled substance, from Melissa Frasier Staton. Sometime between February 25 and February 27, 2011, Respondent appropriated Hydrocodone, a controlled substance, from Jeffrey Damol. (Petitioner's Exhibit 3) (Transcript page 9, line 19 to page 10, line 9).
3. On or about August 12, 2013, the court sentenced Respondent to incarceration for five (5) years, then suspended execution of sentence (SES) and placed him on five (5) years supervised probation. Further, Respondent was ordered to attend substance abuse counseling, to complete 100 hours of community service, and pay court cost and crime fees (Petitioner's Exhibit 3) (Transcript page 10, lines 10-19).

4. By letter dated October 25, 2013, Respondent received notice of this complaint and of a hearing scheduled for January 16, 2014. The notice letter was sent by certified mail and by first class mail. A certified mail receipt was not returned. Notice of the complaint by first class mail was not returned as undeliverable (Petitioner's Exhibit 1) (Transcript page 4, line 1 to page 6, line 16).
5. Respondent's educator certification record indicates that he substitute taught during the 2012-2013 school year, but that no school district has reported him teaching for the 2013-2014 school year (Petitioner's Exhibit 2) (Transcript page 8, lines 16-20).
6. On January 16, 2014, a hearing was held before Kristen A. Morrow, designated Hearing Officer. The Respondent was not present either personally or through counsel (Transcript page 2, lines 18-24).

#### Conclusions of Law

1. The conviction of Michael Neff, Respondent, of three (3) counts of stealing a controlled substance is a felony pursuant to Mo. Rev. Stat. § 570.030 (Supp. 2013).
2. 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).
3. 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).*

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

*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;*

5. 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 Michael Neff.

Recommendation

Within a period of over a year-and-a-half Respondent stole controlled substances from three (3) different people. Because Respondent did not appear, no mitigating factors were provided by him regarding his actions. In the end, he pled guilty to a felony and was spared five (5) years incarceration by receiving a SES. Respondent remains on probation until August 2018. It is recommended that Respondent's substitute certificate of license to teach be revoked.

Submitted this 7<sup>th</sup> day of March 2014, by the  
designated Hearing Officer for the Commissioner  
of Education.

A handwritten signature in cursive script, appearing to read "Kristen A. Morrow". The signature is written in black ink and is positioned above a horizontal line.

Kristen A. Morrow  
Hearing Officer

1 BEFORE THE MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

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DISCIPLINARY HEARING

Of

7

MICHAEL ALFRED NEFF

8

JANUARY 16, 2014

9

Jefferson State Office Building

205 Jefferson Street

10

Jefferson City, MO 65101

11

12 Before:

Dana Keilholz

13

Margery Tanner

Kristen Morrow

14

15 Also present: Nicole Bock - Counsel for the Department

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20 Reported by:

Jenna Petree

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Midwest Litigation Services

401 Locust Street

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Columbia, MO 65201

573-449-0561

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PROCEEDINGS

HEARING OFFICER: This hearing is in the matter of Department of Elementary and Secondary Education versus Michael Alfred Neff and has been designated Hearing No. 13-020. This hearing is being held pursuant to Section 168.071 of the Revised Statutes of Missouri, which authorizes the State Board of Education to suspend or revoke the certificate of license to teach if the certificate holder has pleaded to or been found guilty of a crime involving moral turpitude under the laws of this state or any other state of the United States or any other country whether or not sentence is imposed.

Administrative rules adopted by the State Board of Education pursuant to the Statute authorizes the Commissioner of Education to designate a hearing officer in these matters. My name is Kristen Morrow and I have been designated to hear this case.

Unless otherwise provided under Section 168.071 this hearing is being held pursuant to the procedural rules of Chapter 536, the Administrative Procedures Act. And let's the record show that the certificate holder, Mr. Neff, is not present at this hearing and is not either represented personally or through counsel.

Let's let the record also show that Nicole

1 Bock is present on behalf of the state. So, counsel we'll  
2 let you begin.

3 MS. BOCK: Good morning. I'm Nicole Bock and  
4 I'm the Assistant Attorney General and I'll be representing  
5 the Department of Elementary and Secondary Education in  
6 this matter. We're here today as we stated regarding  
7 Michael Neff, who currently holds a substitute certificate  
8 of license to teach. The evidence will show that on  
9 June 17, 2013 in St. Charles County, Mr. Neff entered a  
10 plea of guilty to three counts of stealing a controlled  
11 substance, which is a violation of Section 570.030 of the  
12 Missouri Revised Statutes and it's a Class C felony.  
13 Therefore based on that evidence, Mr. Neff's substitute  
14 certificate license to teach should be subject to  
15 discipline under 168.071 and the State Regulations 5 CSR  
16 20-400.230 because his crimes were both felonies and crimes  
17 of moral turpitude.

18 I would like to call Dana Keilholz as my first  
19 witness:

20 DANA KEILHOLZ, being sworn, testifies as follows:

21 EXAMINATION

22 BY MS. BOCK:

23 Q Could you please state your name and spell it  
24 for the record?

25 A Dana, D-a-n-a, Keilholz, K-e-i-l-h-o-l-z.

1 Q And where are you currently employed?

2 A I'm legal assistant for the Department of  
3 Education.

4 Q What are your primary duties in that role?

5 A Arrange hearings for certificate holders who  
6 have had complaints filed again them for disciplinary  
7 hearing.

8 Q And as part of your duties as a legal  
9 assistant do you send out notices for those hearings?

10 A Yes, I do.

11 Q And did you send such a notice to Michael  
12 Neff, the respondent in this matter?

13 A Yes, I did. It was October 25.

14 Q And I have placed in front of you what's been  
15 marked as Petitioner's Exhibit 1. Do you recognize that  
16 exhibit?

17 A Yes. This is the letter the I send to the  
18 certificate holder letting them know of the date and time  
19 of the hearing and the complaint that has been filed  
20 against them and the statutes and regulations.

21 Q Does the Department maintain these notices as  
22 records?

23 A Yes.

24 Q And is that made in the ordinary course of the  
25 Department's business by a person with knowledge concerning

1 the hearing?

2 A Yes.

3 Q And is that a true and accurate copy of the  
4 notice that was mailed in this matter aside from the state  
5 with the topic of attorney general?

6 A Yes.

7 MS. BOCK: I'd like to offer Petitioner's  
8 Exhibit 1 into evidence at this time.

9 HEARING OFFICER: Petitioner's Exhibit 1 will  
10 be admitted to into the record.

11 (Petitioner's Exhibit 1, was offered and  
12 admitted into the record.)

13 Q (By Ms. Bock) And you stated that was sent on  
14 October 25, 2013?

15 A Yes.

16 Q And aside from -- you stated -- what  
17 information is in the notice? I'm sorry.

18 A The notice includes the complaint that was  
19 filed against the certificate holder, the date and the time  
20 and the location of the hearing and it gives the  
21 instruction on what to do.

22 Q What address was that notice mailed to?

23 A 354 Carriage Trail Court, O'Fallon, Missouri  
24 63368.

25 Q And how did you obtain that address from Mr.

1 **Neff?**

2 A That address was the address that was on the  
3 complaint.

4 **Q And how did you send the notice?**

5 A We send it actually twice. We send it first  
6 class and certified mail. The certified mail was returned  
7 receipt requested.

8 **Q Did you receive the certified notice back in  
9 this case?**

10 A No.

11 **Q Did you receive the first class mail back as  
12 undeliverable?**

13 A No.

14 **Q So in your experience, would that indicate  
15 that Mr. Neff received the first class mail notice?**

16 A Yes.

17 MS. BOCK: I have no other questions for Ms.  
18 Keilholz.

19 HEARING OFFICER: Okay. Thank you.

20 MS. BOCK: I would like to call Margery  
21 Tanner.

22 MARGERY TANNER, being sworn, testifies as follows:

23 EXAMINATION

24 **Q (By Ms. Bock) Can you please state and spell  
25 your name?**

1 A Margery Tanner, M-a-r-g-e-r-y, T-a-n-n-e-r.

2 Q Are you also employed by the Department of  
3 Elementary and Secondary Education?

4 A I am

5 Q And what is your position?

6 A I'm the director of educator certification.

7 Q And as part of your role as director of  
8 educator certification, do you maintain teacher  
9 certification records?

