OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION FIVE

STATE OF MISSOURI,	)	No. ED108626
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
	)	1822-CR1759-01
vs.	)	
	)	
RODNEY A. SMITH,	)	Honorable Clinton R. Wright
	)	
Defendant/Appellant.	)	FILED: April 27, 2021

Rodney A. Smith ("Defendant") appeals from the Judgment upon his convictions following a jury trial for two counts of statutory rape in the second degree, in violation of Section 566.034, RSMo 2000.[1] Defendant was sentenced as a prior and persistent offender to two concurrent terms of seven-years' imprisonment, given a suspended execution of sentence, and placed on probation for five years. Defendant raises five points on appeal.

TRANSFERRED TO THE MISSOURI SUPREME COURT.

Division Five Holds: We would affirm the Judgment of the trial court, but transfer to the Supreme Court pursuant to Rule 83.02 because the issues presented by both parties raise important issues of general interest in the State of Missouri.

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

Attorney for Appellant: Nina McDonnell

Attorneys for Respondent: Kristen S. Johnson

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] Unless otherwise indicated, all further statutory references are to RSMo 2000 as amended.