

IN THE  
MISSOURI COURT OF APPEALS  
EASTERN DISTRICT

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STATE OF MISSOURI,	)	
	)	
Respondent,	)	
	)	
vs.	)	No. ED 100807
	)	
JEFFREY WEINHAUS,	)	
	)	
Appellant.	)	

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APPEAL TO THE MISSOURI COURT OF APPEALS  
EASTERN DISTRICT  
FROM THE CIRCUIT COURT OF FRANKLIN COUNTY  
TWENTIETH JUDICIALCIRCUIT  
THE HONORABLE KEITH SUTHERLAND, JUDGE

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APPELLANT'S BRIEF APPENDIX

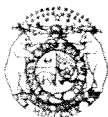
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## IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY MISSOURI

<b>Judge or Division :</b> KEITH M SUTHERLAND (21509) DIV1		<b>Case Number :</b> 12AB-CR02409-01 <input type="checkbox"/> Change of Venue from
		Offense Cycle No : J8007983
State Of Missouri vs. Defendant: JEFFREY R WEINHAUS (WEIJR3880) FRANKLIN COUNTY JAIL #1 BRUNS LANE UNION, MO 63084		Prosecuting Attorney/MO Bar No: ROBERT E PARKS (36333)  Defense Attorney/MO Bar No : HUGH ATHELSTAN EASTWOOD (62058)
DOB : 06-Oct-1966 SSN : 486803880 SEX : M		
Pre-Sentence Assessment Report Ordered		Appeal Bond Set Date : Amount :
<b>Judgment</b>		

**Charge #**   **Charge Date**   **Charge Code**   **Charge Description**  
**Original Charge:**   1   17-Aug-2012   3245000   Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana ( **Felony C RSMo: 195.202** )

**Disposition:**   10-Oct-2013   Jury Verdict-Guilty  
**Order Date:**   25-Nov-2013   **Sentence or SIS :**   Incarceration DOC  
**Length :**   2 Years   **Start Date :**   25-Nov-2013  
**Text :**   2 YRS DOC  
**Conc/Cons :**   CONC W/CTS III, IV, V

**Charge #**   **Charge Date**   **Charge Code**   **Charge Description**  
**Original Charge:**   2   17-Aug-2012   2921700   Tampering With Judicial Officer ( **Felony C RSMo: 565.084** )

**Disposition:**   09-Oct-2013   Tried/Court-Not Guilty

**Charge #**   **Charge Date**   **Charge Code**   **Charge Description**  
**Original Charge:**   3   17-Aug-2012   3245700   Possession Of Up To 35 Grams Marijuana ( **Misdemeanor A RSMo: 195.202** )

**Disposition:**   10-Oct-2013   Jury Verdict-Guilty  
**Order Date:**   25-Nov-2013   **Sentence or SIS :**   Incarceration Jail  
**Length :**   365 Days   **Start Date :**   25-Nov-2013  
**Text :**   1 YR COUNTY JAIL

**Charge #**   **Charge Date**   **Charge Code**   **Charge Description**  
**Original Charge:**   4   11-Sep-2012   1310000   Assault/Attempt Assault - LEO, Corr Off, Emrgncy Prsnl, Hwy Wrkr, Utility Wrkr, Cble Wrkr Or P&P Offcr - 1st Degr ( **Felony A RSMo: 565.081** )

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Disposition: 10-Oct-2013 Jury Verdict-Guilty  
 Order Date: 25-Nov-2013 Sentence or SIS : Incarceration DOC  
 Length : 30 Years Start Date : 25-Nov-2013  
 Text : 30 YRS DOC  
 Conc/Cons : CONC W/CTS I, IV, V

	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	5	11-Sep-2012	3101000	Armed Criminal Action ( Felony Unclassified RSMo: 571.015 )

Disposition: 10-Oct-2013 Jury Verdict-Guilty  
 Order Date: 25-Nov-2013 Sentence or SIS : Incarceration DOC  
 Length : 30 Years Start Date : 25-Nov-2013  
 Text : 30 YRS DOC  
 Conc/Cons : CONC W/CTS I, III, IV

