

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT DIVISION FIVE

STATE OF MISSOURI,)	No. ED93476
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	
TIMOTHY BOYKINS,)	Honorable Bryan Hettenbach
)	
Respondent.)	FILED: February 2, 2010

The State of Missouri ("State") appeals from the trial court's order granting Timothy Boykins' ("Defendant") pre-trial motion to suppress evidence.

REVERSED AND REMANDED

Division Five Holds: We find that shining a light on Defendant does not constitute a seizure. Because Defendant threw away the heroin before being seized, it is not the fruit of an illegal seizure and therefore should not have been suppressed as evidence.

Opinion by: Roy L. Richter, J.
Kenneth M. Romines, C.J., and Kurt S. Odenwald., J., concur.

Attorneys for Appellant: Christina M. Sondermann

Attorneys for Respondent: N. Scott Rosenblum, Eric Selig, Erin R. Griebel

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.