

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

TEKA HAYES.

Appellant

DOCKET NUMBER WD71744

DATE: January 25, 2011

Appeal From:

Circuit Court of Cole County, MO
The Honorable Richard G. Callahan, Judge

Appellate Judges:

Division Two
James Edward Welsh, P.J., Mark D. Pfeiffer, and Karen King Mitchell, JJ.

Attorneys:

Melinda K. Pendergraph, Columbia, MO

Counsel for Appellant,

Attorneys:

Richard A. Starnes, Jefferson City, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**STATE OF MISSOURI, Respondent, v.
TEKA HAYES, Appellant**

WD71744

Cole County

Before Division Two Judges: James Edward Welsh, P.J., Mark D. Pfeiffer, and Karen King Mitchell, JJ.

Teka Hayes appeals the circuit court's judgment convicting her of stealing third offense. In her sole point on appeal, she asserts that the circuit court plainly erred in sentencing her to six years imprisonment because she was subject to a "doubly enhanced punishment." In particular, she contends that the circuit court erroneously used the same convictions to establish both that she had two prior stealing convictions and that she was a persistent offender. She claims that this double enhancement of punishment violated her right to due process.

AFFIRMED

Division Two holds:

The State presented sufficient evidence that Hayes had at least two prior stealing convictions and two prior felony convictions. Nothing in either section 575.040, RSMo, or section 558.016, RSMo, prevented the same convictions from being used both to enhance the stealing conviction and to establish Hayes's status as a persistent offender. The Missouri Supreme Court has also held that such double enhancement is permissible.

Opinion by: James Edward Welsh, Judge

January 25, 2011

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