

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

BOBBY WRIGHT.

Appellant

DOCKET NUMBER WD76163

DATE: SEPTEMBER 16, 2014

Appeal From:

Circuit Court of Saline County, MO
The Honorable Hugh Craig Harvey, Judge

Appellate Judges:

Division Two
Victor C. Howard P.J., James E. Welsh, Anthony Rex Gabbert JJ.

Attorneys:

Dora Fichter, Jefferson City, Counsel for Respondent,

Attorneys:

Damien Sepher Bhakti De Loyola, Kansas City, Counsel for Appellant

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

STATE OF MISSOURI,

Respondent,

v.

BOBBY WRIGHT,

Appellant.

WD76163

Saline County

Before Division Two Judges: Victor C. Howard PJ., James E. Welsh, Anthony Rex Gabbert JJ.

Bobby Wright appeals the circuit court's judgment finding him guilty of possessing more than five grams of marijuana with intent to deliver. Wright argues that the circuit court erred in overruling his motions for acquittal and entering a judgment of conviction on the possession of a controlled substance with intent to deliver because there was insufficient evidence to support the finding that he had (1) access and control over the premises where the marijuana was found and (2) constructive possession of the marijuana.

REVERSED AND REMANDED

DIVISION TWO HOLDS:

The circuit court erred in overruling Wright's motion for acquittal as there was insufficient evidence to support the finding that Wright had conscious and intentional actual or constructive possession of the marijuana. Not only was Wright not present when the search warrant was executed and the marijuana was found, the State failed to provide any incriminating factors to prove that Wright had knowledge and control over the marijuana found in the Apartment.

Opinion by Anthony Rex Gabbert, Judge

Date: 9/16/14

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