

MISSOURI COURT OF APPEALS EASTERN DIVISION
OPINION SUMMARY

STATE OF MISSOURI,)	No. ED100035
)	
Respondent,)	Appeal from the Circuit Court
)	of Lincoln County
v.)	
)	
JEFFREY A. CHANDLER,)	Hon. James Beck
)	
Appellant.)	FILED: May 6, 2014

Jeffrey Chandler (“Defendant”) appeals from the judgment of the trial court following a bench trial in which the trial court convicted him on two counts of second degree statutory sodomy (Counts I and III), one count of second degree rape (Count II), and one count of incest (Count IV), all felonies, and sentenced him to three consecutive sentences of seven years’ imprisonment each on Counts I through III, and to one concurrent term of four years’ imprisonment on Count IV. Defendant argues that the trial court improperly admitted hearsay evidence where the State failed to prove that the victim, T.C., was a “vulnerable person” under the hearsay exception in section 491.075 RSMo. Cum. Supp. 2012.

AFFIRMED.

DIVISION ONE HOLDS: (1) Section 491.075 RSMo. Cum. Supp. 2012 does not require the use of expert testimony to establish that a person is a “vulnerable person” for purposes of the statutory exception to the hearsay rule. (2) The trial court did not abuse its discretion in admitting statements made by T.C. to other witnesses where the State introduced substantial competent evidence that she was a “vulnerable person” under the statute. The State introduced evidence that T.C. had an I.Q. of 58, was in an Individualized Education Plan because she was determined to be intellectually disabled, was judicially determined by the probate court to be an incapacitated and disabled person who needed a guardian/conservator, as well as testimony that her mental age was approximately that of a twelve year old child.

Opinion by: Clifford H. Ahrens, J. Roy L. Richter, P.J., and Glenn A. Norton, J., concur.

Attorney for Appellant: Ellen H. Flottman

Attorney for Respondent: Chris Koster

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
SHOULD NOT BE QUOTED OR CITED.**