

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

DEONTA R. TAYLOR.

Appellant

DOCKET NUMBER WD72831

DATE: October 30, 2012

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Sandra Carol Midkiff, Judge

Appellate Judges:

Division Four
James Edward Welsh, C.J., Thomas H. Newton, and Gary D. Witt, JJ.

Attorneys:

Irene Karns, Columbia, MO

Counsel for Appellant

Attorneys:

Jessica Meredith, Jefferson City, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**STATE OF MISSOURI, Respondent, v.
DEONTA R. TAYLOR, Appellant**

WD72831

Jackson County

Before Division Four Judges: Welsh, C.J., Newton, and Witt, JJ.

Deonta R. Taylor appeals the circuit court's judgment convicting him of two counts of murder in the first degree and two counts of armed criminal action. He asserts that the evidence was insufficient to convict him of the offenses because the eyewitness identifications were inherently unreliable, the DNA evidence was not substantial, and no one testified that Taylor was inside the club before committing the murders outside the club after hours. Taylor also contends that the circuit court abused its discretion in denying his motion for a mistrial after a detective testified that someone at the club checked a person's identification against the person who presented it on the night of the murders.

AFFIRMED

Division Four holds:

(1) The circuit court did not err in overruling Taylor's motion for judgment of acquittal and in imposing judgment against him because the evidence was sufficient for a jury to find Taylor guilty, beyond a reasonable doubt, of two counts of first-degree murder and two counts of armed criminal action. Whether the eyewitnesses had the opportunity and ability to perceive and recall the shooter was rightfully a matter for the jury to weigh. Moreover, even though a full genetic profile was not obtained, the fact-finder could rely on the partial profiles that left Taylor as a possible source of the DNA along with the other evidence in determining guilt. Further, based upon the evidence presented about the identification scanning system used by the club, the jury could have reasonably concluded that Taylor was at the club on the night of the murders.

(2) The circuit court did not abuse its discretion in denying Taylor's motion for a mistrial after a detective testified that, on the night of the murders, someone at the club checked the identifications presented against the people who entered the club. The detective's statement about the general purpose of checking identification at the door of the club was not hearsay, and Taylor was not prejudiced by the detective's statement. Although there was no specific testimony from the club employee who checked identifications at the door, it would be reasonable for the jury to infer--even without the detective's statement--that the club checked each person's identification and compared it to the facial and physical characteristics of the person presenting it before allowing them into the club.

Opinion by James Edward Welsh, Chief Judge

October 30, 2012

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