

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	ED101578
)	
Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	1222-CR03969
)	
DWAYNE HOUSTON,)	Honorable Timothy J. Wilson
)	
Appellant.)	FILED: August 18, 2015

Dwayne Houston (Defendant) appeals from a sentence and judgment of conviction for burglary in the first degree, attempted forcible rape, and sexual misconduct.

AFFIRMED.

Division Two Holds: The trial court did not abuse its discretion in admitting certain testimony, because the testimony was logically and legally relevant and did not prejudice Defendant; and the trial court did not plainly err in failing to hold an evidentiary hearing on his claim of juror misconduct, because Defendant waived the claim by failing to raise it at the earliest possible opportunity.

Opinion by: Gary M. Gaertner, Jr., J.
Philip M. Hess, P.J. and Angela T. Quigless, J., concur.

Attorneys for Appellant: Matthew Hucceby

Attorneys for Respondent: Chris Koster and Robert J. Bartholomew

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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