10 A I do.

11 Q I have placed in front of you what has been  
12 marked as Exhibit 2, do you recognize that document?

13 A Yes.

14 Q And could you explain what the three pages  
15 there are?

16 A Page one reflects a certification record for  
17 Michael Alfred Neff. Page two is a core data report, which  
18 would reflect where he has been employed in Missouri. And  
19 page three is a record, it's a substitute log where  
20 districts report who they are using as their sub for any  
21 particular school year.

22 Q And are those records maintained by the  
23 Department in a normal course of its business?

24 A Yes.

25 Q And have they been made by someone who had

1 knowledge about Mr. Neff's certification?

2 A Yes.

3 Q And is that a true and accurate copy of those  
4 records?

5 A Yes, it is.

6 Q And referring to those records what type of  
7 certificate does Mr. Neff hold?

8 A He holds a substitute certificate.

9 Q When was that issued?

10 A It was issued April 7, 2011.

11 Q When does it expire?

12 A April 7, 2015.

13 Q So at this time it is still current and  
14 active?

15 A Yes, it is.

16 Q And does the record reflect whether Mr. Neff  
17 is currently teaching in Missouri?

18 A It reflects that he was reported as teaching  
19 for the 2012/2013 school year, but there is no record of  
20 district reporting him working for the '13/'14 school year.

21 Q To switch topics a little bit, does the  
22 Department of Elementary and Secondary Education require a  
23 certificate holder to keep the Department apprised of their  
24 current address?

25 A Yes, it does.

1           **Q     Is there a regulation to that effect?**

2           A     Yes, there is.

3           **Q     I have placed in front of you 5 CSR 20-400.150**  
4 **if you could read portions that I have highlighted, like**  
5 **Paragraph 12 and 12 B.**

6           A     Paragraph 12 states that, "The holder of a  
7 certificate of license to teach shall ensure that DESE has  
8 a current legal name and address." It goes on to state in  
9 Section B, "A holder of a certificate of license to teach  
10 whose address has changed shall inform within 90 days of  
11 the effective date of the change."

12           **Q     And what address is currently on file with**  
13 **DESE for Mr. Neff?**

14           A     354 Carriage Trail Court, O'Fallon, Missouri,  
15 63368.

16           MS. BOCK: Thank you. I don't have any other  
17 questions for Ms. Tanner.

18           HEARING OFFICER: Thank you.

19           MS. BOCK: At this time I would like to offer  
20 into evidence Exhibit 3, which you have in front of you.  
21 Exhibit 3 contains self-authenticating certified copies of  
22 the court record of St. Charles County, Missouri. Exhibit  
23 3 contains the indictment which shows that Mr. Neff was  
24 charged with appropriating Concerta, which is a controlled  
25 substance, from Larry Tyler on August 5, 2012. He was also

1 charged with appropriating Xanax, also a controlled  
2 substance from Melissa Frasier Staton, on or about  
3 April 15, 2012. And appropriating Hydrocodone, which is  
4 also a controlled substance from Jeffrey Damol, between  
5 February 25 and February 27, 2011. The record also shows  
6 that based on those charges on June 17, 2013, Mr. Neff  
7 plead guilty to three counts of stealing a controlled  
8 substance under 570.030 of the Missouri Revised Statutes,  
9 which is a class C felony.

10 As a result of Mr. Neff's guilty plea, the  
11 court sentenced him to incarceration for a period of five  
12 years, suspended execution of sentence and placed him on  
13 probation for five years. The court also ordered Mr. Neff  
14 to attend substance abuse counseling and group support  
15 meetings as directed by his probation and parole officer,  
16 complete a 100 hours of community service, pay restitution  
17 and court cost and crime fees as ordered by the court.  
18 That's all reflected in Exhibit 3, so I would like to offer  
19 that into evidence.

20 HEARING OFFICER: Before I enter that into the  
21 record, did you offer Petitioner's Exhibit 2?

22 MS. BOCK: I believe I did but I may have  
23 forgotten. I would like to offer Exhibit 2 at this time.

24 HEARING OFFICER: We'll go ahead and get the  
25 Petitioner's Exhibit 2 will be entered into the record.

## HEARING 1/16/2014

Page 11

1 (Petitioner's Exhibit 2 was offered and  
2 admitted into the record.)

3 HEARING OFFICER: Again for clarification  
4 purposes, did you say that he received a suspended  
5 imposition of sentence or a suspended execution of  
6 sentence?

7 MS. BOCK: It was suspended execution of  
8 sentence.

9 HEARING OFFICER: Okay. Just wanted to  
10 clarify that. Petitioner's Exhibit 3 will be entered into  
11 the record.

12 (Petitioner's Exhibit 3 was offered and  
13 admitted into the record.)

14 HEARING OFFICER: Do you have anything further  
15 counsel?

16 MS. BOCK: No, that will be all. I will rest  
17 at this time.

18 HEARING OFFICER: Well, I'll let you then  
19 finish if you like if you have a closing statement you  
20 would like to make or anything else you would like to make.

21 MS. BOCK: I will just make a brief statement.

22 CLOSING STATEMENT

23 MS. BOCK: The evidence I believe shows that  
24 Mr. Neff pled guilty to three felonies therefore he should  
25 be subject to discipline under 168.071 of the state

1 regulation 5 CSR 20-400.230. And furthermore his offenses  
2 are crimes of moral turpitude. Missouri Supreme Court  
3 defines moral turpitude as an act that's contrary to the  
4 accepted and customary rules and duties or an act that is  
5 contrary to justice, honesty, good morals. In the case of  
6 In Re: Frick, which is a Missouri Supreme Court case. I  
7 think that Mr. Neff's offenses clearly shows a lack of  
8 honesty and good morals.

9           The Administrative Hearing Commission in other  
10 licensing matters has found that stealing a controlled  
11 substance is a class I of offense which necessarily  
12 involves moral turpitude. I could provide citations to  
13 those if necessary and I would ask that --

14           HEARING OFFICER: Go ahead.

15           MS. BOCK: Do you want me to give you  
16 citations?

17           HEARING OFFICER: No, you don't have to.

18           MS. BOCK: So I just would just ask that the  
19 Board consider the evidence before it and impose whatever  
20 discipline it believes is appropriate level of discipline.

21           HEARING OFFICER: Okay. Thank you, counsel.  
22 The hearing will conclude at this time, which is 10:15 a.m.  
23 Thursday, January 16, 2014. Once again let's let the  
24 record show that Mr. Neff was notified of the hearing and  
25 he was not here personally or through counsel. This matter

1 will be brought before the State Board of Education at a  
2 date and time to be set by the commissioner of education.

3 Thank you.

4 (Hearing concluded at 10:15 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

October 25, 2013

Mr. Michael Alfred Neff  
354 Carriage Trail Court  
O'Fallon, MO 63368

**RETURN RECEIPT REQUESTED**  
**CERTIFIED MAIL # 7006 0100 0005 2169 1840**  
**And VIA FIRST-CLASS MAIL**

RE: *Department of Elementary and Secondary Education v. Michael Alfred Neff*  
Case No. HR 13-020

Dear Mr. Neff:

Pursuant to §168.071, RSMo Supp. 2012, the Missouri State Board of Education is initiating disciplinary proceedings against your certificate of license to teach. A photocopy of the complaint is enclosed.

In accordance with the procedures found in §168.071, RSMo Supp. 2012, and 5 CSR 20-400.230, you are notified that a hearing will be held January 16, 2014, by a hearing officer designated by the Commissioner of Education. Enclosed is a copy of the cited statute and regulation for your reference.

