

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,	)	No. ED98846
Plaintiff/Appellant,	)	Appeal from the Circuit Court
v.	)	of Cape Girardeau County
GRISELDA LARA-GUTIERREZ,	)	Honorable William L. Syler
Defendant/Respondent.	)	Date: April 2, 2013

The circuit court granted defendant's motion to dismiss the information charging defendant with forgery in violation of section 570.090 RSMo (2000), based on the use of a false social security number on an employment document, on the ground that the prosecution was preempted by the federal Immigration Reform and Control Act of 1986 (IRCA), 8 U.S.C. § 1324a.

REVERSED; CHARGE REINSTATED.

A prosecution for forgery pursuant to section 570.090 is not preempted by IRCA, which makes the employment of unauthorized aliens illegal.

Opinion by: Kathianne Knaup Crane, P.J.  
Robert G. Dowd, Jr., J. and Lawrence E. Mooney, J., concur.

Attorneys for Appellant: Attorney General Chris Koster and Assistant Attorney General Daniel N. McPherson

Attorney for Respondent: Tom K. O'Loughlin II

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