

Cliff Middleton  
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1605 Cody Drive  
Raymore, Missouri 64083

April 15, 2010

Mr. Jim Kanatzar  
Prosecuting Attorney  
Jackson County Courthouse  
415 East 12th Street, 11th Floor  
Kansas City, Missouri 64106  
VIA U.S. CERTIFIED MAIL

Dear Mr. Kanatzar:

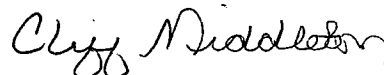
I filed an Notarized Affidavit in the Jackson County Clerk's office, under Missouri Law RSMo § 545.250 on July 24, 2007. (Over 32-months ago): "Request[ing] that [you] ... prosecute Mildred M. Anderson for this serious crime to the fullest extent of Missouri Law under RSMo § 575.040(1) and § 558.011(1)."

The Affidavit had attached exhibits from "A" through "F" proving everything I alleged against Mildred M. Anderson, for "perjury" in a First Degree Murder trial on February 21, 1991, which is a class A felony! I then immediately hand-delivered a filed stamped copy to your office, which was in a large addressed envelope prepared to mail to you with my home address. To this date, I have heard absolutely nothing from you concerning this serious crime!

Please send me a copy of the Affidavit with exhibits. Also, let me know what actions you plan to take, if any, against Mildred M. Anderson, for this serious crime? I am considering what further legal actions may be available to me in this matter.

Thank you in advance for your cooperation in this matter and I await the copies and your answer as soon as possible.

Sincerely,



Cliff Middleton

cc: file  
Mr. Alvin Brooks  
Mr. Kent Gipson

STATE OF MISSOURI )  
                  ) ss.  
COUNTY OF JACKSON )

AFFIDAVIT

COMES NOW, Cliff Middleton of lawful age, and having been first duly sworn upon his oath, states as follows to whom it may concern:

1. That Missouri Law RSMo § 545.250 states the following:

"When any person has knowledge of the commission of a crime, he may make his affidavit before any person authorized to administer oaths, setting forth the offense and the person or persons charged therewith, and file the same with the clerk of the court having jurisdiction of the offense, for the use of the prosecuting attorney, or deposit it with the prosecuting attorney, furnishing also the names of the witnesses for the prosecution; and it shall be the duty of the prosecuting attorney to file an information, as soon as practical, upon said affidavit, as directed in section 545.240." (See, Exhibit "A" attached hereto).

2. That Mildred M. Anderson clearly perjured herself in the First Degree Murder trial of Kenneth G. Middleton, No. CR90-0348, stating the following (**alleged motive**):

"Q. Quite a bit of holding down in Arkansas that you and your family, including your sister, were unaware of?

A. Yes." (See, Kenneth G. Middleton's Murder Trial Transcript page 299, Exhibit "B" attached hereto).

3. Prosecutor, Patrick W. Peters argued the next morning that the jury should convict Kenneth because; "For this man

to walk out of here free at the end of your deliberation so that he can spend the property of Mr. and Mrs. Middleton --" (Trial Tran. page 535). Shortly after 1:00 p.m. that afternoon the jury returned a guilty verdict and recommended life without parole and 200 years incarceration. (Trial Trans. pp. 554-56). (See, Trail Trans. pp. 535, 554-56, Exhibit "B" attached hereto).

4. Years later, on March 25, 1999, Mildred Anderson gave sworn testimony in her Arkansas lawsuit against Kenneth Middleton which shows she clearly perjured herself on February 21, 1991. Prohibited by RSMo § 575.040(1): "It is committed during a criminal trial for the purpose of securing the conviction of an accused for **murder**, in which case it is a **class A felony**." (See, Exhibit "C" attached hereto). Mildred Anderson testified under oath that she and her family had indeed **been fully aware** of all assets belonging to Kenneth Middleton, including those properties in Arkansas; **prior to Katherine Middleton's death**. (Admitted into evidence at 2004 Rule "29.15" evidentiary hearing, LF Vol. II pp. 309-10, 320-21, **Exhibit 44 and 45**, Arkansas trial transcript; including Mildred M. Anderson's list of Kenneth Middleton's Arkansas assets). (See, Exhibit "D" attached hereto).

