

**OPINION SUMMARY  
MISSOURI COURT OF APPEALS EASTERN DISTRICT**

STATE OF MISSOURI,	)	No. ED93246
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	
	)	
STANLEY JOHNSON,	)	Hon. James R. Hartenbach
	)	
Appellant.	)	FILED: November 2, 2010

Stanley Johnson (Defendant) appeals the trial court's judgment and sentence after a jury convicted him of first-degree murder and forcible rape. Defendant asserts that the trial court erred by: (1) denying his motions to dismiss for violation of his right to a speedy trial under the Uniform Mandatory Disposition of Detainers Law (UMDDL); (2) denying his right of self-representation; (3) rejecting his jury instruction on the lesser included offense of conventional second-degree murder; and (4) denying his requests for new counsel.

AFFIRMED

DIVISION THREE HOLDS: (1) Excluding periods during which Defendant's UMDDL clock was tolled for extraordinary writ proceedings and for continuances requested by counsel, which were properly granted, the remaining time did not exceed 180 days. There was no UMDDL violation, and therefore the trial court retained jurisdiction. (2) Defendant forfeited his right of self-representation by virtue of his obstreperous conduct during pre-trial proceedings. (3) Defendant suffered no prejudice from the omission of a jury instruction on conventional second-degree murder. (4) Defendant failed to prove that a conflict of interest actually existed and affected counsel's performance, and the record contains no justification for Defendant's general dissatisfaction.

Opinion by: Clifford H. Ahrens, J.                      Sherri B. Sullivan, P.J., and Lawrence E. Mooney, J., concur.

Attorney for Appellant:        Craig J. Johnston

Attorney for Respondent:     Chris Koster

<b>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.</b>
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