

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

STATE OF MISSOURI,

Respondent,

v.

EDWARD LYNN MUNOZ,

Appellant.

DOCKET NUMBER WD72754

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: August 2, 2011

APPEAL FROM

The Circuit Court of Randolph County, Missouri
The Honorable Gary G. Sprick, Judge

APPELLATE JUDGES

Division Four: Lisa White Hardwick, Chief Judge, Presiding, and James
Edward Welsh and Mark D. Pfeiffer, Judges

ATTORNEYS

Chris Koster, Attorney General
Robert J. (Jeff) Bartholomew, Assistant Attorney General
Jefferson City, MO

Attorneys for Respondent,

Ellen H. Flottman, Assistant State Public Defender
Columbia, MO

Attorney for Appellant.



MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

STATE OF MISSOURI,)
)
) **Respondent,**)
v.) **OPINION FILED:**
) **August 2, 2011**
EDWARD LYNN MUNOZ,)
)
) **Appellant.**)

WD72754

Randolph County

Before Division Four Judges: Lisa White Hardwick, Chief Judge, Presiding, and James Edward Welsh and Mark D. Pfeiffer, Judges

Edward Munoz (“Munoz”) appeals his conviction after a bench trial for distribution of a controlled substance. He contends there was insufficient evidence to support his conviction because he was unlawful entrapped.

AFFIRMED.

DIVISION FOUR HOLDS:

Entrapment was not established as a matter of law. To inject the issue of entrapment, a defendant must present evidence of both unlawful governmental inducement and the defendant’s lack of predisposition. It is then the State’s burden to prove lack of entrapment beyond a reasonable doubt by rebutting either defendant’s evidence of inducement or by showing his predisposition. Munoz failed to show he was induced to engage in unlawful conduct. The State introduced evidence of Munoz’s willingness to supply the drugs on request and his predisposition to engage in the drug transaction, thereby rebutting Munoz’s allegation of entrapment.

OPINION BY: Mark D. Pfeiffer, Judge

August 2, 2011

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.