

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

STATE OF MISSOURI, Respondent,	)	No. ED96491
	)	
vs.	)	Appeal from the Circuit Court
	)	of the City of St. Louis
LATRAIL R. YOUNG, Appellant.	)	Filed: May 15, 2012

The defendant, Latrail Young, appeals the judgment entered by the Circuit Court of the City of St. Louis after a jury convicted him of second-degree robbery, in violation of section 569.030 RSMo. (2000); first-degree assault, in violation of section 565.050; armed criminal action, in violation of section 571.015; and resisting arrest, in violation of section 575.150 RSMo. (Supp. 2008).

**JUDGMENT AFFIRMED**

**DIVISION TWO HOLDS:** We hold that the State presented sufficient evidence to show that the defendant acted as an accomplice in committing first-degree assault and armed criminal action. The trial court, however, erred when its verdict director for first-degree assault instructed the jury with the phrase “acted together with or aided” rather than using the phrase “aided or encouraged” as required by the Notes on Use for MAI-CR 3d 304.04. Nonetheless, because the record gives us no reason to believe that the jurors drew the fine legal distinction contemplated between the undefined terms “acted together with” and “aided,” we conclude that the instructional error was not so prejudicial that it deprived the defendant of a fair trial, and thus does not warrant reversal.

Opinion by: Lawrence E. Mooney, J.                      Kathianne Knaup Crane, P.J., and  
Kenneth M. Romines, J., concur.

Attorney for Appellant:            Jessica Hathaway

Attorneys for Respondent:    Chris Koster and Richard A. Starnes

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
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