

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,) No. ED93743
)
Respondent,) Appeal from the Circuit Court
) of the City Saint Louis
v.) Case No. 0822-CR05192
)
ARTHUR REED,) Honorable Michael P. David
)
Appellant.) Filed: February 8, 2011

Arthur Reed (Reed) appeals from a judgment of conviction for burglary in the second degree, resisting arrest, stealing under \$500, trespassing in the first degree, and property damage in the second degree.

AFFIRMED.

Division Five Holds: The trial court did not err in: (1) entering the judgment of conviction because there was sufficient evidence to support a finding of guilt beyond a reasonable doubt for resisting arrest; (2) allowing hearsay testimony that was cumulative to properly admitted evidence; (3) denying Reed’s motion for acquittal, because the State presented sufficient evidence to support convictions for burglary, trespassing, stealing, and property damage, in that in-court identification is not mandatory where the witness’s total testimony sufficiently identifies the defendant as the person who committed the crime; and (4) denying Reed’s motion for a new trial asserting Brady violations,¹ because the evidence discovered post-verdict was not material, in that, had the evidence been disclosed to the defense, the result would not have been different, and Reed received a fair trial.

Opinion by: Gary M. Gaertner, Jr., P.J.
Mary K. Hoff, J., and Patricia L. Cohen, J. concur.

Attorneys for Appellant: Alexandra E. Johnson

Attorneys for Respondent: Chris Koster
Daniel N. McPherson

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.

¹ Brady v. Maryland, 373 U.S. 83 (1963).