

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

STATE OF MISSOURI,	)	No. ED109099
	)	
Respondent,	)	
	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	Cause No. 15SL-CR02123-01
	)	
JAMES C. STREET,	)	Honorable John D. Warner, Jr.
	)	
Appellant.	)	Filed: September 14, 2021

James C. Street (“Defendant”) appeals the judgment entered on his conviction after a bench trial for one count of assault in the third degree, a class D felony under § 557.035, known as the Hate Crime statute. Defendant admitted he punched the victim, who is African-American, but claims there was insufficient evidence that he was motivated because of the victim’s race.

AFFIRMED.

Division Three holds:

Defendant’s repeated and angry reference to the victim as a “n----r” and his suggestion that because of his race, the victim did not belong at a Fenton gas station and should go “back” to Ferguson--all just moments prior to punching the victim--was more than sufficient evidence from which the trial court could reasonably conclude that Defendant was motivated by racial animus toward the victim and that but for his race, Defendant would not have assaulted the victim.

Opinion by: Colleen Dolan, J.

Philip M. Hess, P. J., and Angela Quigless, J., concur.

Attorney for Appellant: Shanna K. Surratt

Attorney for Respondent: Dora A. Fichter

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.
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