The hearing will commence at 10:00 a.m. Please report to the State Board of Education Room on the first floor of the Jefferson State Office Building, located at 205 Jefferson Street, Jefferson City, Missouri. You are strongly encouraged to be present at the hearing, either personally and/or through legal counsel, together with witnesses of your choice to give information relative to these allegations and to show cause as to why disciplinary action should not be taken against your certificate of license to teach.

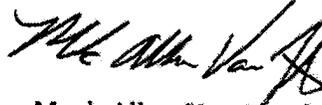
If you wish to offer documents into evidence at the hearing, please bring three copies of each document. The information gathered at the hearing and the findings of the hearing officer will be provided to the State Board of Education for a decision in this case.



Mr. Michael Alfred Neff  
Page 2  
October 25, 2013

If you will be represented by legal counsel please have them enter their appearance in this matter with this office as soon as possible. Should you have any questions in this matter, please feel free to contact my office at (573) 751-3527.

Sincerely,



Mark Allan Van Zandt

Enclosures

- c: Nichole M. Bock, Assistant Attorney General
- Paul Katnik, Assistant Commissioner, Educator Quality
- Margery Tanner, Director, Educator Certification



DESE - Certificate Status

Selection Criteria

Educator ID: 541932 Social Security Number: [REDACTED]  
 Name: MICHAEL ALFRED NEFF  
 Address: 354 CARRIAGE TRAIL COURT  
 City: O'FALLON State: MO Zip: 63368-0000  
 Personal Phone: ( 636 ) 244 - 2889  
 Work Phone: ( ) - -  
 Email Address: MNEFF11@MYWAY.COM  
 Edit Contact Information

1 record(s)

Certification						
Subject Area/Grade Level	Classification	Effective Date	Expiration Date	Analysis Indicator	Status	Evaluation
CONTENT SUBSTITUTE	SUBSTITUTE CERT	04/07/2011	04/07/2015	SUBSTITUTE	ISSUED	

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: RSEGALL Last Modified Date: 4/7/2011 2:56:41 PM

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Ver. 2.3.0104







DESE - Substitute Certification Log

(Sort By)  Code  Name

Select District:  District:

---

Educator ID:

School Year:  Last Name Starts with:  Sort By:

NAME	SUBSTITUTE TYPE	2013 - 2014	2012 - 2013	2011 - 2012	District Code	District Name
NEFF, MICHAEL ALFRED	CONTENT SUBSTITUTE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	092-088	FRANCIS HOWELL R-III

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

Current User: ALEE Last Modified User: Last Modified Date:  
 "Missouri public schools: the best choice...the best results!"

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[Policy](#)

Ver: 7.0000

1211-CR05909-01 ST V MICHAEL A NEFF Security Level: 1 Public

Case Type: CC Felony Case Filing Date: 29-Apr-2013  
Status: Judgment CVC \$46 - Other  
Disposition: Guilty Plea Disposition Date: 17-Jun-2013  
OCN#: A3050960  
Arresting Agency: MO0920100

		Release/Status Change Date	Reason
Judge	JON A CUNNINGHAM (30398)		
Defendant	MICHAEL A NEFF (NEFMA6437)		
Attorney for Defendant	LOUIS RICHARD HORWITZ (56155)		
Assistant Prosecuting Attorney	PHILIP W GROENWEGHE (32509)		
Prosecuting Attorney	LAURA R WHITLOW (49336)	03-May-2013	Party Released/Ended
Prosecuting Attorney	KENT FANNING (20501)	31-May-2013	No Longer in Office/Position

Current Bond: Bond-Surety Bond Posted ; 04-Dec-2012

Charge #	Charge Date	Charge Code	Charge Description
1	05-Aug-2012	1501700	Theft/Stealing Any Controlled Substance As Defined By Section 195.010 (Felony C RSMo: 570.030)
Disposition:	17-Jun-2013	Guilty Plea	
Order Date:	12-Aug-2013	Sentence or SIS :	Incarceration DOC
Length :	5 Years	Start Date :	12-Aug-2013

EXECUTION OF SENTENCE SUSPENDED

Original Charge:	2	15-Apr-2012	1501700	Theft/Stealing Any Controlled Substance As Defined By Section 195.010 (Felony C RSMo: 570.030)
Disposition:	17-Jun-2013	Guilty Plea		
Order Date:	12-Aug-2013	Sentence or SIS :	Incarceration DOC	
Length :	5 Years	Start Date :	12-Aug-2013	

EXECUTION OF SENTENCE SUSPENDED

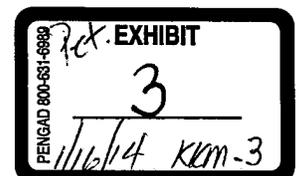
Original Charge:	3	25-Feb-2011	1501700	Theft/Stealing Any Controlled Substance As Defined By Section 195.010 (Felony C RSMo: 570.030)
Disposition:	17-Jun-2013	Guilty Plea		
Order Date:	12-Aug-2013	Sentence or SIS :	Incarceration DOC	
Length :	5 Years	Start Date :	12-Aug-2013	

EXECUTION OF SENTENCE SUSPENDED

Program: PROBATION Agency: Missouri Board of Probation & Parole  
Associated To: Charge 1, Charge 2, and Charge 3  
Classification: SUPERVISED  
Start Date: 12-Aug-2013 Due to End: 12-Aug-2018

Filing Date	Description
06-Nov-2012	Probable Cause Statement Filed
15-Nov-2012	Bond Set BOND SET AT \$10,000.00, 10% IS AUTHORIZED. PJO
03-Dec-2012	Warrant Served Document ID - 12-ADARW-1800; Served To - NEFF, MICHAEL A; Server - SO ST CHARLES CNTY; Served Date - 02-DEC-12; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served AWAITING BOND TO SCHEDULE
04-Dec-2012	Bond-Surety Bond Posted \$10,000.00 SURETY POSTED BY TULLOCK BAIL BONDS
29-Apr-2013	Judge Assigned Filing:

RECEIVED  
SEP 03 2013



Case continued from previous page.

**1211-CR05909-01 ST V MICHAEL A NEFF****Security Level: 1 Public**

03-May-2013 **CASE BOUND OVER**  
**Judge/Clerk - Note**  
NO INFORMATION FILED. PAG  
**Arrestment Scheduled**  
**Scheduled For:** 17-Jun-2013; 9:00 AM; JON A CUNNINGHAM; **Setting:** 0; St Charles Circuit Div  
**Certificate of Service**  
BO Discovery Cover Letter; Electronic Filing Certificate of Service.  
**Filed By:** LAURA R WHITLOW  
**Motion for Disclosure**  
BO Request for Disclosure; Electronic Filing Certificate of Service.  
**Filed By:** LAURA R WHITLOW  
**Information Filed**  
BO Felony Information; Electronic Filing Certificate of Service.  
**Entry of Appearance Filed**  
BO States Entry of Appearance; Electronic Filing Certificate of Service.  
**Filed By:** LAURA R WHITLOW

17-Jun-2013 **Arrestment Held**  
DEFT IS PRESENT AND WAIVES ARRAIGNMENT. DEFT PLEADS GUILTY ON THIS DAY. SENTENCING ADVISORY REPORT IS ORDERED. CASE IS CONT FOR SENTENCING ON 08/12/2013 AT 09:00 AM .  
DHB  
**Filed By:** JON A CUNNINGHAM  
**Sent Assessment Report Ordered**  
**Filed By:** JON A CUNNINGHAM  
**Amended Information Filed**  
**Filed By:** JON A CUNNINGHAM  
**Guilty Plea**  
**Filed By:** JON A CUNNINGHAM  
**Hearing/Trial Cancelled**  
**Scheduled For:** 17-Jun-2013; 9:00 AM; JON A CUNNINGHAM; **Setting:** 0; St Charles Circuit Div

25-Jun-2013 **Sentencing Hearing Scheduled**  
**Scheduled For:** 12-Aug-2013; 9:00 AM; JON A CUNNINGHAM; **Setting:** 0; St Charles Circuit Div

27-Jun-2013 **Sub Counsel by Auto Script**  
Withdraw of APA Kent Fanning and Entry of APA Phil Groenweghe.

