MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI

RESPONDENT,

v.

JUSTIN ANDREW TODD

APPELLANT.

DOCKET NUMBER WD82819

DATE: December 1, 2020

Appeal From:

Boone County Circuit Court
The Honorable Michael W. Bradley, Judge

Appellate Judges:

Division Four: Cynthia L. Martin, Chief Judge, Presiding, Karen King Mitchell, Judge and Anthony Rex Gabbert, Judge

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Attorneys:

Karen L. Kramer, Jefferson City, MO, for respondent.

James C. Egan, Columbia, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, RESPONDENT,
v.
JUSTIN ANDREW TODD, APPELLANT.

WD82819 Boone County

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Karen King Mitchell, Judge, and Anthony Rex Gabbert, Judge

Justin Andrew Todd appeals his convictions of one count of kidnapping in the first degree, two counts of rape in the first degree, and one count of sodomy in the first degree following a jury trial. Todd asserts that the trial court erred in overruling his motion for a mistrial based on alleged juror misconduct, and in permitting the admission of testimony and an exhibit suggesting that Todd may have multiple personalities.

AFFIRMED.

Division Four holds:

(1) While Todd claims on appeal that four jurors should have been discharged for purportedly falling asleep during trial, two of those jurors did not participate in deliberations and Todd could not have suffered prejudice. As for the two jurors who deliberated, the trial court did not abuse its discretion by concluding, based on its own observations and testimony from the two jurors, that they either had not fallen asleep or had not failed to hear the evidence.

(2) Todd's assertion that testimony and an exhibit suggesting that he may have multiple personalities had no probative value, and thus no legal relevance, is unfounded. The evidence was logically relevant to explain that Todd, not third persons, sent text messages introduced into evidence; to explain that Todd admitted the conduct giving rise to his charges; and to show Todd's consciousness of guilt. The trial court did not err plainly or otherwise in admitting the evidence.

Opinion by: Cynthia L. Martin, Judge December 1, 2020

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