5. Geraldine Lockhart (Mildred Anderson's sister) also testified under oath in the Arkansas lawsuit against Kenneth Middleton, **corroborating** that Mildred Anderson knew of all Kenneth Middleton's Arkansas assets, down too a **hydraulic jack!!** (See, Geraldine Lockhart's sworn testimony and her lists of Kenneth G. Middleton's assets, Exhibit "D" attached hereto).

6. That there is no statute of limitations for a class A felony under RSMo § 556.036 Time Limitations -- "A prosecution for murder or any class A felony may be commenced at any time." (See, Exhibit "E" attached hereto).

7. The above perjury in a First Degree Murder case is a serious offense under RSMo § 558.011 Sentence of imprisonment, terms: "(1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;" (See, Exhibit "F" attached hereto).

8. Mildred M. Anderson is a witness against herself ("**confession from the witness stand**") as clearly shown above. Gearldine Lockhart is also a **corroborating** witness against Mildred Anderson, for Anderson's perjured testimony in a murder trial on February 21, 1991; as required under RSMo § 545.250. Kenneth G. Middleton is also a witness against Mildred Anderson.

9. I request that Jackson County Prosecutor, Jim Kanatzar prosecute Mildred M. Anderson for this serious crime to the fullest extent of Missouri Law under RSMo § 575.040(1) and § 558.011(1). (See, Exhibits "A, C, E and F" attached hereto).

Cliff Middleton  
Cliff Middleton  
Complaint/Affidavit

Subscribed and sworn to before me, the undersigned Notary Public in and for said County and State, this 24<sup>th</sup>, day of July, 2007.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

name, referring also to the name by which he is indicted, in the same manner, in all respects, and with the same consequences as if he had been indicted by his true name.

(RSMo 1939 § 3950)

Prior revisions: 1929 § 3561; 1919 § 3906; 1909 § 5113

(1964) Court erred in sustaining motion to dismiss information on ground that name in information was fictitious where name used was alter ego of corporation and no claim was made that defendant was not the person informed against. City of St. Louis v. Capital Vending Co. (A.), 374 S.W.2d 519.

545.240. Informations — how filed, verified.

Informations may be filed by the prosecuting attorney as informant during term time, or with the clerk in vacation, of the court having jurisdiction of the offense specified therein. All informations shall state the name of the prosecuting attorney and be verified by his oath or by the oath of some person competent to testify as a witness in the case, or be supported by the affidavit of such person, which shall be filed with the information; the verification by the prosecuting attorney may be upon information and belief; all in the manner provided by supreme court rule. The names of the witnesses for the prosecution must be affixed to the information, in like manner and subject to the same restrictions as required in case of indictments.

(RSMo 1939 § 3894, A.L. 1997 S.B. 248)

Prior revisions: 1929 § 3504; 1919 § 3849; 1909 § 5057

CROSS REFERENCE: Misdemeanor prosecutions, Chap. 543, RSMo

(1951) Where accused does not attack information by motion to quash, failure of assistant prosecuting attorney to sign it, is unavailing on appeal. State v. Taylor, 362 Mo. 676, 243 S.W.2d 301.

(1951) Trial court has large discretion in granting leave to endorse names of witnesses on indictment at beginning of trial. State v. Farris (Mo.), 243 S.W.2d 983.

(1960) Information signed by an assistant prosecuting attorney of Jackson County held sufficient. State v. Easley (Mo.), 338 S.W.2d 884.

(1964) Where information is supported by affidavit of private individual that individual must have actual knowledge of the offense but verification of information by prosecuting attorney may be upon information and belief. State v. Statler (Mo.), 383 S.W.2d 534.

(1967) It is only where the information is supported by the affidavit of a private individual that such person must have actual knowledge of the offense, and the prosecuting attorney may verify an information upon information and belief. State v. Crump (Mo.), 412 S.W.2d 490.

545.250. Who may make affidavit. — When any person has knowledge of the commission of a crime, he may make his affidavit before any person authorized to administer oaths, setting forth the offense and the person or persons charged there-

with, and file the same with the clerk of the court having jurisdiction of the offense, for the use of the prosecuting attorney, or deposit it with the prosecuting attorney, furnishing also the names of the witnesses for the prosecution; and it shall be the duty of the prosecuting attorney to file an information, as soon as practicable, upon said affidavit, as directed in section 545.240.

(RSMo 1939 § 3895)

Prior revisions: 1929 § 3505; 1919 § 3850; 1909 § 5058

545.260. Lost affidavit, how replaced. — If the affidavit or information shall be lost or destroyed, the prosecuting attorney may file another, and the case shall proceed without any delay from that cause.

