

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,)	No. ED101190
)	
vs.)	Appeal from the Circuit Court
)	of the City of St. Louis
DARIUS MORGAN, Appellant.)	Hon. Thomas J. Frawley
)	Filed: April 28, 2015

Darius Morgan appeals from the judgment entered on his convictions after a jury trial for robbery in the first degree and armed criminal action.

AFFIRMED.

Division Three holds:

The physical lineup in which the victim identified Morgan was not unduly suggestive because some participants had been used in previous lineups or because of differences in Morgan's clothing and physical appearance. Thus, there was no error in admitting that pre-trial identification evidence or the in-court identification. There was also no error in excluding testimony as to the quality of the lineup from an officer who was not qualified to offer that opinion. There was no plain error in the classification of Morgan as a "prior offender" despite the State's failure to plead supporting facts for that classification in the charging document.

Opinion by: Robert G. Dowd, Jr., J
Kurt S. Odenwald, P.J. and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Lisa M. Stroup

Attorney for Respondent: Richard A. Starnes

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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