# In the Missouri Court of Appeals
# Eastern District

**DIVISION THREE**

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| STATE OF MISSOURI, | ) | No. ED108925 |
| | ) | |
| Respondent, | ) | Appeal from the Circuit Court of |
| | ) | Clark County |
| vs. | ) | 19SY-CR00033-02 |
| | ) | |
| NATHANIEL JAMES FRAKES, | ) | Honorable Rickey R. Roberts |
| | ) | |
| Appellant. | ) | Filed: May 11, 2021 |

Angela T. Quigless, P.J., Kurt S. Odenwald, J., and James M. Dowd, J.

Nathaniel Frakes appeals the judgment entered upon a jury verdict reached in the Circuit Court of Clark County, Missouri, convicting him of the class D felony of tampering in the first degree. On appeal, Frakes argues that the trial court erred in denying his motion for judgment of acquittal because there was insufficient evidence to establish all elements of the crime, namely that Frakes knowingly operated the vehicle without the consent of the owner.

AFFIRMED.

DIVISION III HOLDS: The trial court did not abuse its discretion because:

(1) there was sufficient evidence presented for the jury to determine Frakes was aware he lacked permission to operate the vehicle, and

(2) there was sufficient evidence for a reasonable juror to find Frakes guilty of felony first-degree tampering.

Opinion by: James M. Dowd, J.

Angela T. Quigless, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Carol Jansen and Paul Brusati

Attorney for Respondent: Sarah Elizabeth Ernst

**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.**