

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI,  
APPELLANT  
vs.**

**CASSANDRA E. JOHNSTON,  
RESPONDENT**

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DOCKET NUMBER WD76695

DATE: SEPTEMBER 30, 2014

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Appeal from:

The Circuit Court of Boone County, Missouri  
The Honorable Gary M. Oxenhandler, Judge

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Appellate Judges:

Division Two: Victor C. Howard, Presiding Judge, Alok Ahuja, Judge and Gary D. Witt, Judge

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Attorneys:

Daniel N. McPherson, for Appellant

Amy Marie Bartholow, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI, APPELLANT**

**v.**

**CASSANDRA E. JOHNSTON, RESPONDENT**

WD76695

Boone County

Before Division Two: Victor C. Howard, Presiding Judge, James E. Welsh, Judge and Anthony Rex Gabbert, Judge

The State appeals the trial court's order granting Cassandra Johnston a new trial after she was found guilty by a jury of murder in the first degree, armed criminal action, and tampering in the first degree. Because the order is not appealable, the appeal is dismissed.

**DISMISSED.**

**Division Two Holds:**

Where the trial court entered an order granting Johnston's motion for new trial on the first degree murder and armed criminal action counts because the verdict was against the weight of the evidence, the order is interlocutory, is not one of the types of orders enumerated in section 547.200.1 from which the State may appeal, is not reviewable on appeal, and does not effectively preclude further prosecution of Johnston because double jeopardy does not bar retrial in this case. Accordingly, the State has no right to appeal the order, and the order is dismissed

**Opinion by: Victor C. Howard, Judge**

Date: September 30, 2014

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