MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI

RESPONDENT,

v.

NATHAN R. HENDRICKS

APPELLANT.

DOCKET NUMBER WD83205

DATE: March 9, 2021

Appeal From:

Jackson County Circuit Court
The Honorable Marco Roldan, Judge

Appellate Judges:

Division Four: Cynthia L. Martin, Chief Judge, Presiding, Lisa White Hardwick, Judge and Mark D. Pfeiffer, Judge

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Attorneys:

Kristen S. Johnson, Jefferson City, MO, for respondent.

Jeannie M. Willlibey, Kansas City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, RESPONDENT,
v.
NATHAN R. HENDRICKS, APPELLANT.

WD83205 Jackson County

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Lisa White Hardwick, Judge, and Mark D. Pfeiffer, Judge

Nathan R. Hendricks appeals from a judgment convicting him of felony murder in the second degree, burglary in the first degree, attempted robbery in the first degree, and two counts of armed criminal action. Hendricks asserts that the trial court committed error in instructing the jury on the charge of attempted robbery in the first degree, in failing to dismiss the charge of attempted robbery in the first degree due to an insufficient information, and in denying his motion for judgment of acquittal on the charge of felony murder in the second degree.

AFFIRMED.

Division Four holds:

(1) While the definition of robbery in the first degree in the verdict director was incomplete, the instruction otherwise required the jury to find each of the essential elements of attempted robbery in the first degree beyond a reasonable doubt.

(2) While the information did not expressly allege that Hendricks or a co-defendant stole or attempted to steal property from the victim, the information identified the statute Hendricks was accused of violating, and specified the date of, place of, and acts constituting the offense. Hendricks was adequately informed of the charges against him so as to prepare a defense and to prevent retrial on the same charge in the event of acquittal.

(3) The evidence presented at trial permitted the conclusion that the victim's death was a result of the perpetration of, or flight from the perpetration of, a burglary.

Opinion by: Cynthia L. Martin, Judge March 9, 2021

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