MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

DIVISION FIVE

STATE OF MISSOURI,	)	No. ED112252
	)	
Respondent,	)	Appeal from the Circuit Court of
	)	the City of St. Louis
vs.	)	2222-CR01334
	)	
TYRONE WILLIAMS,	)	Honorable Theresa C. Burke
	)	
Appellant.	)	Filed: May 27, 2025

Before Thomas C. Clark, II, C.J., Philip M. Hess, J., and James M. Dowd, J.

Following a jury trial, Tyrone Williams was convicted of first-degree murder and armed criminal action for the murder of Victim. Williams brings four points on appeal. First, that the court erred in not dismissing the case for improper prosecutorial vindictiveness after the State threatened to upgrade the second-degree murder charge to first-degree murder if Williams did not make a plea offer. Second, that the court erred in allowing the State to play to the jury a demonstrative slow-motion video of the shooting. Third, that the court plainly erred by not intervening *sua sponte* when the State in its closing argument made an improper acquittal-first argument. And fourth, that the court should have dismissed the charges against him for a speedy trial violation because he spent 741 days in jail awaiting trial and the State and the court caused most of the delays.

AFFIRMED.

Division V Holds: As to point I, we find that while the prosecutor's tone was coarse, he had the discretion and an adequate factual basis to increase the charge from second-degree murder to first-degree murder. As to point II, the conditions the court put on the State's use of the video diminished any prejudicial impact it may have had. In point III, the State's improper acquittal-first argument was not outcome determinative. As to point IV, no speedy trial violation occurred because the delay was not sufficiently prejudicial nor done to disadvantage Williams' defense.

Opinion by: James M. Dowd, Judge

Thomas C. Clark II, C.J., Philip M. Hess, J. concur.

Attorney for Appellant: Stephanie A. Hoeplinger

Attorney for Respondent: Daniel N. McPherson

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