

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

STATE OF MISSOURI, Respondent,)	No. ED91542
)	
v.)	Appeal from the Circuit Court
)	of the City of St. Louis
KEVIN COLLINS, Appellant.)	
)	FILED: May 26, 2009

OPINION SUMMARY

Kevin Collins (Defendant) appeals from the Judgment entered by the Circuit Court of the City of St. Louis, following a jury trial, convicting him of one count of robbery in the first degree, in violation of Section 569.020, RSMo 2000.

AFFIRMED.

Division One Holds: 1) The trial court did not clearly err in allowing the State's peremptory strike of a black female venireperson because Defendant failed to prove the reason for striking the venireperson was pretext for discrimination. 2) While the trial court erred in sentencing Defendant without jury sentencing, Defendant waived his statutory right to jury sentencing when he failed to object at trial. 3) The trial court did not plainly err in exercising its discretion to sentence Defendant to thirteen years of imprisonment, which was within the statutory range.

Opinion by: Kurt S. Odenwald, P.J. Glenn A. Norton, J. and Patricia L. Cohen, J., Concur.

Attorney for Appellant: Jessica Hathaway

Attorneys for Respondent: Chris Koster and James B. Farnsworth

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