22-Jul-2013 **Motion for Disclosure**  
Defendant s Disclosure; Electronic Filing Certificate of Service.  
**Filed By:** LOUIS R HORWITZ  
**On Behalf Of:** MICHAEL A NEFF

01-Aug-2013 **Motion for Disclosure**  
Defendant s Second Disclosure; Electronic Filing Certificate of Service.  
**Filed By:** LOUIS R HORWITZ  
**On Behalf Of:** MICHAEL A NEFF

06-Aug-2013 **Sent Assessment Report Filed**  
COPY OF SARS SENT VIA ELECTRONIC FILING TO PA AND DEFENSE ATTORNEY. MES

12-Aug-2013 **Hearing/Trial Cancelled**  
**Scheduled For:** 12-Aug-2013; 9:00 AM; JON A CUNNINGHAM; **Setting:** 0; St Charles Circuit Div  
**Judge/Clerk - Note**  
CLOSING DOCUMENT. DHB  
**Filed By:** JON A CUNNINGHAM  
**Judge/Clerk - Note**  
CLOSING DOCUMENT. DHB

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Case continued from previous page.

**1211-CR05909-01 ST V MICHAEL A NEFF**

**Security Level: 1 Public**

**Filed By:** JON A CUNNINGHAM

**Defendant Sentenced**

DEFENDANT SENTENCED TO 5 YEARS SES (5 YEARS) PROBATION (MISSOURI PROBATION AND PAROLE). CONTINUE SUBSTANCE ABUSE COUNSELING AS DIRECTED BY THE SUPERVISING PROBATION OFFICER. ATTEND SUPPPORT GROUP MEETINGS AS DIRECTED BY SUBSTANCE ABUSE COUNSELOR AND THE SUPERVISING PROBATION OFFICER. SUCCESSFULLY COMPLETE 100 HOURS OF COMMUNITY SERVICE WITHIN 2 YEARS OF BEING PLACED ON SUPERVISION. SUCCESSFULLY COMPLETE THIS AGENCY'S INTAKE PROGRAM WITHIN 90 DAYS OF BEING PLACED ON SUPERVISION. PAY RESTITUTION AS ORDERED BY THE COURT. PAY ALL COURT COSTS AND CRIME VICTIMS COMPENSATION FEES AS ORDERED BY THE COURT. SO ORDERED JAC. (JA)

<b>Sentence Date:</b>	12-Aug-2013	<b>Sentence:</b>	Incarceration DOC
	12-Aug-2013		Incarceration DOC
	12-Aug-2013		Incarceration DOC

**Judgment Entered**

**Judgment CVC \$46 - Other**

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

DUE BY SEPTEMBER 20, 2013

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**1211-CR05909 ST V MICHAEL A NEFF Security Level: 1 Public**

**Case Type:** AC Felony **Case Filing Date:** 06-Nov-2012  
**Status:** Bndover Circ-Waive Prel Hrng  
**Disposition:** Bndover Circ-Waive Prel Hrng **Disposition Date:** 29-Apr-2013  
**OCN#:** A3050960  
**Arresting Agency:** MO0920100

		<u>Release/Status Change Date</u>	<u>Reason</u>
Judge	<b>ELIZABETH WALKER SWANN (30522)</b>		
Judge	PHILIP J OHLMS (28729)	10-Jan-2013	Judge Transferred/Reassigned
Defendant	<b>MICHAEL A NEFF (NEFMA6437)</b>		
Attorney for Defendant	LOUIS RICHARD HORWITZ (56155)		
Prosecuting Attorney	<b>LAURA R WHITLOW (49336)</b>		
Assistant Prosecuting Attorney	CARRIE BARTH (48529)	06-Nov-2012	Party Released/Ended
Prosecuting Attorney	JILLIAN S ANDERSON (53918)	10-Jan-2013	Party Released/Ended

**Current Bond:** Bond-Surety Bond Posted ; 04-Dec-2012

	<u>Charge #</u>	<u>Charge Date</u>	<u>Charge Code</u>	<u>Charge Description</u>
<b>Original Charge:</b>	1	05-Aug-2012	1501700	Theft/Stealing Any Controlled Substance As Defined By Section 195.010 ( <b>Felony C RSMo: 570.030</b> )
<b>Disposition:</b>	29-Apr-2013		Bndover Circ-Waive Prel Hrng	
<b>Original Charge:</b>	2	15-Apr-2012	1501700	Theft/Stealing Any Controlled Substance As Defined By Section 195.010 ( <b>Felony C RSMo: 570.030</b> )
<b>Disposition:</b>	29-Apr-2013		Bndover Circ-Waive Prel Hrng	
<b>Original Charge:</b>	3	25-Feb-2011	1501700	Theft/Stealing Any Controlled Substance As Defined By Section 195.010 ( <b>Felony C RSMo: 570.030</b> )
<b>Disposition:</b>	29-Apr-2013		Bndover Circ-Waive Prel Hrng	

<u>Filing Date</u>	<u>Description</u>
06-Nov-2012	<b>Judge Assigned</b>
	<b>Complaint Filed</b>
14-Nov-2012	<b>Warrant Issued</b> Document ID: 12-ADARW-1800, for NEFF, MICHAEL A. , Bond Text: 10% IS / IS NOT AUTHORIZED. <b>Service/Attempt Date:</b> 02-Dec-2012
15-Nov-2012	<b>Bond Set</b> BOND SET AT \$10,000.00, 10% IS AUTHORIZED. PJO <b>Filed By:</b> PHILIP J OHLMS 14-Nov-2012 Warrant Issued
	<b>Order for Fingerprinting</b> ORDER FOR BOOKING AND FINGERPRINTING. PJO <b>Filed By:</b> PHILIP J OHLMS
03-Dec-2012	<b>Warrant Served</b> Document ID - 12-ADARW-1800; Served To - NEFF, MICHAEL A; Server - SO ST CHARLES CNTY; Served Date - 02-DEC-12; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served AWAITING BOND TO SCHEDULE
04-Dec-2012	<b>Bond-Surety Bond Posted</b> \$10,000.00 SURETY POSTED BY TULLOCK BAIL BONDS
05-Dec-2012	<b>Bond Appearance Hrng Sched</b> <b>Scheduled For:</b> 27-Dec-2012; 9:00 AM; PHILIP J OHLMS; <b>Setting:</b> 0; St Charles Circuit Div
27-Dec-2012	<b>Entry of Appearance Filed</b> <b>Filed By:</b> LOUIS R HORWITZ <b>On Behalf Of:</b> MICHAEL A NEFF

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Case continued from previous page.

