In the Missouri Court of Appeals
Eastern District
DIVISION THREE

STATE OF MISSOURI,	)	No. ED107837
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	
	)	Honorable Kristine A. Kerr
TRENTON E. FORSTER,	)	
	)	
Appellant.	)	FILED: November 17, 2020

Trenton E. Forster ("Forster") Trenton E. Forster ("Forster") appeals his convictions for murder in the first degree, assault of a law enforcement officer in the second degree, and two counts of armed criminal action. Forster raises four points on appeal. In his first point, Forster argues that the mandatory sentence of life without parole ("LWOP") imposed under Section 565.020 for the shooting death of Officer Blake Snyder ("Officer Snyder") is unconstitutional as applied to him as an eighteen-year-old defendant because the mandatory sentence violates the Eighth Amendment's prohibition against cruel and unusual punishment. In his remaining points, Forster challenges the trial court's admission of testimony from Officer Snyder's wife ("Wife"), a photograph of Officer Snyder in uniform, and excerpts from a phone call Forster made while in jail awaiting trial. Forster argues the challenged evidence did not establish any elements or facts related to the charged offenses and was more prejudicial than probative.

AFFIRMED.

DIVISION THREE HOLDS: Because the Supreme Court of Missouri recently upheld the constitutionality of Section 565.020's mandatory sentence of life without parole as applied to adult defendants aged eighteen years old and older in State v. Barnett, 598 S.W.3d 127 (Mo. banc 2020) based on similar constitutional arguments as raised here, Forster's claim is merely colorable and we have jurisdiction over Forster's appeal. Further, because the binding precedent in Barnett maintains the bright-line distinction between juvenile and adult offenders through its comprehensive discussion of the scientific literature presented in recent United States Supreme Court jurisprudence and other jurisdictions' treatment of defendants under age twenty-one, Section 565.020 does not violate the constitutional prohibition against cruel and unusual punishment when applied to Forster as an eighteen-year-old defendant.

Because Wife's testimony and Officer Snyder's photograph were relevant to the murder victim's identity, and no potential stipulation as to Officer Snyder's identity limited the State in its introduction of evidence, the trial court did not err in admitting the evidence. Because Forster's animosity towards police as expressed in the jail phone call was cumulative to other evidence properly admitted at trial and thus not prejudicial to the outcome of Forster's trial, the trial court did not err in admitting the phone call. Accordingly, we affirm the judgment of the trial court.

Opinion by: Kurt S. Odenwald, Judge
Angela T. Quigless, P.J., and James M. Dowd, J., concur.

Attorney for Appellant: James C. Egan

Attorney for Respondent: Evan J. Buchheim

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.