



or by means of deceit or coercion.' *Id.* "The value of the property or services appropriated is not an element of the offense of stealing." *Id.*

4. In *Bazell*, the Court was addressing §570.030.3; however, the language for §570.030.9 contains the same language and stealing can only be a Class B felony if the the value of the property or services is an element of the offense.

5. As such, defendant can only be charged with a misdemeanor.

6. Section 556.036.2(2), RSMo. (Cum. Supp. 2013) provides that prosecution for a misdemeanor must commence within one year.

7. Section 556.036.5, RSMo. (Cum. Supp. 2013) further provides that a prosecution for a misdemeanor is commenced when the Information is filed.

8. The Information in this case was filed on April 2, 2014, more than a year after the charging period.

WHEREFORE, for the above stated reasons, it is requested that this Honorable Court dismiss this case immediately with prejudice, for failure to commence prosecution within the time limits allowed under Missouri law.

#### NOTICE

\_\_\_\_\_ COMES NOW defendant, by and through counsel, and gives notice of his intent to call up the above and foregoing motion for hearing on October 6, 2016 at 10:00 AM, or as soon thereafter as counsel may be heard.

#### MOTION TO SHORTEN TIME

COMES NOW defendant, by and through counsel, and moves this court to shorten the time for notice of hearing in the above cause.

Respectfully submitted,

/s/ James Egan

---

James Egan, Mo Bar No. 52913  
Attorney for Defendant  
630 N. Robberson  
Springfield, MO 65806  
Phone: 417-895-6740  
Fax: 417-895-6780  
E-Mail: James.Egan@mspd.mo.gov

**Certificate of Service**

I hereby certify that on this 30th day of September, 2016, an electronic copy of the foregoing was sent through the Missouri e-Filing system to counsel of record.

/s/ James Egan

---

James Egan