

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION ONE

STATE OF MISSOURI,)	No. ED102890
)	
Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	1422-CR02199-01
)	
VINH Q. VU,)	Honorable Michael F. Stelzer
)	
Defendant/Appellant.)	FILED: March 15, 2016

In this direct appeal, Vinh Q. Vu (Defendant) appeals from the judgment upon his conviction and sentence on one count of passing a bad check in violation of Section 570.120.1(2), RSMo.

REVERSED.

Division One Holds: Section 570.120.1(2) requires that a defendant receive actual notice in writing that his check has not been paid. Here, the only evidence supporting that element was the State's mailing of a letter to Defendant and the fact that letter was never returned. Based only on those facts, any inference that Defendant received actual notice in writing depended on speculation. As a result, there was insufficient evidence for a reasonable factfinder to determine that Defendant received actual notice in writing as required by Section 570.120.1(2).

Opinion by: Mary K. Hoff, J.
Robert G. Dowd, Jr., P.J., and Roy L. Richter, J., Concur.

Attorney for Appellant: Kevin L. Schriener
Attorney for Respondent: Robert J. Bartholomew

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