



**In the Missouri Court of Appeals
Eastern District
DIVISION TWO**

ANTONIO M. WOODS,)	No. ED94540
)	
Appellant,)	
)	Appeal from the Circuit Court
vs.)	of the City of St. Louis
)	0822-CR07240-01
STATE OF MISSOURI,)	
)	Honorable Thomas J. Frawley
Respondent.)	
)	Filed: February 15, 2011

Before Glenn A. Norton, P.J., Kathianne Knaup Crane, J. and George W. Draper III, J.

OPINION SUMMARY

Antonio M. Woods appeals the judgment entered upon a jury verdict convicting him of two counts of first-degree robbery, two counts of first-degree burglary, one count of stealing over \$500.00, one count of false imprisonment, two counts of stealing under \$500.00, and one count of resisting arrest.

REVERSED AND REMANDED IN PART, AFFIRMED IN PART.

Division Two holds:

- (1) The trial court erred in admitting the video deposition of Danish Nagda at trial in lieu of his live testimony because the State failed to show that Nagda was unavailable to testify. The State also failed to show any evidence of attempts to procure Nagda's attendance at trial. Therefore, the admission of the video deposition violated Woods' right to confront the witness. The judgment is reversed and remanded for a new trial on counts one and two, the charges of first-degree robbery and first-degree burglary related to Nagda.
- (2) The trial court did not err in denying Woods' motion to dismiss for improper joinder and in denying Woods' motion to sever the charges. Therefore, the judgment with respect to the remaining counts is affirmed.

Opinion by: Glenn A. Norton, P.J.
Kathianne Knaup Crane, J. and George W. Draper III, J., concur

Attorney for Appellant: Brocca Smith

Attorney for Respondent: Chris Koster, Attorney General
Timothy A. Blackwell, Assistant Attorney General

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.