OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,	)	No. ED108086
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of Warren County
vs.	)	
	)	Honorable Jason H. Lamb
PATRICK JEROME STEWARD,	)	
	)	
Appellant.	)	Filed: September 15, 2020

The defendant, Patrick Jerome Steward, appeals the judgment entered by the Circuit Court of Warren County for the class E felony of resisting a lawful stop in violation of section 575.150 RSMo. (2016). Following his conviction by a jury, the trial court sentenced the defendant as a persistent felony offender to seven years of imprisonment.

AFFIRMED IN PART AND REMANDED.

DIVISION THREE HOLDS: Because the State charged and tried the defendant with resisting a lawful stop "for a felony offense," and because the verdict director did not require the jury to find that the defendant fled in a manner creating a substantial risk of serious physical injury or death, the evidence was insufficient to allow enhancement of the offense of resisting a lawful stop from a class A misdemeanor to a class E felony pursuant to section 575.150.5. We affirm the defendant's conviction for resisting a lawful stop, but we must remand for the purpose of correcting the judgment and resentencing the defendant within the applicable range of punishment for a class A misdemeanor.

Opinion by: Angela T. Quigless, P.J.

Kurt S. Odenwald, J. and James M. Dowd, J., concur.

Attorney for Appellant: Katharine Patricia Curry

Attorney for Respondent: Robert Jefferson Bartholomew, Jr.

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.