



**In the Missouri Court of Appeals
Eastern District
DIVISION ONE**

STATE OF MISSOURI,)	No. ED97341
)	
Appellant,)	Appeal from the Circuit Court
)	of Jefferson County
vs.)	09JE-CR03616-01
)	
HEINZ B. HORN,)	Honorable Gary P. Kramer
)	
Respondent.)	Filed: September 18, 2012

OPINION SUMMARY

The State of Missouri appeals the order dismissing a charge against Heinz B. Horn for driving while intoxicated based upon the one-year statute of limitations for misdemeanor offenses.

REVERSED AND REMANDED.

Division One holds:

- (1) The State's right to appeal the order dismissing the charge against Horn is expressly conferred by section 547.200.2 RSMo 2000. Additionally, the trial court's order is considered a final judgment because it has the effect of foreclosing any further prosecution of Horn on that particular charge.
- (2) The trial court erred in dismissing the charge against Horn based upon the one-year statute of limitations for misdemeanor offenses because Horn was charged with a felony and the complaint was filed within the three-year statute of limitations for felony offenses.

Opinion by: Glenn A. Norton, J. Clifford H. Ahrens, P.J. and Sherri B. Sullivan, J., concur

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