**1211-CR05909 ST V MICHAEL A NEFF Security Level: 1 Public**

- 27-Dec-2012 **Motion for Discovery**  
**Filed By:** LOUIS R HORWITZ  
**On Behalf Of:** MICHAEL A NEFF  
**Order for Continuance**  
**Scheduled For:** 27-Dec-2012; 9:00 AM; PHILIP J OHLMS; **Setting:** 0; St Charles Circuit Div  
**Disposition Hearing Scheduled**  
**Scheduled For:** 10-Jan-2013; 9:00 AM; PHILIP J OHLMS; **Setting:** 0; St Charles Circuit Div
- 10-Jan-2013 **Judge Assigned**  
**Order for Change of Judge**  
 CAUSE RE-ASSIGNED TO DIV 9  
**Scheduled For:** 10-Jan-2013; 9:00 AM; PHILIP J OHLMS; **Setting:** 0; St Charles Circuit Div  
**Motion for Sub of Counsel**  
 PA Withdraw & PA Entry; Electronic Filing Certificate of Service.  
**Filed By:** JILLIAN S ANDERSON  
**Certificate of Service**  
 State sends discovery; Electronic Filing Certificate of Service.  
**Filed By:** JILLIAN S ANDERSON
- 11-Jan-2013 **Disposition Hearing Scheduled**  
**Scheduled For:** 04-Feb-2013; 9:00 AM; ELIZABETH WALKER SWANN; **Setting:** 0; St Charles Circuit Div
- 24-Jan-2013 **OCN Filed**
- 04-Feb-2013 **Order for Continuance**  
 DEFENDANT PRESENT  
**Scheduled For:** 04-Feb-2013; 9:00 AM; ELIZABETH WALKER SWANN; **Setting:** 0; St Charles Circuit Div  
**Disposition Hearing Scheduled**  
**Scheduled For:** 25-Mar-2013; 9:00 AM; ELIZABETH WALKER SWANN; **Setting:** 0; St Charles Circuit Div  
**Order for Continuance**  
 DEFENDANT PRESENT  
**Scheduled For:** 25-Mar-2013; 9:00 AM; ELIZABETH WALKER SWANN; **Setting:** 0; St Charles Circuit Div  
**Disposition Hearing Scheduled**  
**Scheduled For:** 25-Mar-2013; 9:00 AM; ELIZABETH WALKER SWANN; **Setting:** 0; St Charles Circuit Div
- 25-Mar-2013 **Order for Continuance**  
**Scheduled For:** 25-Mar-2013; 9:00 AM; ELIZABETH WALKER SWANN; **Setting:** 0; St Charles Circuit Div
- 26-Mar-2013 **Disposition Hearing Scheduled**  
**Scheduled For:** 29-Apr-2013; 9:00 AM; ELIZABETH WALKER SWANN; **Setting:** 0; St Charles Circuit Div
- 29-Apr-2013 **Bndover Circ-Waive Prel Hrng**  
 BOUNDOVER TO DIV 5 ON JUNE 17, 2013  
**Scheduled For:** 29-Apr-2013; 9:00 AM; ELIZABETH WALKER SWANN; **Setting:** 0; St Charles Circuit Div

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STATE OF MISSOURI  
DEPARTMENT OF CORRECTIONS  
BOARD OF PROBATION AND PAROLE  
**ORDER OF PROBATION**

FORWARD TO

CIRCUIT COURT OF

COUNTY, MISSOURI

DEFENDANT <b>Michael A. Neff</b>	DOCKET NUMBER <b>1211-CR05909-01</b>
-------------------------------------	---

ADDRESS <b>354 Carriage Trail Court</b>	CITY <b>O'Fallon, MO 63366</b>	COUNTY <b>St. Charles</b>
--	-----------------------------------	------------------------------

OFFENSE <b>PG: Stealing a C/S (3 counts)</b>	SENTENCE <b>5yr / SES</b>	TERM OF PROBATION <b>5 years</b>
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Your application for probation has been received and approved by this Court. In accordance with the authority vested in this Court by the laws of the State of Missouri, you are hereby placed on probation for such a period of time as required by statute; or until you have proven by your conduct, to the satisfaction of this Court, that you are entitled to discharge from this probation. You are hereby advised that under the law the Court may at any time revoke or modify any conditions of probation, and you shall be subject to arrest upon order of the Court. At any time within the period of your probation the Court may impose or order execution of the sentence for your original offense in accordance with the laws of the State of Missouri, and commit you to such institution provided by law.

It is the further order of the Court that your case by assigned to the supervision of the State Board of Probation and Parole and its representative Probation and Parole Officer under the following conditions. They are authorized to report to this Court on all matters pertaining to your probation, and to make such recommendations and take such action as the Court may require in your case.

**CONDITIONS OF PROBATION**

1. LAWS: I will obey all federal and state laws, municipal and county ordinances. I will report all arrests to my Probation & Parole Officer within 48 hours.
2. TRAVEL: I will obtain advance permission from my Probation and Parole Officer before leaving the state or the area in which I am living.
3. RESIDENCY: I will obtain advance permission from my Probation and Parole Officer before making any change in residency.
4. EMPLOYMENT: I will maintain employment unless engaged in a specific program approved by my Probation and Parole Officer. I will obtain advance permission from my Probation and Parole Officer before quitting my job or program. In the event I lose my job or am terminated from a program, I will notify my Probation and Parole Officer within 48 hours.
5. ASSOCIATION: I will obtain advance permission from my Probation and Parole Officer before I associate with any person convicted of a felony or misdemeanor, or with anyone currently under the supervision of the Board of Probation and Parole. It is my responsibility to know with whom I am associating.
6. DRUGS: I will not have in my possession or use any controlled substance except as prescribed for me by a licensed medical practitioner.
7. WEAPONS: I will not own, possess, purchase, receive, sell, or transport any firearms, ammunition, or explosive device, or any dangerous weapon if I am on probation or parole for a felony charge or a misdemeanor involving firearms or explosives, or if it is in violation of federal, state, or municipal laws or ordinances.
8. REPORTING/DIRECTIVES: I will report as directed to my Probation and Parole Officer. I will abide by any directives given me by my Probation and Parole Officer.
9. SUPERVISION STRATEGY: I will enter and successfully complete any supervision strategy and abide by all rules and program requirements, as directed by the Court, Board, or my supervising Probation and Parole Officer.
10. INTERVENTION FEE: I shall pay a monthly intervention fee in an amount set by Missouri Department of Corrections pursuant to RSMo 217.690. This payment shall be due and payable on the first day of the first month following placement on probation, parole or conditional release.
11. SPECIAL CONDITIONS:
  - 1) Continue substance abuse counseling as directed by the supervising probation officer.
  - 2) Attend support group meetings as directed by substance abuse counselor and the supervising probation officer.
  - 3) Successfully complete 100 hours of Community Service within 2 years of being placed on supervision.
  - 4) Successfully complete this agency's Intake Program within 90 days of being placed on supervision.
  - 5) Pay restitution as ordered by the court.
  - 6) Pay all court costs and CVCF as ordered by the court.

I have read or have had read to me the Order of Probation and the Conditions set out herein. I agree to comply with such conditions during the period of my probation.

WITNESSED BY	DATE	PROBATIONER'S SIGNATURE	DATE
		<i>[Signature]</i>	8-12-13

ASSIGNED	DAY OF	YEAR	IN THE CIRCUIT COURT OF
----------	--------	------	-------------------------

COUNTY, STATE OF MISSOURI <b>St. Charles, MO</b>	HONORABLE <b>Jon Cunningham</b>
---	------------------------------------

ATTEST:	COURT CLERK	JUDGE OF THE <b>11<sup>th</sup> Judicial Circuit</b>
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DATE OF BIRTH <b>11/24/60</b>	RACE/GENDER <b>W/M</b>	SOCIAL SECURITY NUMBER	<input type="checkbox"/> TYPE OF ASSIGNMENT
----------------------------------	---------------------------	------------------------	---

DOC NUMBER <b>1083657</b>	DATE OPENED
------------------------------	-------------

**FILED**

AUG 12 2013

JUDY ZERR  
CIRCUIT CLERK  
ST. CHARLES CO.

SEP 03 2013



IN THE CIRCUIT COURT OF ST. CHARLES COUNTY, MISSOURI  
CIRCUIT JUDGE DIVISION

STATE OF MISSOURI )  
Plaintiff, )  
vs. )  
Michael Neff )  
Defendant. )

Case Number CR 1211-CR05909-01  
Division 5

Address:  
354 Carriage Trail Ct.  
O'Fallon, MO 63368  
Phone #  
636-281-6407

- Prior Arraignment, Plea of Guilty and Waiver of Pre-Sentence Investigation (SAR)
- Plea of Guilty and Waiver of Pre-Sentence Investigation
- Amended Information and Plea of Guilty
- Amended Information, Plea of Guilty and Waiver of Pre-Sentence Investigation
- Sentencing deferred until 8-12-13 at 9:00am for Consideration of a pre-sentence investigation report which is ordered to be made by the State Board of Probation and Parole. Defendant granted leave to remain at liberty on existing bond pending said hearing / remanded to the custody of the Sheriff.



**PETITION TO ENTER PLEA OF GUILTY**

It is my desire to enter a plea of guilty on this case. I am requesting the Court to accept my plea of guilty and make the following statements for the Court's consideration.

I understand that I have the right to remain silent and not to speak or sign any statement, including this document, and that anything I say or sign may be used against me.

