

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED101573
)	
Respondent,)	Appeal from the Circuit Court of
)	the City of St. Louis, Missouri
vs.)	1222-CR00403-01
)	
CASITDEL WOOTEN,)	Honorable Edward W. Sweeney
)	
Appellant.)	Filed: January 12, 2016

Casitdel Wooten was convicted after a jury trial of possession of a controlled substance and resisting arrest. On appeal, Wooten argues that the trial court erred by submitting an erroneous instruction that allowed the jury to find Wooten guilty of resisting his own arrest through “physical interference.” The State concedes this argument.

REVERSED AND REMANDED.

DIVISION THREE HOLDS: The trial court erred in including “physical interference” in the verdict directing instruction because the plain language of section 575.150 refers to two distinct crimes and one cannot resist one’s own arrest through “physical interference.” As a result, the jury was misdirected and the State was excused from meeting its burden of proof. Accordingly, we find that this resulted in a manifest injustice requiring reversal and remand for a new trial on the resisting arrest charge.

Opinion by: James M. Dowd, J.

Robert M. Clayton III, P.J., Lawrence E. Mooney, J. concur

Attorney for Appellant: Gwenda Renee’ Robinson

Attorney for Respondent: Dora A. Fichter

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.