

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,	)	No. ED97224
	)	
vs.	)	Appeal from the Circuit Court
	)	of Cape Girardeau County
CHRISTOPHER BURTON, Appellant.	)	Filed: July 17, 2012

The defendant, Christopher Burton, appeals the judgment entered by the Circuit Court of Cape Girardeau County following a trial in which the court convicted him of the class-A misdemeanor of third-degree assault of a law-enforcement officer, in violation of section 565.083 RSMo. (Supp. 2011).

#### JUDGMENT AFFIRMED

DIVISION TWO HOLDS: By fleeing a lawful stop by a law-enforcement officer, the defendant demonstrated a conscious disregard of a substantial and unjustifiable risk of physical injury to the trooper. Such disregard grossly deviated from the standard of care that a reasonable person would exercise, and thus was reckless. Further, the defendant is criminally responsible for the trooper's injury because the defendant's voluntary act of unlawful flight initiated a course of conduct that caused the trooper's injury. Consequently, we hold that the State presented sufficient evidence that the defendant recklessly caused physical injury to a law-enforcement officer.

Opinion by: Lawrence E. Mooney, J.                      Kathianne Knaup Crane, P.J., and  
Kenneth M. Romines, J., concur.

Attorney for Appellant:        Margaret M. Johnston

Attorneys for Respondent:    Harry Morley Swingle and Frank E. Miller

**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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