

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI

**v.
JEREL T. JACKSON**

RESPONDENT,

APPELLANT.

DOCKET NUMBER WD76819

DATE: June 24, 2014

Appeal From:

Jackson County Circuit Court
The Honorable John M. Torrence, Judge

Appellate Judges:

Division Three: Thomas H. Newton, Presiding Judge, Mark D. Pfeiffer, Judge and Cynthia L. Martin, Judge

Attorneys:

Jennifer Rodewald, Jefferson City, MO, for respondent.

Rosemary E. Percival, Kansas City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

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STATE OF MISSOURI,

RESPONDENT,

v.

JEREL T. JACKSON,

APPELLANT.

No. WD76819

Jackson County

Before Division Three: Thomas H. Newton, Presiding Judge, Mark D. Pfeiffer, Judge and Cynthia L. Martin, Judge

Jerel Jackson appeals from the trial court's judgment convicting him of two counts of murder in the second degree, one count of assault in the first degree, and three counts of armed criminal action, and sentencing him to a total of twenty years imprisonment. Jackson asserts that the trial court committed plain error in proceeding with sentencing without first determining that Jackson knowingly, voluntarily, and intelligently waived his right under section 557.036 to have a jury recommend the sentences to be imposed.

AFFIRMED

Division Three holds: Section 557.036 creates a statutory right to jury-recommended sentencing and provides that the statutory right may be waived upon written request filed with the trial court before the commencement of voir dire. Here, Jackson's counsel filed a written request that asked the trial court to assess punishment. The written request satisfied section 557.036's requirements for waiver. Jackson was entitled to nothing more than the statute requires insofar as waiver of the statutory right to jury-recommended sentencing is concerned.

Opinion by Cynthia L. Martin, Judge

June 24, 2014

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