MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI,

Respondent

v.

RONALD L DAVIE,

Appellant

DOCKET NUMBER WD83020

DATE: December 21, 2021

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Bryan Round, Judge

Appellate Judges:

Division Two
Mark D. Pfeiffer, Presiding Judge, Gary D. Witt, Judge, Anthony Rex Gabbert, Judge

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Attorneys:

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Attorneys:

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Counsel for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
RONALD L DAVIE, Appellant.

WD83020 **Jackson County**

Before Division Two Judges: Mark D. Pfeiffer, Presiding Judge, Gary D. Witt, Judge, and Anthony Rex Gabbert, Judge

Ronald L. Davie appeals the circuit court's judgment, entered after a jury verdict, convicting him of one count of sodomy in the first degree, Section 566.060, RSMo Cum. Supp. 2017, and one count of incest, Section 568.020, RSMo Cum. Supp. 2017. Davie contends on appeal that the circuit court abused its discretion, 1) in denying his request to introduce evidence of the victim's prior consensual sexual encounters, arguing that such was relevant and admissible under an exception to the rape shield statute, Section 491.015, RSMo Cum. Supp. 2017, and 2) in denying his request to introduce evidence of the victim's bias against homosexual behavior, arguing that such was relevant and probative to show that the victim had a motive to lie about whether he consented to the homosexual activity, and that the victim understood the consequences of sexual activity.

AFFIRMED AND REMANDED FOR ORDER OF NUNC PRO TUNC.

Division Two holds:

1) The circuit court did not abuse its discretion in excluding evidence related to the victim's prior sexual conduct as the evidence was inadmissible under Section 491.015.

2) The circuit court did not abuse its discretion in excluding evidence related to the victim's knowledge of his mother's and church's position on homosexuality as it was irrelevant to the issue of whether the victim had the capacity to consent to sexual contact with Davie.

3) We remand solely to direct the circuit court to correct, nunc pro tunc, its written judgment to conform with its orally-pronounced sentence.

Opinion by: Anthony Rex Gabbert, Judge Date: December 21, 2021

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