

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

STATE OF MISSOURI,) No. ED91726
)
Respondent,) Appeal from the Circuit Court of
) St. Louis County
v.) Cause No. 06CR-4572
) Honorable John A. Ross
JAMES RANDELL,)
)
Appellant.) Filed: June 23, 2009

James Randell appeals the judgment of the Circuit Court of St. Louis County, the Honorable John A. Ross presiding, which sentenced him to 13 years in prison as a prior and persistent offender after a jury found him guilty of felony stealing, § 570.030 RSMo. (2000). He argues that the trial court erred in refusing his proffered instruction on the lesser-included charge of attempted stealing.

AFFIRMED.

Division Four Holds: The fact that Randell passed the registers and moved toward the exit was enough to show he completed the crime of stealing and thus an instruction on attempted stealing was unnecessary. The trial court did not err in refusing Randell's attempt instruction.

Opinion by: Kenneth M. Romines, J.
Kathianne Knaup Crane, P.J. and Mary K. Hoff, J., concur.

Attorney for Appellant: Ellen H. Flottman

Attorney for Respondent: Mary H. Moore, Assistant Attorney General

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.