MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI,
RESPONDENT

vs.

ABRAHAM J. GILBERT,
APPELLANT

DOCKET NUMBER WD83558

DATE: MAY 25, 2021

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Marco Roldan, Judge

Appellate Judges:

Division Three: Gary D. Witt, Presiding Judge, Edward R. Ardini, Jr. Judge and W. Douglas Thomson, Judge

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Attorneys:

Daniel N. McPherson, for Respondent

Kathryn M. Merwald, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, RESPONDENT,
v.
ABRAHAM J. GILBERT, APPELLANT.

WD83558 Jackson County

Before Division Three Judges: Gary D. Witt, Presiding Judge, Edward R. Ardini, Jr. Judge and W. Douglas Thomson, Judge

Abraham Gilbert appeals from the judgment of the Circuit Court of Jackson County convicting him of two counts of statutory sodomy in the first degree and five counts of child molestation in the first degree. In his six points on appeal, Gilbert argues that the trial court erred in (1) overruling his *Batson* challenge; (2) denying his motion for new trial based on juror misconduct; and (3) overruling his motions for judgment of acquittal, or, in the alternative, a new trial.

AFFIRMED.

Division Three holds:

The trial court did not err in overruling Gilbert's *Batson* challenge of a venire member because Gilbert failed to meet his burden in proving purposeful discrimination by the State. Likewise, the trial court did not err in denying Gilbert's motion for new trial based on juror misconduct because Missouri law prohibits impeachment of a jury's verdict, and no exceptions thereto are applicable. The trial court also did not err in overruling Gilbert's motions for judgment of acquittal, or in the alternative, a new trial, because there was sufficient evidence from which a reasonable juror could find Gilbert guilty beyond a reasonable doubt for each count on which he was tried.

Opinion by: W. Douglas Thomson, Judge Date: May 25, 2021

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