

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

STATE OF MISSOURI,	)	No. ED100713
	)	
Plaintiff/Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
v.	)	
	)	
JOHN L. DAILEY,	)	Honorable Margaret M. Neill
	)	
Defendant/Appellant.	)	Filed: December 9, 2014

John L. Dailey (Appellant) appeals from the trial court’s judgment entered upon a jury verdict convicting him of first-degree murder, first-degree assault, and two counts of armed criminal action. On appeal, Appellant argues the State failed to present sufficient evidence to support a reasonable inference of deliberation to sustain a conviction for first-degree murder and the trial court plainly erred in sentencing him to a term of years that exceeded the maximum term of imprisonment on his conviction for first-degree assault.

AFFIRMED in part, and REVERSED and REMANDED in part.

Division Two Holds: The State produced sufficient evidence from which a reasonable trier of fact could find cool reflection and deliberation by Appellant before committing the murder.

The trial court’s sentence of 20 years’ imprisonment on Appellant’s conviction for first-degree assault exceeded the maximum punishment permitted by law. This part of the trial court’s judgment is reversed and remanded to the trial court for resentencing.

Opinion by: Sherri B. Sullivan, P.J.            Mary K. Hoff, J., and Philip M. Hess, J., concur.

Attorney for Appellant: Terence Niehoff  
Attorney for Respondent: Richard A. Starnes

<p><b>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.</b></p>
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