

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

STATE OF MISSOURI,)	No. ED100398
)	
Respondent,)	Appeal from the Circuit Court
)	of Montgomery County
vs.)	
)	Honorable Wesley Clay Dalton
JOEY LEE GLASS,)	
)	
Appellant.)	Filed: September 2, 2014

Joey Lee Glass ("Defendant") appeals from a judgment on a jury verdict finding him guilty of one count of attempt to manufacture a controlled substance (methamphetamine), in violation of Section 195.211, RSMo (2000); one count of possession of a controlled substance (methamphetamine), in violation of Section 195.202; and two counts of unlawful possession of a firearm, in violation of Section 571.070.1(1). We reverse the judgment with instructions to discharge Defendant.

REVERSED.

Division Four Holds: The trial court erred in denying Defendant's motion for judgment of acquittal as to all counts.

Regarding the count of attempt to manufacture methamphetamine, the State failed to submit sufficient evidence that Defendant had "combined chemicals and precursors with various items of drug paraphernalia" where there was no evidence to show that such chemicals and precursors were ever possessed by Defendant.

Regarding the count of possession of methamphetamine, the State failed to submit sufficient evidence that Defendant had joint constructive possession of any substance that was confirmed to be methamphetamine where evidence showed only that Defendant possessed items of paraphernalia, and no laboratory test results regarding that paraphernalia were ever offered into evidence.

Regarding the two counts of unlawful possession of a firearm, the State failed to submit sufficient evidence that Defendant had joint constructive possession of two firearms found in a gun cabinet in Defendant's parents' bedroom.

Opinion by: Roy L. Richter, J.
Patricia L. Cohen, P.J., and Robert M. Clayton III, J., concur.

Attorney for Appellant: Craig A. Johnston
Attorney for Respondent: CHRIS KOSTER, Richard A. Starnes