

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,)	No. ED92992
)	Appeal from the Circuit Court of
vs.)	the City of St. Louis
)	
GERREK FRENCH, Appellant.)	Filed: April 13, 2010

OPINION SUMMARY

Gerrek French (Defendant) appeals the judgment of conviction entered after a jury found him guilty of two counts of forcible sodomy, one count of forcible rape, and one count of kidnapping. Defendant claims the trial court erred in: (1) denying his motion to sever the offenses, and (2) denying his motion for judgment of acquittal as to the forcible sodomy of S.P.

AFFIRMED.

Division Two Holds: In reviewing Defendant's claim that the trial court erred in denying his motion to sever the offenses, we apply a two-step analysis. State v. Love, 293 S.W.3d 471, 475 (Mo.App.E.D. 2009). First, we find that joinder of the counts was proper as a matter of law because the charged offenses were of the same or similar character. Next, we find that the trial court did not abuse its discretion in denying Defendant's motion to sever the counts because Defendant failed to make "a particularized showing of substantial prejudice" as required by Rule 24.07. As to Defendant's second point on appeal, we find that the State introduced sufficient evidence to support the jury's conclusion that Defendant forcibly sodomized S.P.

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

Attorney for Appellant: N. Scott Rosenblum

Attorney for Respondent: Shaun J. Mackelprang

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