

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,	)	No. ED98281
	)	Appeal from the Circuit Court
vs.	)	of the City of St. Louis
	)	Hon. Theresa Counts-Burke
SHERARD HENDERSON, Appellant.	)	Filed: October 8, 2013

The defendant, Sherard Henderson, appeals the judgment entered by the Circuit Court of the City of St. Louis following his conviction by a jury of one count of unlawful possession of a firearm, in violation of section 571.070 RSMo. (Supp. 2012). The trial court sentenced the defendant as a persistent felony offender to a five-year term of imprisonment. The defendant claims the trial court abused its discretion when it admitted into evidence the defendant's booking form and a police detective's testimony about acquisition of the information on the form because the State failed to disclose the document before trial, in violation of Rule 25.03(A), and fundamental unfairness resulted.

#### JUDGMENT REVERSED AND CAUSE REMANDED FOR NEW TRIAL

DIVISION TWO HOLDS: Because we conclude that admission of the booking form into evidence without its timely disclosure resulted in fundamental unfairness to the defendant, we reverse and remand for a new trial.

Opinion by: Lawrence E. Mooney, P.J. Robert G. Dowd, Jr., J., and Sherri B. Sullivan, J., concur.

Attorney for Appellant: Gwenda R. Robinson

Attorneys for Respondent: Chris Koster and Evan J. Buchheim

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
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