

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

IN THE INTEREST OF:)	No. ED100514
J.T.,)	
)	Appeal from the Circuit Court
Minor.)	of the City of St. Louis
)	1322-JU00125
)	
)	Honorable David C. Mason
)	
)	Filed: October 28, 2014

Minor J.T. appeals the judgment of the Circuit Court of the City of St. Louis, entered after an adjudication hearing,¹ finding her guilty of second-degree assault under section 565.060.1(3) RSMo Supp. 2007.²

REVERSED AND J.T. DISCHARGED.

Division Four holds: The trial court plainly erred by finding J.T. guilty of an uncharged offense, section 565.060.1(3), which is not a lesser-included offense of the charged offense, section 565.060.1(2). Because this error violated J.T.’s rights under the Fourteenth Amendment’s Due Process Clause, J.T. suffered a manifest injustice. We reverse the trial court’s judgment and order that J.T. be discharged.

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

Attorney for Appellant: Patricia A. Harrison
Attorneys for Respondent: Carolyn Whitehorn, Margaret Gangle-Casinger

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 adjudication hearing was conducted by a Commissioner before the Family Court, Juvenile Division, of the Circuit Court of the City of St. Louis. The Circuit Court subsequently entered a judgment adopting and confirming the Commissioner’s findings and recommendations. All further references to the Commissioner’s findings and recommendations and the Circuit Court’s subsequent judgment will be to the “trial court.”

² All further statutory references to section 565.060.1 are to RSMo Supp. 2007.