

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

STATE OF MISSOURI,)	No. ED102951
)	
Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	
RICHARD REYNOLDS,)	Honorable Michael F. Stelzer
)	
Appellant.)	Filed: September 20, 2016

Richard Reynolds (“Reynolds” or “Appellant”) appeals from the jury verdict convicting him of first degree murder, first degree assault, two counts of armed criminal action, and unlawful use of a weapon. Reynolds raises three points on appeal. He argues that the trial court: (1) plainly erred in allowing convictions for both armed criminal action and unlawful use of a weapon as they constitute cumulative punishment in violation of his right to be free from double jeopardy; (2) plainly erred in dismissing two female jurors from the venire panel in violation of his rights to due process and a fair trial by an impartial jury; and (3) clearly erred in overruling his *Batson* objection to the prosecutor’s peremptory strike of an African-American male juror from the venire panel. Reynolds does not challenge the sufficiency of the evidence.

AFFIRMED.

DIVISION THREE HOLDS: (1) The trial court did not plainly err by convicting Reynolds of both armed criminal action and unlawful use of a weapon for discharging a firearm at a vehicle because these convictions did not impose cumulative punishment in violation of the right to be free from double jeopardy. (2) We decline plain error review because Reynolds’ claim fails to establish substantial grounds for believing that the trial court’s decision to dismiss two female jurors from the venire panel resulted in manifest injustice or miscarriage of justice. (3) The trial court did not err in denying Reynolds’ *Batson* motion because the court’s determination that there was no purposeful discrimination was not clearly erroneous.

Opinion by: Angela T. Quigless, P. J.

Robert G. Dowd, Jr., J., and Lisa Van Amburg, J., Concur

Attorney for Appellant: Amy E. Lowe

Attorneys for Respondent: Karen L. Kramer

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.