

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Plaintiff/Respondent,) No. ED96834
v.) Appeal from the Circuit Court
JEROME D. CURRY, Defendant/Appellant.) of St. Louis County
) Honorable Tom W. DePriest, Jr.
) Date: April 17, 2012

Defendant, Jerome D. Curry, appeals from the judgment entered on a jury verdict finding him guilty of robbery in the first degree, in violation of section 569.020 RSMo (2000); attempted robbery in the first degree, in violation of section 564.011 RSMo (2000); armed criminal action, in violation of section 571.015 RSMo (2000); and resisting a lawful stop, in violation of section 575.150 RSMo (2000). The court sentenced him to twelve years imprisonment on both the first degree robbery count and the attempted first degree robbery count, three years imprisonment on the armed criminal action count, and four years imprisonment on the resisting a lawful stop count, all terms to be served concurrently.

AFFIRMED.

Division Two Holds:

1. A trial court's exclusion of impeachment evidence on immaterial and collateral matters does not constitute an abuse of discretion.
2. The trial court did not err in sustaining the state's objections to evidence that the victim had misidentified a photo of an accomplice in a photospread a month after the crime when the victim had only seen the accomplice with a mask over his face.
3. The excluded evidence was collateral and immaterial on the question of the reliability of the victim's identification of defendant, because the victim's identification of defendant was made under entirely different circumstances. The victim had spontaneously identified defendant in person shortly after the crime based on his face-to-face encounter and conversation with defendant just prior to the crime.

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

Attorney for Respondent: Chris Koster and Daniel N. McPherson

Attorney for Appellant: Ellen H. Flottman

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.