

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,) ED100924
)
 Respondent,) Appeal from the Circuit Court
) of the City of St. Louis
 v.) 1222-CR03899-01
)
 TIMOTHY HOWELL,) Honorable John J. Riley
)
 Appellant.) Filed: February 10, 2015

Timothy Howell (Defendant) appeals the judgment entered upon his conviction for one count of attempted sexual misconduct involving a child by knowingly exposing his genitals to a person he believed to be thirteen years old. Defendant argues the State failed to prove his conduct was knowing as to the age of the person.

AFFIRMED.

Division Three Holds: Defense counsel’s admission of Defendant’s guilt regarding the crime of attempted sexual misconduct involving a child was sufficient to waive the production of evidence regarding that charge. Nevertheless, with the evidence that Defendant made a series of volitional choices to continue to expose his genitals throughout an online conversation with an officer posing as a thirteen-year-old, even after the officer’s explicit statements regarding age, the State presented sufficient evidence that Defendant acted knowingly.

Opinion by: Gary M. Gaertner, Jr., J.
 Kurt S. Odenwald, P.J., and Robert G. Dowd, Jr., J., concur.

Attorney for Appellant: Amy E. Lowe
 Attorney for Respondent: Chris Koster and Todd T. Smith

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