(RSMo 1939 § 3897)

Prior revisions: 1929 § 3507; 1919 § 3852; 1909 § 5060

545.270. Form of information. — An information filed in writing and as allowed by supreme court rule may be in the following form:

The State of Missouri )
against ) In the ..... court
A ..... B..... )

C M, prosecuting attorney within and for the county of ..., in the state of Missouri, informs the court that A B, on the ... day of ..., A.D. 20..., at the said county of ..., did then and there ... (here set out the offense as in an indictment).
C M, prosecuting attorney.

C M, prosecuting attorney (or E F, as the case may be), makes oath and says that the facts stated in the foregoing information are true, according to his best information and belief.

Subscribed and sworn to before me, this ... day of ..., A.D. 20...

G H (style of office).

(RSMo 1939 § 3896, A.L. 1997 S.B. 248)

Prior revisions: 1929 § 3506; 1919 § 3851; 1909 § 5059

545.280. Prosecuting witness, who deemed. — When the information is based on an affidavit filed with the clerk or delivered to the prosecuting attorney, as provided for in section 545.250, the person who made such affidavit shall be deemed the prosecuting witness, and in all cases in which by law an indictment is required to be endorsed by a prosecutor, the person who makes the affidavit upon which the information is based, or who verifies the information, shall be deemed the prosecutor; and in case the prosecution shall fail from any cause, or the defendant shall be acquitted, such prosecuting witness or prosecutor shall be liable for the costs in the case not otherwise adjudged by the

court, but the prosecutor is liable for costs in any

(RSMo 1939 § 3900)

Prior revisions: 1929 § 3510

(1967) Court Rule 29.01 exp and imposes the duty upon arraignment, of his right counsel for an indigent S.W.2d 237.

545.290. Statute proceedings by inf jeofails, as applicable proceedings in prosecution; and any affidavit amended in matter of by leave of court before all matters of form of the court, when to prejudice to the substance on the merits, and no delay of the trial, or defendant for good cause

(RSMo 1939 § 3898)

Prior revisions: 1929 § 3508;

(1951) Amendment of forged change date of offense for check set out in information. State v. Redding, 362

(1953) Amendment of information commenced to allege that agent of owner and in possession only and not erroneous. State v.

(1960) The allowance of an ar close of state's case to charge was \$55 instead of \$193 amount. State v. Clark (M

(1971) Amendment of information to allege offense occurred 12:35 a.m., April 1, 1970, judge's discretion. State v.

(1971) Defendant is not entitled required number of terms demanded a trial and that for a reasonable length of time Failure to take affirmative waiver of that right and the correctly overruled. State

545.300. Inform substitution for defendant information may be a substance at any time no such amendment operate to charge an charged or attempted information. If an indi

IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT

STATE OF MISSOURI,	)	
	)	
Respondent,	)	
	)	
vs.	)	No. WD 44671
	)	
KENNETH G. MIDDLETON,	)	
	)	
Appellant.	)	

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
SIXTEENTH JUDICIAL CIRCUIT  
Honorable Edith L. Messina, Judge

STATE OF MISSOURI,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. CR90-0348
	)	
KENNETH G. MIDDLETON,	)	
	)	
Defendant.	)	

TRANSCRIPT ON APPEAL - VOLUME I

Mr. Patrick W. Peters  
Assistant Prosecuting Attorney  
Floor 7M  
Jackson County Courthouse  
415 E. 12th Street  
Kansas City, Missouri 64106  
Attorney for State

Mr. Robert G. Duncan  
DUNCAN, COULSON, SCHLOSS,  
CHANCELLOR & NORRIS  
2800 B Kendallwood Parkway  
Kansas City, Missouri 64119  
Attorney for Defendant

Susan L. Steen, C.C.R.  
Official Reporter, Division 12  
16th Judicial Circuit  
Independence, Missouri 64050

sideration of his concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

2. Concealing an offense is a class D felony if the offense concealed is a felony; otherwise concealing an offense is a class A misdemeanor.

