

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,)	No. ED91528
)	
vs.)	Appeal from the Circuit Court
)	of the City of St. Louis
MARVIN COTTON, Appellant.)	Filed: June 23, 2009

The defendant, Marvin Cotton, appeals from his conviction of forcible rape, forcible sodomy, and kidnapping. He argues that the trial court erred in sentencing him for kidnapping because prosecution for that offense was barred by the statute of limitations and because he did not affirmatively waive the statute-of-limitations defense. The defendant did not raise the running of the statute of limitations in the trial court.

JUDGMENT AFFIRMED

DIVISION TWO HOLDS: By failing to raise the expiration of the statute of limitations in the trial court, the defendant waived the defense.

Opinion by: Lawrence E. Mooney, J. Roy L. Richter, P.J., George W. Draper III, J.
concur.

Attorney for Appellant: Scott Thompson

Attorneys for Respondent: Chris Koster, John M. Reeves

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.