

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

STATE OF MISSOURI,) ED102764
)
Respondent,) Appeal from the Circuit Court
) of Warren County
vs.)
) Honorable Richard Scheibe
CHARLES DAVID GIRARDIER III,)
)
Appellant.) FILED: December 8, 2015

Charles D. Girardier III ("Appellant") was convicted of one count of the Class B misdemeanor of trespass in the first degree, in violation of Section 569.140, RSMo (2000), following a bench trial in the Circuit Court of Warren County. He was sentenced to six months' incarceration in the Warren County Jail.

AFFIRMED.

Division One Holds: Section 569.140.1, RSMo, provides that "[a] person commits the crime of trespass in the first degree if he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property." Evidence that Appellant attempted to conceal himself as a male in the women's restroom, along with the clearly visible signs for "women" posted outside the restroom, provided evidence of his knowledge that he was no longer in the "public" portion of the gas station and instead, became a trespasser. The extended length of time that Appellant stayed in the restroom, as well as his failure to follow the police officer's first order to exit, provided evidence sufficient for a rational fact-finder to determine that Appellant "remained" unlawfully in the restroom. Additionally, the contested State's exhibit was logically and legally relevant and established Appellant's motive and his lack of mistake or accident for entering the women's restroom.

Opinion by: Roy L. Richter, J.

Robert G. Dowd, Jr., P.J., and Mary K. Hoff, J., concur.

Attorney for Appellant: Erika R. Eliason

Attorney for Respondent: Andrew T. Bailey

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