

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

STATE OF MISSOURI,	)	No. ED101325
	)	
Plaintiff/Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
v.	)	
	)	
RICKEY BATES,	)	Honorable Margaret M. Neill
	)	
Defendant/Appellant.	)	Filed: June 16, 2015

Rickey Bates (Appellant) appeals from the trial court’s judgment entered upon a jury verdict convicting him of first-degree murder, first-degree robbery, and two counts of armed criminal action. On appeal, Appellant argues the trial court erred in (1) admitting evidence of Appellant’s videotaped statements to police because his statements were unknowing, unintelligent, and involuntarily made and were the result of police coercion; (2) denying his motion to strike testimony, or in the alternative, his request for a mistrial after the investigating officer testified to the contents of the victim’s phone records when the State failed to lay a proper foundation for the admission of the records; and (3) imposing a mandatory sentence of life without the possibility of parole for Appellant’s first-degree murder conviction because such sentence violates the Eighth Amendment to the U.S. Constitution.

AFFIRMED.

Division Two: The trial court did not err in denying Appellant’s motion to suppress and in admitting the evidence of Appellant’s statements to police because, under the totality of the circumstances, Appellant’s statements to the police were made knowingly, intelligently, and voluntarily and were not the result of police coercion. The trial court did not plainly err in denying Appellant’s motion to strike the investigator’s testimony and request for a mistrial because Appellant failed to demonstrate he was prejudiced by such testimony, in that the officer’s testimony was cumulative of other evidence and the evidence of Appellant’s guilt was overwhelming. Appellant failed to demonstrate the imposition of a mandatory sentence of life without the possibility of parole for first-degree murder for an adult constitutes a cruel and unusual punishment under the Eighth Amendment and trial court did not plainly err in imposing such sentence on Appellant.

Opinion by: Sherri B. Sullivan, P.J.           Mary K. Hoff, J., and Mark D. Pfeiffer, Sp.J., concur.

Attorney for Appellant: Maleaner R. Harvey  
Attorneys for Respondent: Evan J. Buchheim

<b>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.</b>
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