

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED94457
)	
Respondent,)	Appeal from the Circuit Court
)	of Perry County
vs.)	
)	Honorable William L. Syler, Jr.
PAULA BEAM,)	
)	
Appellant.)	FILED: March 8, 2011

Paula Beam (Beam) appeals from the judgment entered by the Circuit Court of Perry County following a bench trial in which Beam was convicted of a class D felony of leaving the scene of a motor vehicle accident, and the misdemeanor charges of failure to maintain financial responsibility, and improper turn on a divided highway.

AFFIRMED IN PART, REVERSED AND REMANDED IN PART.

Division Four Holds: Finding no error, we affirm the judgment of the trial court with regard to Beam's conviction for failure to maintain financial responsibility. However, we hold the trial court plainly erred by not obtaining a waiver from Beam of her right to a jury trial in open court and entered of record, and reverse and remand Beam's conviction for felony leaving the scene of a motor vehicle accident for a new trial. We also reverse the judgment of the trial court with regard to Beam's conviction for a improper turn on a divided highway, and remand with directions to the trial court to allow the State the opportunity to amend the information.

Opinion by: Kurt S. Odenwald, P.J.
Robert G. Dowd, Jr., J., Concurs and Lucy D. Rauch, Sp. J., Dissents

Attorney for Appellant: Craig A. Johnston

Attorneys for Respondent: Chris Koster and Terrence M. Messonnier

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