

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,) No. ED97826
) Appeal from the Circuit Court of
vs.) the City of St. Louis
) Honorable Bryan L. Hettenbach
GEBAR BYRD, Appellant.) Filed: December 18, 2012

Gebar Byrd (Defendant) appeals the judgment of conviction entered by the Circuit Court of the City of St. Louis after a jury found him guilty of second-degree murder in connection with the death of Yasmin Rodriguez, first-degree involuntary manslaughter with regard to the death of Gebar Byrd Jr., first-degree endangering the welfare of a child, and second-degree domestic assault. Defendant claims the trial court erred in: (1) denying his motion for judgment of acquittal because the evidence was insufficient to support his conviction of second-degree murder; (2) denying his motion to suppress statements; (3) denying his motion for judgment of acquittal because the evidence was insufficient to support his conviction of involuntary manslaughter; and (4) accepting inconsistent jury verdicts.

AFFIRMED.

Division Four Holds: (1) The State presented sufficient evidence establishing that Defendant was aware that his conduct was practically certain to cause Yasmin's death. (2) The trial court did not err in denying Defendant's motion to suppress statements because Defendant initiated further discussions with police after invoking his right to remain silent and to counsel. (3) The State presented sufficient evidence demonstrating that Gebar Jr. died and that Defendant caused his death. (4) The jury verdicts of not guilty of second-degree murder as to Gebar Jr.'s death but guilty of endangering Gebar Jr.'s welfare were not inconsistent because the offenses require proof of different elements.

Opinion by: Patricia L. Cohen, J.
Lawrence E. Mooney, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Edward S. Thompson

Attorney for Respondent: Gregory L. Barnes

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