# MISSOURI COURT OF APPEALS
# WESTERN DISTRICT

**STATE OF MISSOURI**

**RESPONDENT,**

**v.**

**CHRISTOPHER R. JACKSON**

**APPELLANT.**

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DOCKET NUMBER WD83615

DATE: December 21, 2021

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Appeal From:

Jackson County Circuit Court
The Honorable Joel P. Fahnestock, Judge

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Appellate Judges:

Division Four: Cynthia L. Martin, Chief Judge, Presiding, Lisa White Hardwick, Judge, and Thomas N. Chapman, Judge

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Attorneys:

Katharine P. Curry, Columbia, MO, for appellant.

Gregory L. Barnes, Jefferson City, MO, for respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS**
**WESTERN DISTRICT**

**STATE OF MISSOURI, RESPONDENT,**
**v.**
**CHRISTOPHER R. JACKSON, APPELLANT.**

WD83615 Jackson County

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Lisa White Hardwick, Judge, and Thomas N. Chapman, Judge

Christopher R. Jackson appeals from a judgment convicting him of one count of rape in the first degree, one count of domestic assault in the second degree, one count of attempted tampering with a victim, and two counts of violating an order of protection. Jackson claims on appeal that the trial court erred in overruling his objection to the State's use of a peremptory strike, in allowing testimony about prior uncharged acts of abuse, in instructing the jury how it could consider the evidence of prior uncharged acts of abuse, and in finding that he was a prior assault offender.

**AFFIRMED AND REMANDED TO CORRECT CLERICAL ERROR IN JUDGMENT.**

**Division Four holds:**

(1) The trial court did not clearly err in concluding that Jackson failed to meet his burden to prove that the State's proffered race-neutral reason for striking a venireperson was pretextual.

(2) Testimony about Jackson's prior uncharged acts of domestic abuse involving the Victim was logically relevant on the issue of consent, (an essential element of the crime of rape in the first degree), to explain the victim's delay in reporting the rape and domestic assault to the police, and the probative value of the evidence was not outweighed by the prejudicial impact of the evidence.

(3) Because testimony about Jackson's prior uncharged acts of domestic abuse was properly admitted to explain the victim's delay in contacting the police, and thus to providing a complete and coherent picture of the events that transpired, it was not legally erroneous to instruct the jury that the evidence could be considered for that purpose.

(4) The evidence was sufficient to establish that Jackson's actions supporting his conviction of domestic battery in Kansas would have supported a conviction of domestic assault in the fourth degree if committed in Missouri, rendering Jackson a prior assault offender.

**Opinion by: Cynthia L. Martin, Judge** December 21, 2021

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