

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

STATE OF MISSOURI,)	No. ED97121
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	
PATRICK JONES,)	Hon. Robert S. Cohen
)	
Appellant.)	FILED: June 19, 2012

Patrick Jones (“Defendant”) appeals from the judgment of the trial court entered after a jury convicted him of two counts of statutory sodomy in the first degree, two counts of child molestation in the first degree, one count of statutory rape in the second degree, and one count of statutory sodomy in the second degree, and sentenced him to concurrent terms of imprisonment of thirty years, thirty years, fifteen years, fifteen years, seven years, and seven years.

AFFIRMED IN PART AND REVERSED IN PART.

DIVISION ONE HOLDS:

(1) The trial court erred in denying Defendant’s motion for judgment of acquittal as to Count II, statutory sodomy in the first degree as it was charged and instructed. The State concedes that there was insufficient evidence that Defendant put the victim’s hand on his penis.

(2) Defendant was not prejudiced by the admission of alleged hearsay testimony about the victim’s statements and actions where the victim was a witness at the trial, testified about her conversations that were the subject of purported hearsay testimony, and was subject to cross-examination.

(3) Defendant was not prejudiced by the admission of his written statement into evidence where the written statement, whether or not it was obtained in violation of Defendant’s *Miranda* rights, was cumulative to the unobjected to testimony of a police officer about the substance of Defendant’s verbal statement.

Opinion by: Clifford H. Ahrens, P.J. Roy L. Richter, J., and Gary M. Gaertner, Jr., J., concurs.

Attorney for Appellant: Ellen H. Flottman

Attorney for Respondent: Chris Koster

**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.**