

OPINION SUMMARY  
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,	)	No. ED93475
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of the County of St. Louis
vs.	)	
	)	
HENRY HORTON,	)	Hon. Steven H. Goldman
	)	
Appellant.	)	FILED: September 21, 2010

Defendant Henry Horton appeals from the judgment of the trial court entered after a jury convicted him of abuse of a child, assault in the second degree, unlawful use of a weapon, and two counts of armed criminal action. Defendant asserts that the convictions for second degree assault and child abuse violate his right to be free from double jeopardy because they stem from the same action.

AFFIRMED.

DIVISION THREE HOLDS: Defendant was not subjected to double jeopardy. Each crime requires proof of elements not required by the other, so neither is a lesser included offense of the other. And because these offenses are intended to prohibit different types of behaviors, neither is a specific instance of the other

Opinion by: Clifford H. Ahrens, J.                      Sherri B. Sullivan, P.J., and Lawrence E. Mooney, J.

Attorney for Appellant:        Kent Denzel

Attorney for Respondent:     Chris Koster

<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>
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