OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

STATE OF MISSOURI, Respondent, v. JOSHUA WOOTEN, Appellant.	))))))))	ED113976 Filed: July 21, 2026

Appeal from the Circuit Court of St. Louis County
The Honorable Ellen H. Ribaudo

Joshua Wooten (Defendant) appeals the judgment entered upon his conviction by jury of one count of second-degree rape. He argues the trial court erred in excluding evidence of a prior rape allegation by the victim (Victim).

AFFIRMED.

DIVISION FOUR HOLDS:
Defendant failed to establish by a preponderance of the evidence that Victim's prior allegation was false, thus it was not admissible to impeach her credibility. Neither the "immediate circumstances" statutory exception to the rape shield statute, nor the judicially-created fair-trial exception, applies here, where the two events were not connected and where the evidence of Victim's prior allegation did not directly refute evidence tending to show Defendant's guilt. Finally, the curative admissibility doctrine does not apply because the State did not introduce inadmissible evidence that Defendant had to refute with otherwise inadmissible evidence.

Opinion by: Gary M. Gaertner, Jr., Judge
Rebeca Navarro-McKelvey, Presiding Judge; James M. Dowd, Judge, concur.

Attorney for Appellant: Matthew G. Mueller

Attorneys for Respondent: Catherine L. Hanaway, Riley A. O'Shaughnessy

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.