

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

STATE OF MISSOURI,)	No. ED103044
)	
Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Philip D. Heagney
ANTONIO RYCRAW,)	
)	
Appellant.)	FILED: September 27, 2016

Appellant Antonio Rycraw (“Rycraw”) appeals from the judgment of the trial court entered after a jury trial. The jury convicted Rycraw on four counts of statutory sodomy and two counts of sexual misconduct against Victim, who was between five and eight years old when the incidents occurred. The jury acquitted Rycraw on one count of furnishing pornography to Victim. Rycraw argues that the trial court erred in four respects: (1) in refusing to replace a juror who “dozed off” during evidence; (2) in prohibiting evidence of Victim having sexual intercourse with a third party; (3) in prohibiting evidence that Victim had viewed pornography with her brother; and (4) in submitting verdict directors for Counts I–V, which deprived Rycraw of his constitutional right to a unanimous jury verdict.

AFFMIREED IN PART, REVERSED IN PART, AND REMANDED.

DIVISION FOUR HOLDS: Rycraw’s first three points demonstrate no trial-court error. The record shows that the trial court properly questioned the juror and reasonably concluded that the juror could fulfill her duties. The trial court also did not abuse its discretion in prohibiting evidence that Victim had intercourse with a third party or viewed pornography because the admission of such evidence was prohibited by the rape shield statute and not prejudicial, respectively. Regarding Rycraw’s fourth point, the trial court properly submitted the verdict directors for Counts I, III, and V. However, the verdict directors for Counts II and IV failed to ensure a unanimous jury verdict; accordingly, the trial court erred in submitting those verdict directors.

Opinion by: Kurt S. Odenwald, Judge
Jr., J., concur.

James M. Dowd, P.J., and Gary M. Gaertner,

Attorney for Appellant: Gwenda Renee Robinson

Attorney for Respondent: Christ Koster and Evan J. Buchheim

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