

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**IN THE INTEREST OF N.R.C.,
APPELLANT**

vs.

**JUVENILE OFFICER,
RESPONDENT**

WD69088

DATE: FEBRUARY 10, 2009

Appeal from:
JACKSON COUNTY CIRCUIT COURT
THE HONORABLE ANN MESLE, JUDGE

Appellate Judges:
Division Three: Howard, P.J., Ellis and Ahuja, JJ.

Attorneys:
MEGAN ROTH, Esq., Kansas City, MO., for Appellant

JAMES E. HERBERTSON, Esq., Kansas City, MO, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS, WESTERN DISTRICT

**IN THE INTEREST OF N.R.C.,
v.
JUVENILE OFFICER,**

**Appellant
Respondent**

WD 69088

Jackson County, Missouri

Before Division Three Judges: Howard, P.J., Ellis and Ahuja, JJ.

The trial court sustained the allegations of the Juvenile Officer's petition, finding that N.R.C. had committed acts which would constitute the crimes of second degree burglary and stealing if committed by an adult. N.R.C. appeals.

AFFIRMED IN PART, REVERSED AND REMANDED IN PART.

Division Three holds:

(1) Where the testimony regarding the value of the owner's stolen property was based on probabilities and speculation, there was insufficient evidence to support a finding that the value of the stolen property was \$500.00 or more.

(2) Although there was insufficient evidence to uphold a finding that N.R.C. had committed acts constituting felony stealing, the trial court was required to find the elements of misdemeanor stealing in reaching its conclusion. Because there was sufficient evidence to establish those elements, a finding that N.R.C. had committed acts constituting misdemeanor stealing could be entered.

Opinion by: Victor Howard, J.

February 10, 2009

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