

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

Respondent,

v.

THOMAS REANDO,

Appellant.

**DOCKET NUMBER WD70472
MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

Date: June 29, 2010

Appeal from:
Grundy County Circuit Court
The Honorable Jack N. Peace, Judge

Appellate Judges:
Division One: Lisa White Hardwick, Presiding Judge, James M. Smart, Jr., and Alok Ahuja, Judges

Attorneys:
William J. Swift, Esq., Columbia, MO, for appellant.
Shaun J. Mackelprang, Esq., and James B. Farnsworth, Esq., Jefferson City, MO,
for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI

v.

THOMAS REANDO,

Respondent,

Appellant.

WD70472

Grundy County

Before Division One Judges: Lisa White Hardwick, Presiding Judge,
James M. Smart, Jr., and Alok Ahuja, Judges

Thomas Reando was convicted of second-degree involuntary manslaughter and two counts of second-degree assault following a car accident that occurred when he was driving on the wrong side of the road. Reando contends: (1) the felony convictions violated his right against double jeopardy because he was previously convicted of a misdemeanor traffic offense for driving on the wrong side of the road; and (2) the charging information was defective in failing to apprise him of the mental state the State was required to prove.

AFFIRMED.

Division One holds: (1) The felony convictions did not place Reando in double jeopardy because the misdemeanor of driving on the wrong side of the road is not a lesser-included offense of any of the felony offenses. (2) The charging

information was sufficient to apprise Reando of the requisite mental state because it included statutory citations for the offenses charged and the specific level of culpability (criminal negligence and recklessness) for each offense. The judgment is affirmed.

Opinion by: Lisa White Hardwick, Judge

June 29, 2010

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