1. My FULL name is Michael Alfred Neff **FILED**
2. My social security number is [REDACTED] **JUN 17 2013**
3. I am 52 years of age. My birthdate is 11/24/60 **JUDY ZERR**
4. I have the following education (CHECK AND FILL IN THE BLANKS) **CIRCUIT CLERK**  
 Completed the \_\_\_ grade.  
 High School diploma from Wethersfield high school 78 (year). **ST. CHARLES CO.**

Page 1 Of My Plea of Guilty [Signature]  
Defendant's signature

SEP 03 2013

[ ] General Equivalency Diploma (GED) \_\_\_\_\_ (year).

[ ] \_\_\_\_\_ years of college at \_\_\_\_\_.

[X] College degrees (please list) SIU- Carbondale, '88, BS ;  
Keller Graduate School, '03, MBA

5. I can read, write, speak and understand the English language.

6. I am represented by a lawyer whose name is Law Horwitz.

7. I have read, or had read to me, a copy of the Information

containing the charge(s) against me and have discussed it or them with my lawyer.

8. My lawyer has explained to me the nature of each charge, and any lesser included charges, and all possible defenses that I might have in this case.

9. I understand that I am charged with the following crime(s).

three (3) counts of C felony stealing

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. I fully understand every crime which the state has charged that I did.

11. I have told my lawyer all the facts and circumstances known to me about the charges made against me. I believe that my lawyer is fully informed on all such matters.

12. I have been told and understand that the range of punishment which the law

Page 2 of My Plea of Guilty   
Defendant's signature

SEP 03 2013

provides in this case is (for each count): up to 7 years  
in prison or up to 1 year in the county  
jail and/or up to \$5,000 fine

13. I also understand that if I am charged with more than one crime, the punishment on each charge can be ordered to run consecutively, that is, one to be served after the other is completed.

14. I also understand that if I am on probation or parole in this Court or any other Court, that by pleading guilty in this case my probation or parole may be revoked, and I may be ordered to serve a term of imprisonment in the other case which may be ordered to run consecutively, that is in addition to any sentence of imprisonment imposed against me in this case.

15. The plea of guilty I desire to make in this case is ~~the result of negotiations made by me through my attorney with the attorney for the State. The agreement reached by the parties is that if I plead guilty, the Court will sentence me as follows:~~

Open  
SAR ordered

Page 3 of My Plea of Guilty *Matt's [Signature]*  
Defendant's signature

SEP 03 2013

16. Other than the above plea agreement, if any, no other promises or agreements have been made for my plea of guilty. If anyone other than the attorney for the State, who is present at the hearing for my plea of guilty, has made any promises or suggestions regarding my plea of guilty, has made any promises or suggestions regarding my proposed plea of guilty, I know that they had no authority to make such promise, agreement or suggestion. I know that the Court may accept or reject the plea agreement that has been reached by the parties and that if the court rejects the plea agreement, the Court shall inform me of such and afford me the opportunity to then withdraw my plea. I ask the court to accept the plea agreement.

17. If there is no plea agreement, I know that the sentence I will receive is solely a matter within the control of the judge. I hope to receive leniency, but I am prepared to accept any punishment permitted by law which the Court sees fit to impose.

18. Neither I nor any member of my family, a friend, a loved one, or anyone else, has been mistreated, forced, threatened or coerced in any manner by anyone to get me to plead guilty.

19. I am not now on any medication, nor have I had any drugs or alcohol within the last 48 hours, except as follows (IF NONE, WRITE "NONE"):

None

Page 4 of My Plea of Guilty



Defendant's signature

SEP 03 2013

20. I am not now sleepy or drowsy. My mind is clear. I am wide awake and alert. Any medication or drugs which I may have taken does not presently affect my mental awareness or my ability to understand what I am saying, doing or being told.

21. I have never been examined or treated for a mental illness, mental disease or mental defect, nor have I ever been seen, examined or treated by any doctor, psychiatrist, psychologist or any other person for a mental or emotional condition except (IF NONE WRITE "NONE"):

None

22. I am not suffering from any mental disease or defect.

23. I am mentally prepared to proceed with my proposed plea of guilty.

24. At the time of the crime(s) with which I am charged, I knew the difference between right and wrong, was capable of conforming my conduct to the requirements of the law and was not suffering from any mental disease or defect which would exclude my responsibility for the crime(s) with which I am charged or the crime(s) to which I am pleading guilty. I also understand that by pleading guilty I am waiving, that is,

Page 5 of My Plea of Guilty M. La. Y. J.  
Defendant's signature

SEP 03 2013

giving up any defense I may have of a mental disease or defect excluding my responsibility for my conduct in committing the crime(s).

25. I have had all the time I need to talk with my attorney about the charge(s) made against me and what I intend to do about them. I have had all the time I need to talk with family members, friends, loved ones or others about the charge(s) made against me and what I intend to do about them. I do not need any more time to talk to any of these people. I have made my own decision about the charge(s) and what I intend to do to dispose of them and I want to proceed without further delay.

26. I am satisfied with my attorney's services. My attorney has done everything I have asked him or her to do on my case. He or she has not refused to do anything I have asked on my case. He or she has not done anything on my case which I have not wanted him or her to do. I have no complaints whatsoever about my attorney's services on my case. If I had any complaints about my attorney's services, I would not be afraid to say so and tell the Court about it in front of my attorney.

27. I understand that if I have any complaints about my attorney's services, now is the time to tell the Court about it and that if I should present to the Court at some later time, regardless of when it might be, a complaint about my attorney's services in this case, saying that he or she should have done something else, or should not

Page 6 of My Plea of Guilty



Defendant's signature

SEP 03 2023

have done something, on my case, the court is not likely to give much consideration to such a complaint because of what I am now telling the Court about my attorney's services.

28. My attorney has shown to me or shared with me copies of the police reports and other documents he or she has obtained in investigating my case. My attorney has talked to all witnesses I have asked him or her to talk with. My attorney investigated and discussed with me all defenses which I have asked him or her to investigate. I believe my attorney has been effective and competent in representing me.

29. I have been fully informed and advised of my rights under the Constitution and laws of the United States and the State of Missouri in connection with the charge(s) made against me and I understand them.

30. I understand I do not have to plead guilty to the charge(s); that I have a right to a speedy and a public trial of the charge(s) and to have the charge(s) tried before a jury of twelve people. I know if I were to have a trial, the following principles of law and rights would apply:

- a. The State of Missouri has the burden of proof, proof beyond a reasonable doubt, a heavy burden, the highest burden known to our law in America.

Page 7 of My Plea of Guilty   
Defendant's signature

SEP 03 2013

- b. I am presumed to be innocent of the charge(s), and that presumption of innocence stays with me all during the trial and will continue unless and until a jury would find me guilty based upon the evidence presented.
- c. I have no burden of proof. I do not have to produce evidence or witnesses to establish that I am innocent of the charge(s) However; I do have the right to present evidence and witnesses in my defense.
- d. If I have witnesses who know the facts which would support a defense to the charge(s), I can bring them here for the trial; they can take the witness stand and tell the jury what they know about those facts which would support a defense to the charge(s).
- e. If I do have such witnesses, and they refuse to come to court and I need them for my defense, and if I want the court's help, the court will send out an officer to try and find those witnesses, get them and bring them here so that they can testify in my defense. I also have the right not to testify or to incriminate myself.
- f. I have the right to take the witness stand and testify in my own defense.
- g. If I decide not to take the witness stand, neither the Court nor the jury can infer that I am guilty of the charge(s) simply because I exercised my right not to testify.



