

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

ST. LOUIS COUNTY,)	No. ED94279
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	Municipal Division
)	
DAVID SKAER,)	Honorable Robert S. Adler
)	
Appellant.)	FILED: June 29, 2010

David Skaer ("Skaer") appeals the trial court's judgment finding him guilty of failing to have a waste management agreement in effect.

REVERSED

Division Five Holds: Because it was improper to take judicial notice that a residence which is occupied will necessarily generate some possibly small amount of non-recyclable waste, we find that the prosecution failed to carry its burden to show that Skaer produced waste.

Opinion by: Roy L. Richter, Judge

Kenneth M. Romines, C.J., and Thomas J. Frawley, Sp. J., concur

Attorneys for Appellant: David Skaer, PRO SE

Attorneys for Respondent: Patricia Redington, Victor J. Melenbrink

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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