

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED91919
)	
Respondent,)	Appeal from the City of St. Louis
)	Circuit Court
vs.)	
)	Honorable Donald L. McCullin
THOMAS MARK HOGAN,)	
)	
Defendant/Appellant.)	Filed: September 8, 2009

The defendant, Thomas Hogan, appeals the judgment entered by the Circuit Court of the City of St. Louis, following his conviction by a jury of two counts of engaging in unlawful merchandising practices, a class D felony in violation of section 407.020 RSMo. (2000).

JUDGMENT REVERSED, SENTENCE VACATED, AND DEFENDANT ORDERED DISCHARGED.

DIVISION THREE HOLDS: We conclude that the State did not carry its burden to prove beyond a reasonable doubt that Hogan engaged in unfair merchandising practices with the intent to defraud. The judgment is reversed, sentence vacated, and the defendant ordered discharged.

Opinion by: Lawrence E. Mooney, J. Glenn A. Norton, P.J., and Mary K. Hoff, concur.

Attorney for Appellant: Jessica Hathaway

Attorneys for Respondent: Chris Koster, Shaun J. Mackelprang and Daniel N. McPherson

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.