OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

STATE OF MISSOURI,	)	ED108483
	)	
Respondent,	)	Appeal from the Circuit Court of
	)	the City of St. Louis
v.	)	1822-CR02030-01
	)	
CORLISS F. MACK, JR.,	)	Honorable Michael W. Noble
	)	
Appellant.	)	Filed: May 25, 2021

Corliss F. Mack, Jr. (Appellant) appeals from the trial court's judgment, following a jury trial, convicting him of two counts of second-degree murder and two counts of armed criminal action. He was sentenced to four, concurrent 20-year sentences.

AFFIRMED.

Division 2 holds: First, in responding to the jury's question during deliberation that they had their answer if they would consider the correct, clear and unambiguous instructions already given, the trial court did not abuse its discretion in directing the jury to be guided by these instructions. Second, Appellant has failed to show the trial court's finding that the jurors did not hear comments made by the victim's family during trial is unsupported by the record, or that the trial court abused its discretion in denying the motion for a mistrial.

Next, the trial court did not abuse its discretion in denying Appellant's motion to sever his trial from Co-Defendant's trial on the basis that the defenses were irreconcilable. If the jury had accepted Co-Defendant's statement to police giving them both an alibi, then Appellant likely would not have been convicted of the same crimes, and Appellant's own testimony may have ultimately persuaded the jury to find him guilty of two counts of murder and two counts of armed criminal action. Finally, the trial court did not err in overruling Appellant's motion for judgment of acquittal at the close of all the evidence because the evidence before the jury demonstrated that Appellant met the elements of second-degree murder beyond a reasonable doubt as opposed to voluntary manslaughter.

Opinion by: Lisa P. Page, J.

Robin Ransom, P.J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant: Gwenda Renee' Robinson

Attorney for Respondent: Garrick Aplin

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.