

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

STATE OF MISSOURI,	)	No. ED100671
	)	
Plaintiff/Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
v.	)	
	)	
JAMES CHANEY,	)	Honorable Steven R. Ohmer
	)	
Defendant/Appellant.	)	Filed: December 23, 2014

James Chaney (Appellant) appeals from the trial court’s judgment entered after a bench trial convicting him of stealing over \$500 as a prior and persistent offender. On appeal, Appellant argues the State failed to present sufficient evidence supporting a finding that the stolen property had a value over \$500 and the trial court erred in sentencing him as a prior and persistent offender because the State failed to adduce evidence of Appellant’s prior convictions.

REVERSED and REMANDED.

Division Two Holds: The State failed to produce sufficient evidence from which a reasonable trier of fact could have found beyond a reasonable doubt that the value of the stolen property was more than \$500. Appellant’s conviction is amended to the lesser-included offense of Class A misdemeanor stealing, rendering Appellant’s point of error as to his prior and persistent offender status moot. The cause is remanded to the trial court for resentencing.

Opinion by: Sherri B. Sullivan, P.J.            Mary K. Hoff, J., and Philip M. Hess, J., concur.

Attorney for Appellant: Amy E. Lowe  
Attorney for Respondent: Andrew C. Hooper

<b>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.</b>
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