

MISSOURI CIRCUIT COURT  
TWENTY-SECOND JUDICIAL CIRCUIT  
(City of St. Louis)

**FILED**

JUN 20 2014

22<sup>ND</sup> JUDICIAL CIRCUIT  
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STATE OF MISSOURI,  
Plaintiff,

Cause No. 1322-CR039~~7~~28-01

Vs.

Division 12

CHARLES LAMONT MOSLEY,  
Defendant.

**JUDGMENT AND ORDER**

The above-styled cause was called for trial in Division 12 on April 24, 2014. The Defendant appeared in person and with his attorney, Patrick Austerman, Esq. The State appeared by Assistant Circuit Attorney Lisa Yemm, Esq.

The Defendant is charged by Information in lieu of Indictment as follows:

Count I: The Defendant committed the class C felony of possession of a controlled substance in that on or about July 11, 2013, in the City of St. Louis, Missouri, the Defendant possessed N-Benzylpiperazine, a controlled substance, knowing of its presence and nature. Section 195.202 RSMo.

Count II: The Defendant committed the class A misdemeanor of resisting a lawful stop in that on or about July 11, 2013, in the City of St. Louis, Missouri, Kevin Corcoran, a law enforcement officer, was attempting to make a lawful detention of Defendant, and the Defendant knew or reasonably should have known that the officer was making a lawful stop, and, for the purpose of preventing the officer from effecting the stop, resisted the stop by fleeing from the officer and using or threatening the use of violence, physical force or physical interference. Section 575.150 RSMo.

The Defendant waived his right to trial by jury in writing and orally on the record. Thereafter this cause was tried to the Court on the record. It was agreed by the Defendant that Defendant's Motion to Suppress Evidence filed in this cause would be taken with the evidence in the case.

Evidence was adduced by the State. The Defendant presented no evidence. Following closing argument of Counsel, the matter was submitted to the Court with the proviso that Counsel be granted leave to file memoranda of law with the Court by May 1, 2014. Memoranda of law have been submitted and reviewed by the Court.

Counsel are fully aware of the facts of this case so they will not be recited herein.

Being fully advised and after due deliberation, the Court finds and concludes the following:

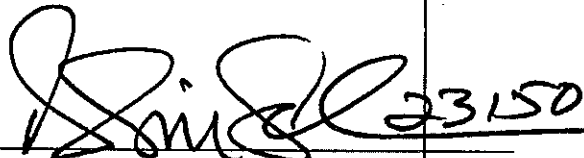
1. Based upon a totality of the circumstances in this case, the police officers acted reasonably in approaching the Defendant based upon the 911 telephone call information and the suspect description relayed to them from the police dispatcher. The Defendant's flight from the approaching police officers gave rise to a reasonable suspicion that the Defendant was involved in criminal activity. The Defendant's flight from the police officers, coupled with the Defendant's verbal warning and suspicious actions during the encounter gave rise to probable cause for the Defendant's arrest. Since the arrest of the Defendant was based upon probable cause, it was a lawful arrest and therefore the contraband seized from the Defendant's person was pursuant to a constitutionally permissible search. Defendant's Motion to Suppress the evidence in this cause is DENIED.

2. As to Count I, the evidence is sufficient to prove, beyond a reasonable doubt, that on July 11, 2013, in the City of St. Louis, Missouri, the Defendant possessed N-Benzylpiperazine, a controlled substance, knowing of its presence and nature. The Court finds the Defendant GUILTY as charged under Count I.

3. As to Count II, the evidence is sufficient to prove, beyond a reasonable doubt, that on July 11, 2013, in the City of St. Louis, Missouri, the Defendant resisted a lawful stop being attempted by Kevin Corcoran, a law enforcement officer. The court finds the Defendant GUILTY as charged under Count II.

This cause is continued and reset for any post-trial motions and sentencing to the 20<sup>th</sup> day of August, 2014 at 9:30 a.m./p.m. in Division 12.

SO ORDERED AND ADJUDGED this 20 day of June, 2014.

  
Dennis M. Schaumann  
Circuit Judge-Division 12

Cc: Attorneys of Record