Summary of SC98018, *State of Missouri v. John A. Golden*
Appeal from the Lincoln County circuit court, Judge Thomas J. Frawley
Submitted on the record October 13, 2020; opinion issued October 13, 2020

Attorneys: Golden was represented by Craig A. Johnston of the public defender's office in Columbia, (573) 777-9977. The state was represented by Gregory L. Barnes of the attorney general's office in Jefferson City, (573) 751-3321.

This summary is not part of the opinion of the Court. It has been prepared by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A man appeals his conviction for felony stealing. In a unanimous per curiam opinion that cannot be attributed to any particular judge, the Supreme Court of Missouri reverses the circuit court's judgment and remands (sends back) the case for resentencing. He is entitled to the benefit of this Court's 2016 decision in *State v. Bazell* and, therefore, should be resentenced for misdemeanor stealing.

Facts: John Golden pleaded guilty to stealing batteries and a battery charger worth at least $500 in violation of section 570.030, RSMo. The circuit court suspended imposition of sentence and placed him on probation for five years. While Golden was on probation, this Court held in *Bazell* that, because the value of property or services is not an element of the offense of stealing, section 570.030.3 could not be used to enhance what otherwise was misdemeanor stealing to a class C felony. The circuit court subsequently revoked Golden's probation and sentenced him to four years in prison for a class C felony. Golden appeals.

REVERSED AND REMANDED.

Court en banc holds: The circuit court erred in sentencing Golden for felony stealing. Because his conviction was not final when *Bazell* was decided, he was entitled to the benefit of its ruling when he was sentenced.