MISSOURI COURT OF APPEALS EASTERN DIVISON

OPINION SUMMARY

STATE OF MISSOURI,	)	No. ED101764
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis City
vs.	)	
	)	Honorable Margaret M. Neill
MARCUS HUGHES,	)	
	)	
Appellant.	)	FILED: September 15, 2015

Appellant Marcus Hughes ("Hughes") appeals from the trial court's judgment entered after a jury verdict. The jury found Hughes guilty on two counts: forcible rape and second-degree assault. Hughes presents two points on appeal. First, Hughes argues that the prosecution did not present sufficient evidence that Victim suffered "serious physical injury," and the trial court thus erred in denying Hughes's motion for judgment of acquittal at the close of evidence. Second, Hughes argues that the trial court abused its discretion in admitting State's Exhibit Six ("Exhibit Six"), a photograph of Victim in the hospital. Hughes contends that the evidence was inadmissible and that he suffered prejudice from the admission of the evidence.

AFFIRMED.

DIVISION FOUR HOLDS: First, sufficient evidence exists for a reasonable jury to find Victim suffered serious physical injury. Thus, the trial court did not err in denying Hughes's motion for judgment of acquittal at the close of all evidence. Second, the trial court did not abuse its discretion in admitting Exhibit Six; further, admission of Exhibit Six did not prejudice Hughes.

Opinion by: Kurt S. Odenwald, Judge Sherri B. Sullivan, P.J., and Patricia L. Cohen, J., concur.

Attorney for Appellant: Gwenda Renee Robinson

Attorney for Respondent: Chris Koster and Robert J. Bartholomew

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.