

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

STATE OF MISSOURI,)	ED102318
)	
Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Julian Bush
LAWRENCE BRANDON,)	
)	
Appellant.)	FILED: April 5, 2016

Lawrence Brandon ("Defendant") appeals from his convictions following a bench trial of: two counts of forcible rape, in violation of Section 566.030, RSMo (2000); two counts of forcible sodomy, in violation of Section 566.060; two counts of first-degree robbery, in violation of Section 569.020; and six counts of armed criminal action, in violation of Section 571.015.

AFFIRMED IN PART, CAUSE REMANDED FOR CLERICAL CORRECTION

Division One Holds: To support his double-jeopardy claim of error here, Defendant is obligated to point to evidence that the theft of the jewelry and the theft of the money occurred during a single instance of forcible stealing. But Defendant fails to cite to any evidence in the record tending to show that he did not commit separate offenses in forcibly stealing both money and jewelry from Victim. Accordingly, we cannot conclude that the trial court plainly erred in convicting him of two robberies for the thefts. However, the cause is remanded to the trial court to remove the reference to 999 years from the written sentence for the two counts each of forcible rape and forcible sodomy.

Opinion by: Roy L. Richter, J.

Robert G. Dowd, Jr., P.J., and Mary K. Hoff, J., concur.

Attorney for Appellant: Rosemary E. Percival

Attorney for Respondent: CHRIS KOSTER, 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 SHOULD NOT BE QUOTED OR CITED.