

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

STATE OF MISSOURI,)	No. ED97352
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	
MARK STARKEY,)	Honorable James R. Hartenbach
)	
Appellant.)	FILED: October 2, 2012

Mark Starkey ("Appellant") appeals from the trial court's judgment, following a jury trial, convicting him on four counts of aggravated stalking, Section 565.225, RSMo Cum. Supp. 2008.

AFFIRMED

Division Three holds: Based on evidence in the record of Appellant's harassing course of conduct as well as a credible threat against Judge John Bloodworth, Butler County Prosecuting Attorney Kevin Barbour, and Assistant Prosecuting Attorney Paul Oesterreicher, there was sufficient evidence upon which a reasonable jury could find Appellant guilty of aggravated stalking of each of those three individuals. Additionally, the trial court did not err in overruling Appellant's motion to dismiss for lack of jurisdiction because, pursuant to Section 541.191.1(1), the results of Appellant's actions directed toward the four victims of his aggravated stalking occurred in Missouri. Finally, Prosecutor testified as to whether he believed Appellant's threat against him based on his own knowledge, which was not available to the jury; Prosecutor's testimony did not invade the province of the jury and no facial grounds exist for believing there was a manifest injustice in the trial court overruling Appellant's objection to such testimony.

Opinion by: Roy L. Richter, P.J.
Robert G. Dowd, Jr., J., and Angela T. Quigless, J., concur

Attorneys for Appellant: Craig A. Johnston
Attorneys for Respondent: Chris Koster, Timothy A. Blackwell

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