

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,)	No. ED100354
)	
vs.)	Appeal from the Circuit Court
)	of St. Louis County
CHRISTOPHER GOERS, Appellant.)	Filed: May 27, 2014

Christopher Goers appeals from the judgment on his convictions by a jury of two counts of statutory sodomy committed against his daughter, M.G., when she was five. Goers challenges the sufficiency of the evidence, comments made during the State's closing argument and the admission of certain evidence.

AFFIRMED.

Division Two holds: M.G. testified that Goers touched her vagina and put her hand on his penis; when confronted with these allegations in a recorded phone call with M.G., Goers said that it happened years ago and asked who she had told. This was sufficient evidence to support the convictions. The State's closing argument suggesting that the sexual abuse caused M.G.'s psychological problems was made in rebuttal and did not warrant a *sua sponte* declaration of a mistrial. Goers waived review, even for plain error, of the admissibility of a DVD containing a video recording of the phone call by affirmatively stating he had no objection to its admission at trial.

Opinion by: Robert G. Dowd, Jr., J
Lawrence E. Mooney, P.J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant: Susan Kister

Attorneys for Respondent: Chris Koster, Gregory L. Barnes

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