Defendant's signature

SEP 03 2013

- h. If I do not testify and either I or my lawyer asks the Court to tell the jury that they cannot infer that I am guilty of the charge(s) simply because I do not testify, the Court will so tell the jury.
- i. I will have the right to have a lawyer present with me to help me and assist me through the trial I will have the right to be present at all times during the trial so that I can see and hear everything that is going on and so that I can help and assist my attorney as the trial progresses through to its conclusion.
- j. I will have the right to confront the witnesses the State will bring in to testify against me. I will have the right to cross examine those witnesses.
- k. Before I can be convicted of the charge(s), all twelve jurors will have to agree that I am guilty beyond a reasonable doubt.
- l. I have the right to have a trial of charge(s), even though I may know in my own mind that I did what the State claims I did and that I am, in fact, guilty of the charge(s), and even though I may know that the State has the evidence and the witnesses and they can bring those witnesses and present that evidence in court and they can prove I did the crime charged, I still have the right to make the State prove it beyond a reasonable doubt.



Defendant's signature

JUL 27 2013

SEP 05 2013

m. If I want a trial of the case, and if at the conclusion of the trial a jury were to find me guilty, I would then have the right to appeal to a higher court. If at that time I would want to have an appeal, and could not pay for it, the court would then allow me to file that appeal and prosecute it without any costs or charges to me. If I were not able to employ an attorney to represent me on the appeal, the court would appoint a lawyer to represent me at that time.

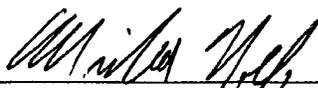
n. If I enter a plea of guilty, and the Court accepts that plea, there will be no further trial of any kind, because by pleading guilty I waive, that is, I give up my right to that trial and the Court will impose punishment. By pleading guilty I also give up my right to all of the above rights that go along with a trial, except my right to have counsel present with me during the proceedings upon my guilty plea and when sentence is imposed.

31. It is my decision, and mine alone, to plead guilty.

32. No one has told me I have to plead guilty.

33. I have been told and understand that the Court will not accept a plea of guilty unless **I want to plead guilty.** I also know that the Court will not accept my plea of guilty unless there is a factual basis to support it which shows that I did what the State claims I did, that I committed the crime of which I am pleading guilty and that I am guilty of such crime beyond reasonable doubt.

Page 10 of My Plea of Guilty



Defendant's signature

SEP 03 2023

34. When the court holds a hearing upon my proposed plea, I will waive my right to remain silent and not to incriminate myself, and will answer truthfully, fully and completely, any and all questions regarding my participation in the crime to which I am pleading guilty, and I will tell the Court everything I did or failed to do which proves I am guilty of the offense to which I am pleading guilty.

35. I know that the Court will not permit anyone to plead guilty who is innocent, and with that in mind, and because I am guilty, I wish to plead guilty and respectfully request the Court to accept my pleas of guilty.

36. I have been told by my attorney to be truthful in all statements made in this plea and before this Court, and I have done so.

**I HAVE READ THE ABOVE OR HAD IT READ AND EXPLAINED TO ME AND I UNDERSTAND IT. EACH OF THE PAGES OF THIS DOCUMENT WERE SIGNED BY ME IN THE PRESENCE OF MY ATTORNEY. I HAVE RECEIVED A COPY OF THIS PLEADING.**

Page 11 of My Plea of Guilty   
Defendant's signature

RECORDED  
SEP 03 2013

6/17/13  
DATE SIGNED

*Wanda Hoff*  
DEFENDANT'S SIGNATURE

9 am  
TIME SIGNED

WITNESSED BY: *Leffert* 56155  
ATTORNEY FOR DEFENDANT BAR #

636-279-1532  
PHONE NUMBER FOR ATTORNEY

*n* *37501*  
ATTORNEY FOR STATE OF MISSOURI

APPROVED BY: *JCA*  
CIRCUIT JUDGE  
6-17-13

SEP 03 2013

*Amended*

INFORMATION

STATE OF MISSOURI )  
 )  
COUNTY OF ST. CHARLES )

IN THE ELEVENTH JUDICIAL CIRCUIT  
STATE OF MISSOURI

STATE OF MISSOURI )

vs. )

MICHAEL A. NEFF )  
354 Carriage Trail Court )  
O'Fallon, MO 63368 )

) CAUSE NO. 1211-CR05909-01  
) DIVISION NO. 5



SSN: [REDACTED] )  
DOB: 11/24/1960 )  
SEX: Male )  
RACE: White )  
HEIGHT: 5'11 )  
WEIGHT: 190 LBS )

**FILED**  
**JUN 17 2013**  
JUDY ZERR  
CIRCUIT CLERK  
ST. CHARLES CO.

COUNT 1 Theft/stealing any controlled substance as defined by Section 195.010 (MO Charge Code 1501799.)

COUNT 2 Theft/stealing any controlled substance as defined by Section 195.010 (MO Charge Code 1501799.)

COUNT 3 Theft/stealing any controlled substance as defined by Section 195.010 (MO Charge Code 1501799.)

COUNT 1

The Prosecuting Attorney of the County of St. Charles, State of Missouri, charges that the defendant, in violation of Section 570.030, RSMo, committed the class C felony of stealing a controlled substance, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about August 5, 2012, in the County of St. Charles, State of Missouri, the defendant appropriated Concerta, a controlled substance, which was owned by Larry Tyler, and the defendant appropriated such

*Leave granted  
to file on  
6-17-13*

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SEP 03 2013

controlled substance without the consent of Larry Tyler and with the purpose to deprive him thereof.

COUNT 2

The Prosecuting Attorney of the County of St. Charles, State of Missouri, charges that the defendant, in violation of Section 570.030, RSMo, committed the class C felony of stealing a controlled substance, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about April 15, 2012, in the County of St. Charles, State of Missouri, the defendant appropriated Xanax, a controlled substance, which was owned by Melissa Frazier-Gaitan and the defendant appropriated such controlled substance without the consent of Melissa Frazier-Gaitan and with the purpose to deprive her thereof.

COUNT 3

The Prosecuting Attorney of the County of St. Charles, State of Missouri, charges that the defendant, in violation of section 570.030, RSMo, committed the class C felony of stealing a controlled substance, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or between February 25, 2011 and February 27, 2011, in the County of St. Charles, State of Missouri, the defendant appropriated Hydrocodone, a controlled substance, which was owned by Jeffrey Dowdle, and the defendant appropriated such controlled substance without the consent of Jeffrey Dowdle and with the purpose to deprive him thereof.

SEP 03 2013

TIMOTHY A. LOHMAR  
 PROSECUTING ATTORNEY  
 ST. CHARLES COUNTY, MISSOURI

*White W. Greenough 32509*

BY: /s/ Laura R. Whitlow *APH*  
 Laura R. Whitlow  
 Assistant Prosecuting Attorney  
 Missouri Bar No. 49336

WITNESSES:

All persons listed in discovery

Officer Anderson, O'Fallon Police Dept., 100 North Main, O'Fallon,  
 MO 63366

Jeffrey Dowdle, 15 Millers Court, O'Fallon, MO 63366

Melissa Frazier-Gaitan, 7081 Black Horse Drive, O'Fallon, MO 63368

Daniel Gaitan, 7081 Black Horse Dr., O'Fallon, MO 63366

Officer Graham, O'Fallon Police Dept., 100 North Main, O'Fallon,  
 MO 63366

David Guempel, 2101 Bluestone, St. Charles, MO 63303

Officer McDermott, O'Fallon Police Dept., 100 North Main, O'Fallon,  
 MO 63366

Officer Smyka, O'Fallon Police Dept., 100 North Main Street, O'Fallon,  
 MO 63366

Larry Tyler, 1006 Red Orchard Trail, O'Fallon, MO 63368

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**INFORMATION**

STATE OF MISSOURI )  
 )  
COUNTY OF ST. CHARLES )

IN THE ELEVENTH JUDICIAL CIRCUIT  
STATE OF MISSOURI

STATE OF MISSOURI )  
 )  
 vs. )  
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354 Carriage Trail Court ) DIVISION NO. 5  
O'Fallon, MO 63368 )  
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SSN: [REDACTED] )  
DOB: 11/24/1960 )  
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HEIGHT: 5'11 )  
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SEP 03 2013

controlled substance without the consent of Larry Tyler and with the purpose to deprive him thereof.

