OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY OF THE CITY OF ST. LOUIS,	)	No. ED107081
Respondent,	)	Appeal from the Circuit Court of the City of St. Louis
vs.	)	Honorable David L. Dowd
James Townsend Osher,	)	
Appellant.	)	Filed: April 21, 2020

James Townsend Osher ("Appellant") appeals from the trial court's judgment awarding him $573,000 as compensation for the Land Clearance Redevelopment Authority ("LCRA") condemning his property ("Property") in the City of St. Louis and assessing $21,207.13 in costs against him. Appellant brings eight points on appeal. First, Appellant argues the circuit court erred in failing to assign his case to a general division once exceptions were filed. Second, Appellant argues the circuit court erred in denying his request for a new judge. Third, Appellant argues the circuit court erred in assessing costs against him. Fourth, Appellant argues the circuit court erred in denying his request for a homestead allowance. Fifth, Appellant argues the circuit court abused its discretion when it excluded evidence of the amount Appellant paid a leaseholder for the extinguishment of its leasehold interest after the Property's condemnation. Sixth, Appellant argues the circuit court abused its discretion when it excluded photographic evidence of Appellant's experience in the construction and hotel industry, excluded photographic evidence of recent developments in the City of St. Louis, and criticized him in front of the jury. Seventh, Appellant argues the circuit court abused its discretion when it admitted photographs offered by LCRA depicting his Property after the date of the taking. Lastly, Appellant argues the circuit court erred in allowing LCRA to cross-examine one of Appellant's witnesses regarding an alleged fraudulent tax credit scheme to purchase the Property and other properties and to call a witness to give opinion testimony regarding the same.

AFFIRMED.

DIVISION II HOLDS: We find the circuit court did not err or abuse its discretion. Regarding Appellant's first and second points, it was within the authority of the then-presiding judge for the City of St. Louis Circuit Court to specially assign Appellant's case to Judge Dowd "for all further proceedings" through its December 30, 2015 order. Accordingly, the circuit court did not err in denying Appellant's untimely request for a new judge. Regarding Appellant's third point, the circuit court's judgment does not clearly indicate it did not follow the law in assessing costs against him. Regarding Appellant's fourth point, the circuit court's judgment was supported by substantial evidence derived from the parties' Joint Statement of Facts and the evidence adduced

at trial. Regarding Appellant's fifth point, section 523.053(4) mandated the exclusion of the amount Appellant paid its leaseholder for the extinguishment of its leasehold interest. Regarding Appellant's sixth point, the photographic evidence of Appellant's experience in the construction and hotel industry and recent developments in the City of St. Louis was irrelevant. Further, the circuit court's comments expressed no opinion about the nature, content, or truthfulness of Appellant's testimony. Regarding Appellant's seventh point, the jury was informed the photographs offered by LCRA depicting Appellant's Property were taken after the date of the taking. Regarding Appellant's final point, testimony regarding the alleged fraudulent tax credit scheme to purchase the Property and other properties was relevant. Accordingly, we affirm the judgment of the circuit court.

Opinion by: Philip M. Hess, P.J.
Kurt S. Odenwald, J. and Lisa P. Page, J. concur.

Attorney for Appellant:	Daniel R. Schramm & Tracy H. Gilroy
Attorney for Respondent:	Gerard T. Carmody, Christopher P. Kellett, Ryan M. Prsha, and Ryann C. Carmody

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.