

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION THREE

STATE OF MISSOURI,)	No. ED100247
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	1222-CR01722-01
)	
BYRON PARKER ASTON,)	Honorable John Francis Garvey
)	
Respondent.)	FILED: June 24, 2014

The State appeals from the denial of its motion to set aside the ruling disposing of Byron Parker Aston’s (Defendant)¹ charge of one count of felony stealing in violation of Section 570.030.1, RSMo 2000,² without conducting a trial and, over the State’s objection, submitting the case solely on a police report and precluding the State from presenting any evidence.

REVERSED AND REMANDED.

Division Three Holds: The trial court erred in disposing of Defendant’s charge for felony stealing over \$500 without a trial. The trial court precluded the State from presenting any evidence and, over the State’s objections, entered a ruling pronouncing Defendant not guilty based solely on a police report. Without having held a trial in which the State presented its evidence, the trial court cannot be said to have adjudicated Defendant’s innocence or guilt and jeopardy did not attach.

Opinion by: Mary K. Hoff, P.J.
Kurt S. Odenwald, J., and Angela T. Quigless, J., Concur.

Attorney for Appellant: Richard P. Hereford
Attorney for Respondent: Gabriel E. Harris

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.

¹ The State is simultaneously appealing a companion case, State v. Thomas (ED100246). For ease of discussion and to present a more complete picture of the underlying proceedings, both cases are referred to in this opinion and the same analysis is used to address the State’s point on appeal in each case.

² Unless otherwise indicated, all further statutory references are to RSMo 2000, as amended.