

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	ED99233
)	
Respondent,)	Appeal from the Circuit Court
)	of Clark County
v.)	11CK-CR00103-01
)	
LINDA GARGUS,)	Honorable Gary Dial
)	
Appellant.)	Filed: November 26, 2013

Linda Gargus (Gargus) appeals the trial court's entry of judgment and sentence upon a jury's verdict finding her guilty of elder abuse in the first degree.

AFFIRMED.

Northern Division Holds: The trial court did not err in: (1) entering the judgment of conviction, because Gargus' voluntary assumption of care created a duty to act and there was sufficient evidence in the record to support her conviction; (2) submitting jury Instruction No. 8 to the jury; and (3) overruling her request for a mistrial, because the jury did not return inconsistent verdicts, and even if it did, any inconsistency was resolved by polling the jury.

Opinion by: Gary M. Gaertner, Jr.

Clifford H. Ahrens, J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Craig A. Johnston

Attorneys for Respondent: Chris Koster and Gregory L. Barnes

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.