

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

JAMES L. MARQUIS.

Appellant

DOCKET NUMBER WD75375

DATE: October 28, 2014

Appeal From:

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

Appellate Judges:

Division One
Joseph M. Ellis PJ., Karen King Mitchell, Anthony Rex Gabbert, JJ.

Attorneys:

Adam Stephen Rowley, Jefferson City, MO Counsel for Respondent,

Attorneys:

K, Louis Caskey, Stephanie Marie Burton, Kansas City, MO Counsel for Appellant

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

**STATE OF MISSOURI, Respondent, v.
JAMES L. MARQUIS, Appellant**

WD75375

Platte County

Before Division One Judges: Joseph M. Ellis PJ., Karen King Mitchell, Anthony Rex Gabbert, JJ.

James L. Marquis appeals the circuit court’s judgment finding him guilty of three counts of possession of child pornography, one count of child abuse, and one count of endangering the welfare of a child. Marquis raises three points on appeal. First, Marquis argues that the circuit court erred in overruling his motion for a JNOV or for a new trial because there was insufficient evidence on the record to support the convictions. Second, Marquis argues that the court erred by allowing the State, over his objections, to repeatedly introduce unduly prejudicial evidence. Lastly, Marquis argues that the court erred in allowing the State to proceed in the prosecution of the class B felony of possession of child pornography because it was beyond the applicable statute of limitations.

AFFIRM.

Division One holds:

The circuit court did not err in overruling Marquis’s motion for a JNOV or for a new trial because there was sufficient evidence on the record which a reasonable juror could find beyond a reasonable doubt that Marquis possessed thirty five images of child pornography and that his punishment of L.M. was cruel and inhuman. Furthermore, the court did not abuse its discretion by allowing the State to show enlarged images of the child pornography on multiple occasions because the court’s initial warning followed by the sua sponte preclusion ruling showed that the court recognized the relevancy of the images and videos but also recognized the possibility of unnecessarily inflaming or traumatizing the jury by allowing the images and videos to be displayed too much. Furthermore, there was no evidence on the record regarding the actual size Marquis viewed each image. Even if the size of the images shown to the jury were larger than Marquis viewed them, the enlarged images helped to illustrate what the State’s expert witnesses were testifying to about each image. Finally, Marquis failed to raise the statute of limitations claim before the trial court. As that claim is waived, we decline to review the claim for plain error.

Opinion by Anthony Rex Gabbert, Judge

Date: 10/28/14

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