OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Plaintiff/Respondent,	)	
	)	No. ED91159
v.	)	Appeal from the Circuit Court
	)	of the City of St. Louis
DONALD PULLUM, Defendant/Appellant.	)	Date: April 14, 2009

Defendant, Donald Pullum, appeals from a judgment entered by the trial court after a jury found him guilty of statutory rape in the first degree, in violation of section 566.032 RSMo (2000); statutory sodomy in the first degree, in violation of section 566.062 RSMo (2000); attempted victim tampering, in violation of section 575.270 RSMo (2000); statutory rape in the second degree, in violation of section 566.034 RSMo (2000); and child molestation in the second degree, in violation of section 566.068 RSMo (2000).

AFFIRMED IN PART; REVERSED IN PART.

Division Four Holds:

1. The state made a submissible case on victim tampering.

2. The trial court plainly erred in accepting the verdict and entering a conviction on Count IV for statutory rape in the second degree. Count IV of the substitute information charged statutory sodomy in the second degree, not statutory rape in the second degree.

3. Defendant's claim that the state did not make a submissible case on statutory rape in the second degree is moot.

Opinion by: Kathianne Knaup Crane, P.J. Mary K. Hoff, J. and Kenneth M. Romines, J., concur.

Attorney for Appellant: Maleaner Harvey

Attorney for Respondent: Mary H. Moore

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.