

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI,  
RESPONDENT  
vs.**

**CALVIN HUTSON,  
APPELLANT**

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DOCKET NUMBER WD78090

DATE: APRIL 19, 2016

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Appeal from:

The Circuit Court of Cole County, Missouri  
The Honorable Daniel R. Green, Judge

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Appellate Judges:

Division One: Victor C. Howard, Presiding Judge, Gary D. Witt, Judge and Zel Fischer, Special Judge

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Attorneys:

Daniel N. McPherson, for Respondent

Amy M. Bartholow, for Appellant

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI, RESPONDENT**

**v.**

**CALVIN HUTSON, APPELLANT**

WD78090

Cole County, Missouri

Before Division One: Victor C. Howard, Presiding Judge, Gary D. Witt, Judge and Zel Fischer, Special Judge

Calvin Hutson appeals his convictions and sentences following a jury trial for murder in the second degree (felony), section 565.021, RSMo 2000; robbery in the first degree, section 569.020, RSMo 2000; armed criminal action, section 571.015, RSMo 2000; and unlawful possession of a firearm, section 571.070, RSMo Cum. Supp. 2013. Hutson raises four points on appeal challenging the admission of certain testimony by witnesses; the sufficiency of the evidence to support the felony murder, robbery, and armed criminal action convictions; and the giving of the hammer instruction to the jury. The judgment of convictions is affirmed.

**AFFIRMED.**

**Division One holds:**

(1) Where two witnesses had special knowledge of a matter they observed and their testimony about what other people meant when they said certain statements was helpful to the jury in determining the meaning of the statements, their testimony was admissible.

(2) Where the evidence showed that Hutson planned to rob the victim of marijuana, acquired a handgun to use in committing the offense, arranged the meeting with the victim, took the handgun to the meeting, and shot the victim four times, the evidence was sufficient to support a finding that Hutson used a firearm in the course of an attempt to rob the victim to support his convictions for felony murder, first-degree robbery, and armed criminal action.

(3) Where the jury deliberated for ten hours and thirty minutes before the court gave the hammer instruction and another fifteen minutes after the instruction before reaching a verdict and where the court did not know how the jury was split or the position of the majority, complied with the Notes on Use in giving the instruction, and did not tell the jury that it must reach a verdict or imply that it would hold the jury until a verdict was reached, the use of the hammer instruction did not coerce the verdict, and the trial court did not abuse its discretion in giving it

**Opinion by: Victor C. Howard, Judge**

Date: April 19, 2016

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