(L. 1977 S.B. 60)

Effective 1-1-79

**575.030. Hindering prosecution.** — 1. A person commits the crime of hindering prosecution if for the purpose of preventing the apprehension, prosecution, conviction or punishment of another for conduct constituting a crime he:

- (1) Harbors or conceals such person; or
- (2) Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law; or
- (3) Provides such person with money, transportation, weapon, disguise or other means to aid him in avoiding discovery or apprehension; or
- (4) Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

2. Hindering prosecution is a class D felony if the conduct of the other person constitutes a felony; otherwise hindering prosecution is a class A misdemeanor.

(L. 1977 S.B. 60)

Effective 1-1-79

**575.040. Perjury.** — 1. A person commits the crime of perjury if, with the purpose to deceive, he knowingly testifies falsely to any material fact upon oath or affirmation legally administered, in any official proceeding before any court, public body, notary public or other officer authorized to administer oaths.

2. A fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect, or did substantially affect, the course or outcome of the cause, matter or proceeding.

3. Knowledge of the materiality of the statement is not an element of this crime, and it is no defense that:

- (1) The defendant mistakenly believed the fact to be immaterial; or

- (2) The defendant was not competent, for reasons other than mental disability or immaturity, to make the statement.

4. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement in the course of the official proceeding in which it was made provided he did so before the falsity of the statement was exposed. Statements made in separate hearings at separate stages of the same proceeding, including but not limited to statements made before a grand jury, at a preliminary hearing, at a deposition or at previous trial, are made in the course of the same proceeding.

5. The defendant shall have the burden of injecting the issue of retraction under subsection 4 of this section.

6. Perjury committed in any proceeding not involving a felony charge is a class D felony.

7. Perjury committed in any proceeding involving a felony charge is a class C felony unless:

- (1) It is committed during a criminal trial for the purpose of securing the conviction of an accused for murder, in which case it is a class A felony; or

- (2) It is committed during a criminal trial for the purpose of securing the conviction of an accused for any felony except murder, in which case it is a class B felony.

(L. 1977 S.B. 60)

Effective 1-1-79

**575.050. False affidavit.** — 1. A person commits the crime of making a false affidavit if, with purpose to mislead any person, he, in any affidavit, swears falsely to a fact which is material to the purpose for which said affidavit is made.

2. The provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under subsection 1 of this section.

3. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement by affidavit or testimony but this defense shall not apply if the retraction was made after:

- (1) The falsity of the statement was exposed; or
- (2) Any person took substantial action in reliance on the statement.

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY, CIVIL DIVISION

KENNETH MIDDLETON, )  
Movant/ Petitioner, )  
v. ) Case No. CV91-23437  
STATE OF MISSOURI, ) Division 12  
Respondent )

**EXHIBITS FOR KENNETH MIDDLETON'S MOTION TO RE-OPEN PREVIOUSLY  
FILED RULE 29.15 PROCEEDING UPON SHOWING OF ABANDONMENT,  
OR IN THE ALTERNATIVE, PETITION FOR WRIT OF HABEAS CORPUS**

**Certificate of Service**

I certify that a copy of the above  
and foregoing was hand-delivered  
\_\_\_\_\_, 2003 to Mr. Michael  
Sanders, Jackson County Prosecutor  
415 East 12<sup>th</sup> Street, KC, MO 64105

Respectfully submitted,

\_\_\_\_\_  
Jonathan Laurans #43105  
819 Walnut Street  
Kansas City, Missouri 64106  
(816) 421-5200/FAX(913) 384-5099



# Chapter 556

## PRELIMINARY PROVISIONS (CRIMINAL CODE)

Sec.	
556.011.	Short title.
556.016.	Classes of crimes.
556.021.	Infractions.
556.026.	Offenses must be defined by statute.
556.031.	Application to offenses committed before and after enactment.
556.036.	Time limitations.
556.037.	Time limitations for prosecutions for sexual offenses involving a person under eighteen.
556.041.	Limitation on conviction for multiple offenses.
556.046.	Conviction of included offenses.
556.051.	Burden of injecting the issue.
556.056.	Affirmative defense.
556.061.	Code definitions.
556.063.	Definitions.

### Cross Reference

Dual jurisdiction of court in disposition of offender transferred from juvenile court, RSMo 211.073

**556.011. Short title.** — This code shall be known and may be cited as "The Criminal Code".

(L. 1977 S.B. 60)

Effective 1-1-79

**556.016. Classes of crimes.** — 1. An offense defined by this code or by any other statute of this state, for which a sentence of death or imprisonment is authorized, constitutes a "crime". Crimes are classified as felonies and misdemeanors.