	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	6	11-Sep-2012	1310000	Assault/Attempt Assault - LEO, Corr Off, Emrgncy Prsnl, Hwy Wkr, Utility Wkr, Cble Wkr Or P&P Offcr - 1st Degr ( Felony A RSMo: 565.081 )

Disposition: 10-Oct-2013 Jury Verdict-Not Guilty

	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	7	11-Sep-2012	3101000	Armed Criminal Action ( Felony Unclassified RSMo: 571.015 )

Disposition: 10-Oct-2013 Jury Verdict-Not Guilty

	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	8	11-Sep-2012	2702000	Resisting/Interfering With Arrest For A Felony ( Felony D RSMo: 575.150 )

Disposition: 09-Oct-2013 Tried/Court-Not Guilty

The court informed the defendant of verdict/finding, asks the defendant whether (s)he has anything to say why judgment should not be pronounced, and finds that no sufficient cause to the contrary has been shown or appears to the court.

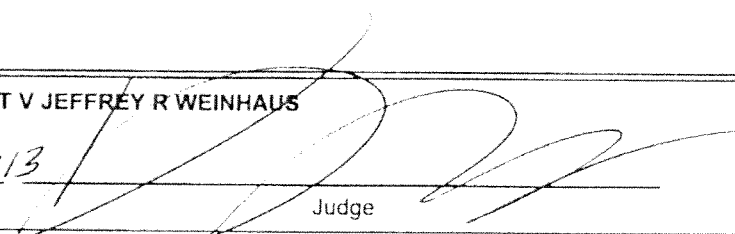
Defendant has been advised of his/her rights to file a motion for post conviction relief pursuant to Rule 24.035/29.15 and the court has found **No Probable Cause** to believe that defendant has received ineffective assistance of counsel.

The Court orders:

The clerk to deliver a certified copy of the judgment and commitment to the sheriff.

The sheriff to authorize one additional officer/guard to transport defendant to Department of Corrections.

That Judgment entered in favor of the State of Missouri and against the defendant for the sum of **\$68.00** for the Crime Victims Compensation fund. Judgment is **Not Satisfied**.

The Court further orders:	
<b>25-Nov-2013</b>	<b>Defendant Sentenced</b>
DEFENDANT IN CUSTODY, IN PERSON AND WITH COUNSEL HUGH EASTWOOD AND CHRISTOPHER COMBS. STATE BY PA ROBERT PARKS. ALLOCUTION GRANTED. COUNT I: 2 YRS DOC, COUNT III: 1 YR COUNTY JAIL; COUNT IV: 30 YRS DOC, COUNT V: 30 YRS DOC, ALL CONCURRENT. CC/CVF. 29.15/24.035 ADVISED AND NO PROBABLE CAUSE FOUND. SO ORDERED: KEITH M. SUTHERLAND	
<b>25-Nov-2013</b>	<b>Judgment Entered</b>
COURT COSTS	
So Ordered on: 12AB-CR02409-01 ST V JEFFREY R WEINHAUS	
<u>25 NOV 2013</u>	
Date	Judge
I certify that the above is a true copy of the original Judgment and Sentence of the court in the above cause, as it appears on record in my office.	
(Seal of Circuit Court)	
Issued on:	
Date	Clerk

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INSTRUCTION NO. 8

As to Count IV, if you find and believe from the evidence beyond a reasonable doubt:

First, that on or about September 11, 2012, in the County of Franklin, State of Missouri,

the defendant attempted to cause serious physical injury to Sgt. Folsom by

shooting him, and

Second, that Sgt. Folsom was a law enforcement officer, and

Third, that defendant was aware Sgt. Folsom was a law enforcement officer,

then you will find the defendant guilty under Count IV of assault of a law enforcement officer in the first degree under this instruction.

However, unless you find and believe from the evidence beyond a reasonable doubt each and all of these propositions, you must find the defendant not guilty of that offense under this instruction.