

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED101278
)	
Respondent,)	
)	Appeal from the Circuit Court
vs.)	of the City of St. Louis
)	
MARSHALL T. BURRAGE,)	Honorable Margaret M. Neill
)	
Appellant.)	Filed: June 30, 2015

Marshall Burrage appeals from the judgment entered after a jury trial on his convictions for second degree felony murder, attempted delivery of marijuana and armed criminal action.

AFFIRMED.

Division Three holds:

There was sufficient evidence of Burrage's participation in the attempted sale of marijuana and armed criminal action on an accomplice theory because he set up the transaction, was the driver and knew his accomplice had a weapon with him. There was also sufficient evidence that the victim's death occurred as a result of the attempted delivery of drugs, even though the victim had also tried to rob Burrage instead of paying for the drugs, and therefore Burrage could be held responsible under the felony murder rule. Robberies and death are foreseeable in illegal drug transactions.

Opinion by: Robert G. Dowd, Jr., J.
Kurt S. Odenwald, P.J., and Gary M. Gaertner, Jr., J.

Attorney for Appellant: Maleaner Harvey

Attorney for Respondent: Chris Koster, Richard A. Starnes

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