

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

STATE OF MISSOURI,)	No. ED98250
)	
Respondent,)	Appeal from the Circuit Court of
)	St. Charles County
vs.)	
)	
KARTEZ HARDIN,)	Hon. Angela Turner Quigless
)	
Appellant.)	FILED: May 21, 2013

Kartez Hardin (Defendant) appeals the trial court’s judgment and sentence after a jury convicted him of fourteen offenses perpetrated against his former spouse (Victim) and her child (Child).

AFFIRMED IN PART AND REVERSED IN PART.

DIVISION ONE HOLDS: (1) The trial court did not plainly err by sentencing Defendant to 50 years in prison for forcible rape because such a term is within the permissible range of punishment under §566.030.2, which authorizes “life imprisonment or *a term of years not less than five.*” (2) The offense of violating a protective order (§455.085.2) is included in the offense of aggravated stalking (§565.225) because proof of the same conduct is required to sustain both convictions. As such, the trial court’s judgment and sentences on counts 8-12 violate the prohibition against double jeopardy and must be vacated. (3) The trial court did not err by entering judgment on count 4 for endangering the welfare of a child. Victim’s testimony that Defendant jumped on her SUV, caused her to swerve side to side, and grabbed the steering wheel such that she couldn’t control direction and had to slam on the brakes to avoid a building was sufficient evidence from which the jury could find that Defendant’s actions created a substantial risk of harm to Child.

Opinion by: Clifford H. Ahrens, Presiding Judge Sherri B. Sullivan, J., and Glenn A. Norton, J., concur.

Attorney for Appellant: Jessica Hathaway

Attorney for Respondent: Timothy Allan Blackwell

**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.**