

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

**DIVISION FOUR**

STATE OF MISSOURI,	)	No. ED98695
	)	
Plaintiff/Respondent,	)	Appeal from the Circuit Court of
	)	the City of St. Louis
vs.	)	
	)	Honorable Steven R. Ohmer
LEONARDO DRISDEL,	)	
	)	
Defendant/Appellant.	)	Filed: October 8, 2013

Leonardo Drisdel (“Defendant”) appeals from the judgment entered upon a jury verdict finding him guilty of murder in the first degree and armed criminal action. Specifically, Defendant contends the trial court erred in: barring him from pursuing a defense of not guilty by reason of insanity; overruling his Batson challenge to the State’s peremptory strikes of four African-American venire members; barring testimonial evidence as hearsay; permitting prejudicial remarks made by the State during voir dire and closing argument; and sentencing him without authority to do so. Additionally, Defendant raises five points alleging various instructional errors and challenges the sufficiency of the evidence to support his convictions.

AFFIRMED.

DIVISION FOUR HOLDS: Because Defendant failed to cooperate with the State’s mental examiner the trial court did not abuse its discretion in barring him from pursuing a defense of mental disease or defect. Defendant further failed to prove the State’s race-neutral explanations for each peremptory strike were pretextual. As to his remaining points, in light of the evidence submitted at trial, the mandatory nature of Defendant’s sentence, and the lack of authority in support of his contentions, we find these points to be without merit.

Opinion by: Lisa S. Van Amburg, P. J.,  
Patricia L. Cohen, J. and Gary M. Gaertner, Jr., J. Concur.

Attorney for Appellant: C. John Pleban, Talmage Newton, IV (co-counsel)

Attorney for Respondent: Timothy Blackwell

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