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TIMOTHY A. LOHMAR  
PROSECUTING ATTORNEY  
ST. CHARLES COUNTY, MISSOURI

BY: /s/ Laura R. Whitlow  
Laura R. Whitlow  
Assistant Prosecuting Attorney  
Missouri Bar No. 49336

WITNESSES:

All persons listed in discovery

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MO 63366

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Melissa Frazier-Gaitan, 7081 Black Horse Drive, O'Fallon, MO 63368

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MO 63366

David Guempel, 2101 Bluestone, St. Charles, MO 63303

Officer McDermott, O'Fallon Police Dept., 100 North Main, O'Fallon,  
MO 63366

Officer Smyka, O'Fallon Police Dept., 100 North Main Street, O'Fallon,  
MO 63366

Larry Tyler, 1006 Red Orchard Trail, O'Fallon, MO 63368

SEP 03 2013

COMPLAINT

**FILED**

STATE OF MISSOURI )  
 ) November 02, 2012  
 ) ss. WARRANT  
 COUNTY OF ST. CHARLES )  
 ) ORI: O'Fallon Police Dept.  
 ) OCA: 12-8253; 12-3921  
 ) OCN:

2012 NOV -6 PM 4:13  
 CIRCUIT CLERK  
 ST. CHARLES COUNTY

IN THE ELEVENTH JUDICIAL CIRCUIT  
 STATE OF MISSOURI

STATE OF MISSOURI )  
 )  
 vs. )  
 )  
 MICHAEL A. NEFF )  
 354 Carriage Trail Court )  
 O'Fallon, MO 63368 )

*1211-CR05909*

PA FILE NO. 183204173

SSN: [REDACTED] )  
 DOB: 11/24/1960 )  
 SEX: Male )  
 RACE: White )  
 HEIGHT: 5'11 )  
 WEIGHT: 190 LBS )

//

Incarcerated: Not incarcerated  
 X: 001 All States

COUNT 1 Theft/stealing any controlled substance as defined by Section 195.010 (MO Charge Code 1501799.)

COUNT 2 Theft/stealing any controlled substance as defined by Section 195.010 (MO Charge Code 1501799.)

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 SEP 03 2013

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Tyler and with the purpose to deprive him thereof.

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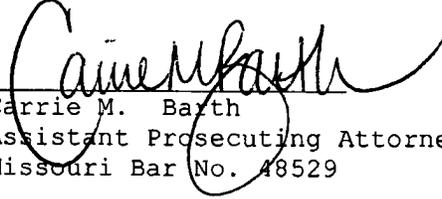
The facts that form the basis for this information and belief are contained in the attached statement(s) of facts, made a part hereof and submitted as a basis upon which this court may find the existence of probable cause.

INDEXED  
SEP 03 2013

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

JOHN P. "JACK" BANAS  
PROSECUTING ATTORNEY  
ST. CHARLES COUNTY, MISSOURI

BY:

  
Carrie M. Barth  
Assistant Prosecuting Attorney  
Missouri Bar No. 48529

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# Probable Cause Statement

I, Detective Luke A. Smyka, DSN 251, with the O'Fallon Missouri Police Department, a law enforcement agency, state that the facts contained herein are true to my best knowledge and belief and that any false statements made are punishable by law.

- 1. Between 02/25/2011 and 02/27/2011, at 15 Millers Ct. in St. Charles County, MO, Michael A. Neff did: steal a prescription of Hydrocodone from the victim's residence during an open house. The Hydrocodone is a schedule III controlled substance. Neff was later identified and gave a written confession.

2. DRUG CASES ONLY: The lab report confirmed the substance to be \_\_\_\_\_ and weighed \_\_\_\_\_ (if applicable).

3. I have reasonable grounds to believe that the defendant will not appear upon the summons or is a danger to the crime victim, the community or any other person because: The suspect Neff has one previous arrest for attempting to obtain a controlled substance fraudulently.

Date: 10/10/2012

  
 \_\_\_\_\_  
 Signature

This is an approved form by the St. Charles County Prosecuting Attorney.

REVISED 04/03

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 SEP 03 2013

## Probable Cause Statement

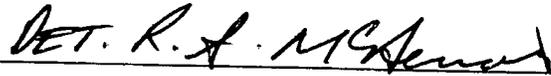
I, Detective Russell McDermott, with O'Fallon Missouri Police Department, a law enforcement agency, state that the facts contained herein is true to my best knowledge and belief and that any false statements made are punishable by law.

On 04/15/2012, between 1150 hours and 1400 hours, at 7081 Black Horse Drive, in St. Charles County, MO, Michael Neff did:

Appropriate prescription medication belonging to the victim without her consent. During the above date and times, the victim's house was listed for sale and being displayed as an open-house to potential buyers by a real estate agent. Michael Neff entered the victim's home under the allure of being a prospective buyer with the sole intention of looking for and taking any prescription pain medication he was able to find. While no other person(s) were around, Neff entered the victim's bathroom and took her husband's prescription Adderall that was located inside the bathroom vanity. Neff then entered the kitchen and took the victim's prescription Xanax that was located within a cabinet. After an observant real estate agent witnessed Neff rummaging through bathroom drawers of another separate open-house on 08/19/12, he was requested to respond to the O'Fallon Police Department for a voluntary interview. During the interview, Neff confessed to taking the medication in this incident, as well as taking prescription medication from at least six other open-houses in the St Charles County area over the last few years. Neff completed a voluntary statement concerning this incident in which he wrote "I did take the medicine for my pain and willfully admit to it".

I have reasonable grounds to believe that the defendant will not appear upon the summons or is a danger to the crime victim, the community or any other person because Neff indicated he is a prescription pain addict and needs help with his addiction. Neff has one previous arrest in 2002 for fraudulently attempting to obtain a controlled substance.

Date: 10/06/2012

  
Signature

This is an approved form by the St. Charles County Prosecuting Attorney.

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SEP 03 2013

## Probable Cause Statement

I, Detective Russell McDermott, with O'Fallon Missouri Police Department, a law enforcement agency, state that the facts contained herein is true to my best knowledge and belief and that any false statements made are punishable by law.

On 08/05/2012, between 1200 hours and 1500 hours, at 1006 Red Orchard Trail, in St. Charles County, MO, Michael Neff did:

Appropriate prescription medication belonging to the victim without his consent. During the above date and times, the victim's house was listed for sale and being displayed as an open-house to potential buyers by a real estate agent. Michael Neff entered the victim's home under the allure of being a prospective buyer with the sole intention of looking for and taking any prescription pain medication he was able to find. While no other person(s) were around, Neff entered the victim's kitchen and took his thirteen year old son's prescription Concerta that was located within a cabinet above the kitchen sink. After an observant real estate agent witnessed Neff rummaging through bathroom drawers of another separate open-house on 08/19/12, he was requested to respond to the O'Fallon Police Department for a voluntary interview. During the interview, Neff confessed to taking the medication in this incident, as well as taking prescription medication from at least six other open-houses in the St Charles County area over the last few years. Neff completed a voluntary statement concerning this incident in which he wrote "I did take the medicine for my pain and willfully admit to it".

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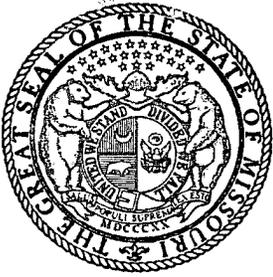
Date: 10/06/2012

*DET. R. A. McDermott*  
Signature

This is an approved form by the St. Charles County Prosecuting Attorney.

REVISED 04/03

SEARCHED  
SERIALIZED  
OCT 06 2012



**JUDY ZERR**

**CLERK OF THE CIRCUIT COURT**

**ST. CHARLES COUNTY, MISSOURI**

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF ST. CHARLES )

I, JUDY ZERR, Clerk of the Circuit Court within and for the County of St. Charles, State of Missouri, do hereby certify that the above and foregoing are true copies of original documents remaining on file and record in my office.

WITNESS, my hand and SEAL of said Court this 23<sup>RD</sup> day of August, 2013.

Judy Zerr, Circuit Clerk

By: Melinda Goodrich  
Deputy Clerk

11/17/2013  
SEP 05 2013