OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent	)	No. ED91829
	)	Appeal from the City of St. Louis
vs.	)	Circuit Court
	)	
STEVEN BOESING, Defendant/Appellant.	)	Filed: March 30, 2010

The defendant, Steven Boesing, appeals the judgment entered by the Circuit Court of the City of St. Louis following his conviction by a jury of one count of first-degree statutory rape, in violation of section 566.032 RSMo. (1994 & 2000);[1] five counts of first-degree statutory sodomy, in violation of section 566.062; five counts of first-degree child molestation, in violation of section 566.067 RSMo. (1994); three counts of first-degree sexual misconduct, in violation of section 566.090; two counts of victim tampering, in violation of section 575.270.2 RSMo.; and one count of attempted first-degree statutory rape, in violation of sections 566.032 and 564.011.

REVERSED AND REMANDED IN PART AND AFFIRMED IN PART

DIVISION THREE HOLDS: Because the attempt to commit first-degree statutory rape constituted a class B felony, the trial court plainly erred when it imposed a sentence of more than fifteen years' imprisonment. We reverse the trial court's judgment with respect to the defendant's sentence for attempted first-degree statutory rape. We remand the cause with instructions for the trial court to resentence the defendant in accordance with our holding. We affirm the judgment in all other respects.

Opinion by: Lawrence E. Mooney, J., Glenn A. Norton, P.J, Mary K. Hoff, J., concur.

Attorney for Appellant: Maleaner Harvey

Attorney for Respondent: Chris Koster, Jamie P. Rasmussen

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.

[1] All statutory references are to RSMo. (1994 & 2000) except as otherwise indicated.