

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,	)	No. ED100616
	)	Appeal from the Circuit Court
vs.	)	of the City of St. Louis
	)	Honorable Joan L. Moriarity
EDWARD WALKER, Appellant.	)	Filed: November 18, 2014

The defendant, Edward Walker, appeals the judgment of the Circuit Court of the City of St. Louis following his conviction by a jury of the class-A felony of second-degree murder, in violation of section 565.021 RSMo. (2000), and the unclassified felony of armed criminal action, in violation of section 571.015. The jury convicted the defendant in connection with the shooting death of Gene Wright. Pursuant to the jury's recommendation, the trial court sentenced the defendant to consecutive terms of imprisonment of 30 years and 15 years, respectively.

REMANDED IN PART AND AFFIRMED IN PART.

DIVISION ONE HOLDS: The trial court allowed the State to question venirepersons extensively about whether they could recommend a life sentence without parole if they convicted the defendant of first-degree murder. But the court prohibited the defendant from asking during *voir dire* whether the venire members could consider the entire range of punishment if the defendant were convicted of second-degree murder. We conclude that the trial court abused its discretion in its restriction of *voir dire*. Thus, we remand the cause for a new penalty phase of the trial for second-degree murder and for resentencing on that offense after the jury's new assessment of punishment. We affirm the judgment in all other respects.

Opinion by: Lawrence E. Mooney, P.J. Clifford H. Ahrens, J., and Glenn Norton, J., concur.

Attorney for Appellant: Andrew E. Zleit

Attorneys for Respondent: Chris Koster and Daniel N. McPherson

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