

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,)	No. ED98451
)	
v.)	Appeal from the Circuit Court
)	of Franklin County
JEFFREY A. HILL, Appellant.)	Filed: September 24, 2013

Jeffrey Hill (“Defendant”) appeals from the judgment upon his conviction of one count of second-degree domestic assault, Section 565.073, RSMo 2000,¹ one count of armed criminal action, Section 571.015, and one count of third-degree assault, Section 565.070. Defendant argues the trial court erred in overruling his motion for judgment of acquittal after all the evidence because the evidence did not prove he attempted to cause physical injury to his sister (“Victim”) when he told her he was going to blow her head off with his pistol, retrieved the pistol, and returned pointing it at her. In addition, Defendant contends because armed criminal action requires the commission of an underlying felony and there was no underlying felony here, that conviction should also be reversed.

AFFIRMED.

Division Two Holds: The trial court did not err in overruling Defendant’s motion for judgment of acquittal after all the evidence. As a result, the trial court also did not err in convicting Defendant of the accompanying armed criminal action charge.

Opinion by: Robert G. Dowd, Jr., J
Lawrence E. Mooney, P.J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant: Margaret M. Johnston

Attorney for Respondent: Robert J. Bartholomew, Jr.

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 further references are to RSMo 2000 unless otherwise indicated.