

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,) ED101709
)
 Respondent,) Appeal from the Circuit Court
) of St. Louis County
 v.) 13SL-CR1396-01
)
 JERMAINE C. PATE,) Honorable Tom W. DePriest, Jr.
)
 Appellant.) Filed: September 15, 2015

Jermaine Pate (Defendant) appeals the judgment entered upon his convictions for robbery in the first degree and armed criminal action. He argues the trial court should have dismissed the charges due to a violation of his constitutional right to a speedy trial, and alternatively that the trial court should have suppressed incriminating statements he made as fruit of being unlawfully held for more than 24 hours. Finally, he argues that there was insufficient evidence to prove that he committed the robbery with a dangerous instrument.

AFFIRMED.

Division Two Holds: The trial court did not err in proceeding to trial because under the circumstances here, the 15-month delay between Defendant’s arrest and his trial did not violate his constitutional right to a speedy trial. The trial court also did not clearly err in denying Defendant’s motion to suppress incriminating statements he made in police custody and later from jail because they were not the fruit of an unlawful arrest. Additionally, in absence of any evidence that the delay in obtaining an arrest warrant was unreasonable, Defendant’s statements were not rendered involuntary by the fact that the State held him for over 24 hours in violation of Section 544.170. Finally, based on the testimony of the victim, there was sufficient evidence from which the trial court could find Defendant guilty of armed criminal action.

Opinion by: Gary M. Gaertner, Jr., J.
 Philip M. Hess, P.J., and Angela T. Quigless, J., concur.

Attorney for Appellant: Emmett D. Queener
 Attorney for Respondent: Chris Koster and Daniel N. McPherson

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.