

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED97069
)	
Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	
GARVESTER BRACKEN,)	Honorable Bryan L. Hettenbach
)	
Appellant.)	Filed: September 11, 2012

OPINION SUMMARY

Garvester Bracken appeals the judgment entered upon a jury verdict convicting him of one count of forcible rape, one count of attempted deviate sexual assault, and two counts of domestic assault in the second degree.

AFFIRMED.

Division Three Holds:

- (1) The trial court did not commit plain error in conducting the trial in Bracken's absence because he waived his right to be present.
- (2) The trial court did not err in denying Bracken's motion to continue for the purpose of conducting a psychological exam.
- (3) The trial court did not abuse its discretion by refusing Bracken's proposed non-pattern jury instruction.

Opinion by: Angela T. Quigless, J.

Robert G. Dowd, Jr., P.J. and Roy L. Richter, J., Concur.

Attorney for Appellant: Gilbert Chester Sison

Attorney for Respondent: Timothy A. Blackwell

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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