

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

Respondent,

v.

JACOB McGINNIS,

Appellant.

DOCKET NUMBER WD69679

Date: August 17, 2010

Appeal from:
Platte County Circuit Court
The Honorable Abe Shafer, IV, Judge

Appellate Judges:
Division Four: Lisa White Hardwick, C.J., James E. Welsh and Gary D. Witt, JJ.

Attorneys:
Rosalynn Koch, Esq., Columbia, MO, for appellant.
Shaun J. Mackelprang, Esq., Robert J. Bartholomew, Esq., Jefferson City, MO, for
respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI

v.

JACOB McGINNIS,

WD69679

Respondent,

Appellant.

Platte County

Before Division Four Judges: Lisa White Hardwick, C.J.,
James E. Welsh and Gary D. Witt, JJ.

Jacob McGinnis appeals his conviction for first-degree burglary. He contends the evidence is insufficient to support the conviction because the State failed to prove the element of unlawful entry.

AFFIRMED.

Division Four holds: To prove the element of unlawful entry, the State was only required to establish that the defendant knew he had neither license nor privilege to enter the residence. The State met that burden by showing that McGinnis used false pretenses to enter the home of his best friend, whom he just murdered, for the purpose of raping his best friend's wife. The conviction is affirmed.

Opinion by: Lisa White Hardwick, Judge

August 17, 2010

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