

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI,
RESPONDENT**

vs.

**JOSHUA MICHAEL EDMOND,
APPELLANT**

DOCKET NUMBER WD72938

DATE: MARCH 27, 2012

Appeal from:

The Circuit Court of Boone County, Missouri
The Honorable Clifford E. Hamilton, Jr., Judge

Appellate Judges:

Division Three: James M. Smart, Jr., P.J., Victor C. Howard and James E. Welsh, JJ.

Attorneys:

Daniel McPherson, for Respondent

John M. Lynch, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, RESPONDENT

v.

JOSHUA MICHAEL EDMOND, APPELLANT

WD72938

Boone County, Missouri

Before Division Three: James M. Smart, Jr., P.J., Victor C. Howard and James E. Welsh, JJ.

After a jury trial, Joshua Edmond was found guilty of recklessly possessing child pornography in violation of section 573.037. The trial court sentenced him to five years imprisonment. Edmond appeals.

DISMISSED.

Division Three holds:

On appeal, Edmond asserts that section 573.037 is unconstitutionally vague in violation of his right to due process. Edmond claims that because his appeal is based on the constitutionality of a statute, his appeal must be transferred to the Missouri Supreme Court. However, Edmond never raised an issue regarding the constitutionality of section 573.037 before the trial court. Where an appellant raises a constitutional question for the first time on appeal, we cannot consider the appeal or transfer it to the Missouri Supreme Court. Therefore, where Edmond failed to preserve the issue for review, his appeal is dismissed.

Opinion by: Victor C. Howard, Judge

Date: March 27, 2012

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