



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

CHAVEZ FOSTER,)	No. ED95607
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	09SL-CR07274
)	
STATE OF MISSOURI,)	Honorable James R. Hartenbach
)	
Respondent.)	Filed: September 20, 2011

OPINION SUMMARY

Chavez Foster appeals the judgment entered upon a jury verdict convicting him of first-degree assault, armed criminal action, and attempted first-degree robbery.

AFFIRMED.

Division Five Holds:

- (1) The trial court did not commit plain error in admitting the victim's in-court and out-of-court identifications. The identifications were not the result of unduly suggestive procedures.
- (2) The trial court did not commit plain error in denying Foster's motion for a mistrial after testimony referenced Foster's involvement in "several other criminal incidents." Any resulting prejudice was corrected when the court struck the testimony from the record and instructed the jury to disregard the stricken testimony.

Opinion by: Glenn A. Norton, J., Kurt S. Odenwald, C.J., and Ben Burkemper, Sp. J., concur.

Attorney for Appellant: Craig A. Johnston
Attorney for Respondent: Chris Koster and John M. Reeves

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.