

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI,
RESPONDENT
vs.**

**NICHOLAS ROGER HOLBRUCK,
APPELLANT**

DOCKET NUMBER WD75037

DATE: AUGUST 6, 2013

Appeal from:

The Circuit Court of Saline County, Missouri
The Honorable Dennis A. Rolf, Judge

Appellate Judges:

Division One: James E. Welsh, Chief Judge, Victor C. Howard, Judge and Mark D. Pfeiffer,
Judge

Attorneys:

Mary H. Moore, for Respondent

Craig A. Johnston, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, RESPONDENT

v.

NICHOLAS ROGER HOLBRUCK, APPELLANT

WD75037

Saline County, Missouri

Before Division Four: James E. Welsh, Chief Judge, Victor C. Howard, Judge and Mark D. Pfeiffer, Judge

Holbruck was charged with stealing by deceit in violation of section 570.030.1 RSMo after he wrote checks on a bank account that could not cover their face amounts, gave them to businesses in exchange for property, and a few days later stopped payment on the checks that were outstanding based on an elaborate story that he later changed in his testimony at trial to another story. Holbruck was convicted by a jury on the charge, and the trial court entered judgment in accordance with the verdict. Holbruck appeals.

AFFIRMED

Division Four Holds:

Sufficient evidence was presented to uphold Holbruck's conviction because the totality of the circumstances surrounding Holbruck's conduct provided sufficient evidence from which the jury could have inferred that Holbruck intended to appropriate the victims' property with the purpose to deprive them thereof by means of deceit. Because there was sufficient evidence from which a reasonable juror might have found Holbruck guilty beyond a reasonable doubt of stealing by deceit, the trial court did not err in entering judgment in accordance with the jury verdict.

Opinion by: Victor C. Howard, Judge

Date: August 6, 2013

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