

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

STATE OF MISSOURI, ) No. ED95517  
 )  
 Respondent, )  
 )  
 v. ) Appeal from the Circuit Court of  
 ) Cape Girardeau County  
 ) Cause No. 10CJ-CR00741  
 TERESA M. JOHNSON, ) Honorable Gary A. Kamp  
 )  
 )  
 Appellant. )  
 )  
 ) Filed: June 28, 2011

Teresa M. Johnson appeals the judgment of the Circuit Court of Cape Girardeau County, the Honorable Gary A. Kamp, presiding. Johnson appeals her conviction of two counts of endangering the welfare of a child in the second degree, Section 568.050 RSMo (2000). Johnson claims there was insufficient evidence to convict her because the State did not prove that her actions created a substantial risk to the health of her children.

REVERSED.

DIVISION ONE HOLDS: The Circuit Court erred in convicting Johnson because the State failed to prove that there was actual, and not simply potential, danger to the children.

Opinion by: Kenneth M. Romines, J.  
Roy L. Richter, C.J., and Kenneth F. Thompson, Sp.J., concur.

Attorneys for Appellant: Ellen H. Flottman

Attorneys for Respondents: John N. Koester, Jr., H. Morley Swingle

**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.**