2. A crime is a "felony" if it is so designated or if persons convicted thereof may be sentenced to death or imprisonment for a term which is in excess of one year.

3. A crime is a "misdemeanor" if it is so designated or if persons convicted thereof may be sentenced to imprisonment for a term of which the maximum is one year or less.

(L. 1977 S.B. 60)

Effective 1-1-79

**556.021. Infractions.** — 1. An offense defined by this code or by any other statute of this state constitutes an "infraction" if it is so designated or if no other sentence than a fine, or fine and forfeiture or other civil penalty is authorized upon conviction.

2. An infraction does not constitute a crime and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a crime.

(L. 1977 S.B. 60)

Effective 1-1-79

**556.026. Offenses must be defined by statute.** — No conduct constitutes an offense unless made so by this code or by other applicable statute.

(L. 1977 S.B. 60)

Effective 1-1-79

**556.031. Application to offenses committed before and after enactment.** — 1. The provisions of this code shall govern the construction and punishment for any offense defined in this code and committed after January 1, 1979, as well as the construction and application of any defense to a prosecution for such an offense.

2. Offenses defined outside of this code and not repealed shall remain in effect, but unless otherwise expressly provided or unless the context otherwise requires, the provisions of this code shall govern the construction of any such offenses committed after January 1, 1979, as well as the construction and application of any defense to a prosecution for such offenses.

3. The provisions of this code do not apply to or govern the construction of and punishment for any offense committed prior to January 1, 1979, or the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this code had not been enacted, the provisions of section 1.160, RSMo, notwithstanding.

(L. 1977 S.B. 60)

Effective 1-1-79

**556.036. Time limitations.** — 1. A prosecution for murder or any class A felony may be commenced at any time. !!

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

- (1) For any felony, three years;
- (2) For any misdemeanor, one year;
- (3) For any infraction, six months.

# Chapter 558

## IMPRISONMENT

Sec.	
558.011.	Sentence of imprisonment, terms — conditional release.
558.016.	Extended terms for recidivism — definitions — persistent misdemeanor offender.
558.018.	Persistent sexual offender, predatory sexual offender, defined, extension of term, when, minimum term.
558.019.	Prior felony convictions, minimum prison terms — prison commitment defined — dangerous felony, minimum term prison term, how calculated — sentencing commission created, members, duties — recommended sentences, distribution — report — expenses — cooperation with commission.
558.021.	Extended term procedures.
558.026.	Concurrent and consecutive terms of imprisonment.
558.031.	Calculation of terms of imprisonment — credit for jail time awaiting trial.
558.041.	“Good time” credit, exceptions — rules, procedure.
558.046.	Reduction of term of sentence, conditions.

### Cross References

Definitions of correctional facility department organization, powers and responsibilities, for chapter 217 and chapter 558, RSMo 217.010  
Dual jurisdiction of court in disposition of offender transferred from juvenile court, RSMo 211.073  
Television, closed circuit coverage of prisoners for court appearances, when, requirements, RSMo 561.031

**558.011. Sentence of imprisonment, terms — conditional release.** — 1. The authorized terms of imprisonment, including both prison and conditional release terms, are:

(1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;

(2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;

(3) For a class C felony, a term of years not to exceed seven years;

(4) For a class D felony, a term of years not to exceed five years;

(5) For a class A misdemeanor, a term not to exceed one year;

(6) For a class B misdemeanor, a term not to exceed six months;

(7) For a class C misdemeanor, a term not to exceed fifteen days.

2. In cases of class C and D felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class C or D felony, it shall commit the person to the custody of the department of corrections for a term of years not less than two

years and not exceeding the maximum authorized terms provided in subdivisions (3) and (4) of subsection 1 of this section.

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the defendant to the custody of the department of corrections for the term imposed under section 557.036, RSMo, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the defendant to the county jail or other authorized penal institution for the term of his sentence or until released under procedure established elsewhere by law.

4. (1) A sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, RSMo, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036, RSMo, shall be:

(a) One-third for terms of nine years or less;

(b) Three years for terms between nine and fifteen years;

(c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the board of probation and parole pursuant to subsection 5 of this section.

(2) “Conditional release” means the conditional discharge of an offender by the board of probation and parole, subject to conditions of release that the board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the state board of probation and parole. The conditions of release shall include avoidance by the offender of any other crime, federal or state, and other conditions that the board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the