

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

STATE OF MISSOURI,) No. ED94494
)
 Respondent,) Appeal from the Circuit Court
) of Lincoln County
 v.) Case No. 07L6-CR01581-01
)
)
 TABITHA TOMES,) Honorable Amy Kinker
)
 Appellant.) Filed: November 30, 2010

Tabitha Tomes (Tomes) appeals from a judgment of conviction for possession of a controlled substance, in violation of Section 195.202 RSMo 2000.

REVERSED.

Division Five Holds: The trial court erred in overruling Tomes’s motion for judgment of acquittal because the State failed to present sufficient evidence from which a reasonable juror could have found Tomes guilty beyond a reasonable doubt. We reverse and order that Tomes be discharged.

Opinion by: Gary M. Gaertner, Jr., P.J., Mary K. Hoff, J., and Patricia L. Cohen, J., concur.

Attorneys for Appellant: John D. James

Attorneys for Respondent: Chris Koster, Jayne T. Woods

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.