

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

CONSUELLA RENNE WRIGHT.

Appellant

DOCKET NUMBER WD73441

DATE: July 24, 2012

Appeal From:

Circuit Court of Platte County, MO
The Honorable Abe Shafer, IV, Judge

Appellate Judges:

Special Division
James M. Smart, Jr., P.J., James Edward Welsh, J, and Zel M. Fischer, Sp. J.

Attorneys:

Ruth Sanders, Kansas City, MO

Counsel for Appellant

Attorneys:

Laura Elsbury, Jefferson City, MO

Counsel for Respondent

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

**STATE OF MISSOURI, Respondent, v.
CONSUELLA RENNE WRIGHT, Appellant**

WD73441

Platte County

Before Special Division Judges: Smart, P.J., Welsh, J., and Fischer, Sp. J.

Consuella Wright appeals the circuit court’s judgment convicting her of first degree robbery and armed criminal action. She asserts three points on appeal. First, she contends that the court erred in entering the first degree robbery judgment after being convicted of receiving stolen property in a previous trial. Wright claims that her subsequent conviction for first degree robbery violated her right to be free from double jeopardy. Second, Wright asserts that the court abused its discretion by admitting a prior recorded statement of a witness. She contends that, because the witness’s credibility was not attacked, the prior statement was improper bolstering and, therefore, inadmissible. Lastly, Wright claims that the court erred in not granting a mistrial when the State played a prior recorded statement without properly redacting drug references pursuant to the court’s pretrial order. Wright contends that by not granting a mistrial the court violated her right to due process, to a fair trial, and to be tried only for the crimes with which she was charged.

AFFIRMED

Special Division holds:

(1) Wright’s right to be free from double jeopardy has not been violated by her successive prosecutions for robbery in the first degree and receiving stolen property by retaining because receiving stolen property by retaining is not a lesser included offense of robbery in the first degree.

(2) The circuit court did not abuse its discretion in admitting the videotape of Trenae Jones’s prior consistent statements because her credibility was attacked by Wright during cross examination.

(3) The circuit court did not err in refusing to grant a mistrial when the State played a prior recorded statement without properly redacting drug references pursuant to the court’s pretrial order. In analyzing the prejudicial effect of a reference to evidence of other crimes, all of the factors favor the State.

Opinion by James Edward Welsh, Judge

July 24, 2012

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