

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION ONE

STATE OF MISSOURI,	)	No. ED94453
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	
	)	
PATRICK COOPER,	)	Honorable Colleen Dolan
	)	
Appellant.	)	FILED: March 29, 2011

Patrick Cooper ("Defendant") appeals from the trial court's judgment and sentence after a jury found him guilty of one count of first degree statutory rape, four counts of first degree sodomy, and one count of incest.

AFFIRMED

Division One Holds: Defendant was not prejudiced by the trial court's refusal to grant a mistrial based on the jury's note, nor was he prejudiced by the trial court's decision to allow the jury to continue deliberations. Further, the trial court did not err in refusing to grant a mistrial due to the post-trial statements of jurors. Finally, the trial court did not err in submitting Instruction No. 17.

Opinion by: Roy L. Richter, Chief Judge

Kenneth M. Romines, J., and David Ash, Sp.J., concur

Attorneys for Appellant: Margaret M. Johnston

Attorneys for Respondent: Chris Koster, James B. Farnsworth

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