

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED98531
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	
RAHMAN A. WHITAKER,)	Hon. Thea A. Sherry
)	
Appellant.)	FILED: June 18, 2013

Rahman Whitaker (“Defendant”) appeals from the judgment of the trial court entered after a jury convicted him of domestic assault in the second degree, forcible sodomy, and armed criminal action. