

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

STATE OF MISSOURI,	)	No. ED102667
	)	
Plaintiff/Respondent,	)	Appeal from the Circuit Court of
	)	Lincoln County
vs.	)	
	)	Honorable Chris Kunza Mennemeyer
JEREMY R. HOBBS,	)	
	)	
Defendant/Appellant.	)	Filed: August 23, 2016

Jeremy R. Hobbs (Appellant) appeals from the trial court's judgment entered upon a jury verdict finding him guilty of first-degree child molestation, punishable by a sentence of five to fifteen years. In accordance with the jury's recommendation after a bifurcated penalty phase of trial, the trial court sentenced Appellant to ten years in prison.

**AFFIRMED IN PART, REVERSED IN PART, and REMANDED.**

Division Two Holds: The trial court abused its discretion in allowing the State to introduce evidence of two unadjudicated indictments involving sexual abuse in the punishment phase of Appellant's trial as history and character evidence under Section 557.036.3 RSMo 2012 without satisfying the preponderance of the evidence standard that Appellant engaged in the conduct alleged in the indictments.

Opinion by: Sherri B. Sullivan, P.J.      Roy L. Richter, J., and Colleen Dolan, J., concur.

Attorney for Appellant: Emmet D. Queener  
Attorneys for Respondent: Chris Koster and Mary H. Moore

<p><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></p>
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