



**In the Missouri Court of Appeals  
Eastern District**

**OPINION SUMMARY  
MISSOURI COURT OF APPEALS EASTERN DISTRICT**

STATE OF MISSOURI, )  
Plaintiff/Appellant, ) ED92846  
 )  
v. ) Appeal from the Circuit Court  
 ) of Lincoln County  
 )  
MICHAEL DOWELL, )  
Defendant/Respondent. ) Honorable Ben Burkemper  
 )  
 ) Filed: March 23, 2010

The State of Missouri (the State) appeals from the judgment of the trial court granting Michael Dowell's (Respondent) motion to dismiss with prejudice the State's charge against him of aggravated forcible rape of Victim based on collateral estoppel resulting from Respondent's acquittal by jury of first-degree murder and its lesser-included offenses in a prior trial involving the same victim and the same underlying events.

**AFFIRMED.**

Division Two Holds: The State's prosecution of Respondent for the aggravated forcible rape of Victim is barred by collateral estoppel because Respondent's murder trial jury acquitted him of the first-degree murder, second-degree murder and/or voluntary manslaughter of Victim; that acquittal was based on a general verdict; and our examination of the entire record of that proceeding, taking into account the pleadings, evidence, charge, and other relevant matters, leads us to the conclusion that a rational jury could not have grounded its verdict upon an issue other than that which would necessarily be considered again by a jury in the rape prosecution.

Opinion by: Sherri B. Sullivan, P.J. Robert G. Dowd, Jr., J., and Patricia L. Cohen, J., concur.

Attorney for Appellant: Chris Koster and John M. Reeves  
Attorneys for Respondent: Donald Catlett and Thomas Marshall

**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.**