

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,)	No. ED95498
)	Appeal from the Circuit Court
vs.)	of the City of St. Louis
)	
INES LETICA, Appellant.)	Filed: June 21, 2011

Ines Letica appeals from the judgment upon his convictions by a jury of one count of assault in the first degree, Section 565.050, RSMo 2000, and one count of armed criminal action, Section 571.015, RSMo 2000. Letica argues, *inter alia*, the trial court erred in erroneously denying one of his peremptory challenges.

TRANSFERRED.

Division Four holds: We would find the trial court's ruling on the State's reverse-Batson challenge was clearly erroneous where the trial court did not follow the three-step process of Batson because the trial court ruled prematurely on the challenge and the State failed to meet its burden to show racial or gender discrimination was the motivating factor for defendant's challenge. We would find this error resulted in structural error requiring reversal relying on dicta in State v. Johnson, 207 S.W.3d 24 (Mo. banc 2006). However, in light of the general interest and importance of the issues involved, we transfer the case to the Missouri Supreme Court pursuant to Rule 83.02.

Opinion by: Robert G. Dowd, Jr., J.
Kurt S. Odenwald, P.J. and Gary P. Kramer, Sp.J., concur.

Attorney for Appellant:

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Attorney for Respondent:

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<p>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.</p>
