

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

v.

KIMBERLY PAUL,

Respondent,

Appellant.

DOCKET NUMBER WD76769

Date: June 17, 2014

Appeal from:
Clinton County Circuit Court
The Honorable Paul T. Luckenbill, Jr., Judge

Appellate Judges:
Division Four: James E. Welsh, Chief Judge Presiding, Victor C. Howard and Lisa White
Hardwick, Judges

Attorneys:
Garrick F. D Aplin, Cameron, MO, for appellant.
Jeannette L. Igenebor, Kansas City, MO, for respondent.

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

STATE OF MISSOURI

v.

KIMBERLY PAUL,

WD76769

Respondent,

Appellant.

Clinton County

Before Division Four: James E. Welsh, Chief Judge Presiding,
Victor C. Howard and Lisa White Hardwick, Judges

Following a bench trial, Kimberly Paul was convicted of possessing the controlled substance of synthetic marijuana, a misdemeanor violation of Section 195.202. On appeal, Paul contends the circuit court erred in failing to grant her motion for acquittal because the evidence was insufficient to prove beyond a reasonable doubt that she had knowledge of the nature of the controlled substance.

AFFIRMED.

Division Four holds:

In a prosecution for possession of a controlled substance, the State is not required to prove that the defendant knew the substance was illegal. Rather, the State must prove that the defendant had knowledge of the general character of the substance. Here, there was sufficient evidence from which the circuit court could

reasonably infer that Paul was aware of the substance's drug-like nature. Accordingly, the court did not err in failing to sustain Paul's motion for judgment of acquittal.

Opinion by: Lisa White Hardwick, Judge

June 17, 2014

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