

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION FOUR

STATE OF MISSOURI,	)	No. ED99671
	)	
Plaintiff/Respondent,	)	Appeal from the Circuit Court of
	)	Audrain County
vs.	)	
	)	Honorable Keith M. Sutherland
PAUL WILLIAMS,	)	
	)	
Defendant/Appellant.	)	Filed: December 24, 2013

Defendant Paul Allen Williams was convicted in the Circuit Court of Audrain County of two counts of criminal non-support, section 568.040, R.S.Mo. (Cum. Supp. 2010), a class D felony. The trial court suspended execution of the four year sentence and placed Williams on probation for five years.

VACATED AND REMANDED FOR NEW TRIAL.

DIVISION FOUR HOLDS: The trial court committed evident, obvious, and clear error by proceeding to a bench trial in the absence of any specific indication—beyond counsel’s bare assertion of waiver—that Williams himself knowingly, voluntarily, and intelligently waived his right to jury trial. This violation of William’s constitutional right to a jury trial is a manifest injustice and entitles Williams to plain error relief. Therefore, we vacate William’s convictions and sentence, and remand this case to the trial court for a new trial.

Opinion by: Lisa S. Van Amburg, J.  
Patricia L. Cohen, J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Rosalynn Koch

Attorney for Respondent: Shaun J. Mackelprang

**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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