MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

ROBERT E. MCDONALD.

Appellant

DOCKET NUMBER WD81991

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: March 30, 2021

Appeal From:

Circuit Court of Platte County, MO
The Honorable Thomas Clark Fincham, Judge

Appellate Judges:

Division One
Alok Ahuja, P.J., Thomas H. Newton, and Thomas N. Chapman, JJ.

Attorneys:

Michael Hustead, Liberty, MO — Counsel for Appellant
Susan DeGeorge, St. Louis, MO — Co-Counsel for Appellant

Attorneys:

Richard Starnes, Jefferson City, MO — Counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

STATE OF MISSOURI, RESPONDENT,
v.
ROBERT E. MCDONALD, APPELLANT.

WD81991 **Platte County**

Before Division One Judges: Ahuja, P.J., Newton, and Chapman, JJ.

After a trial in the Circuit Court of Platte County, a jury convicted Robert McDonald of two counts of first-degree statutory sodomy, three counts of first-degree statutory rape, and five counts of incest. On four of the counts, McDonald was found to be a predatory sexual offender pursuant to section 558.018.5(2) RSMo 2006 and sentenced accordingly. McDonald appeals. In his first point on appeal, McDonald argues that the trial court erred in sentencing him as a predatory sexual offender on four of the counts pursuant to section 558.018.5(2) because the "previously committed" act that was used to establish McDonald's status as a predatory sexual offender on Counts 3, 5, 7, and 9 was an act for which he was charged and convicted in Count 1. In his second point on appeal, McDonald argues that the trial court plainly erred in admitting evidence of uncharged sexual acts toward another victim that occurred after the acts for which McDonald was charged. Because a discussion of McDonald's second point would have no precedential value, McDonald's second point was affirmed by summary order pursuant to Rule 30.25(b), and the parties were furnished with a memorandum of the reasons for the court's decision as to that point.

AFFIRMED.

Division One holds:

(1) The trial court did not err in sentencing McDonald as a predatory sexual offender on four of the charged counts under section 558.018 RSMo 2006, where the predicate act for sentence enhancement as a predatory sexual offender was committed prior to the commission of the acts for which McDonald received an enhanced sentence.

Opinion by Thomas N. Chapman, Judge March 30, 2021

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