

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

IN THE INTEREST OF: T.P.B.)
)
Minor,) No. ED100463
) Appeal from the Circuit Court of the
) City of St. Louis
)
) Honorable David C. Mason
)
)
)
) Filed: September 9, 2014

Minor T.P.B. appeals the judgment of the Juvenile Division of the Circuit Court of the City of St. Louis finding her guilty of Assault in the Second Degree, section 565.060.1(3), R.S.Mo. (Cum. Supp. 2007).

REVERSED AND T.P.B. DISCHARGED.

DIVISION FOUR HOLDS: The juvenile court plainly erred by finding T.P.B. guilty of an uncharged offense, section 565.060.1(3), that is not a lesser included offense of the charged offense, section 565.060.1(2), R.S.Mo. (Cum. Supp. 2007). Because this error violated her fundamental right to due process, T.P.B. suffered a manifest injustice. We reverse the juvenile court's judgment and order that T.P.B. be discharged.

Opinion by: Lisa S. Van Amburg, P.J.
Glenn A. Norton, J., and Gloria C. Reno, Sp. J., concur.

Attorney for Appellant: Amanda Faerber
Attorney for Respondent: Carolyn Whitehorn
Margaret Gangle-Casinger (co-counsel)

**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.**