OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,	)	No. ED107622
	)	
Plaintiff/Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	
XAVIER PERKINS,	)	Honorable Christopher E. McGraugh
	)	
Defendant/Appellant.	)	Filed: March 17, 2020

Xavier Perkins (Appellant) appeals from the judgment of the trial court entered after a jury found him guilty of first-degree murder, attempted robbery, and two counts of armed criminal action. Appellant was found guilty of shooting Monica Shaw (Victim) to death during an attempted robbery. Appellant makes four claims on appeal: (1) the trial court erred in overruling his judgment for acquittal as to first-degree murder because there was insufficient evidence to prove deliberation; (2) the trial court abused its discretion in sentencing him to life imprisonment without the possibility of parole because he presented testimony he was emotionally more like a 13- or 14-year old; (3) the first-degree murder statute was unconstitutional as applied to him; and (4) the trial court abused its discretion by overruling his motion for new trial after the trial court heard evidence that some jurors said Appellant "had come into town to kill our people."

AFFIRMED.

Division Three Holds: The trial court did not err in overruling Appellant's judgment for acquittal because there was sufficient evidence of deliberation. The trial court did not plainly err in sentencing Appellant to life imprisonment without the possibility of parole because the statute was not unconstitutional as applied to Appellant and the sentence was mandated by statute. Lastly, the trial court did not abuse its discretion in overruling Appellant's motion for new trial, because there was no evidence any juror based their decision on race.[1]

Opinion by: Sherri B. Sullivan, J. Mary K. Hoff, P.J., and Angela T. Quigless, J., concur.

Attorney for Appellant: Lisa M. Stroup
Attorney for Respondent: Daniel N. McPherson

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.

[1] Appellant's Motion for Remand is denied.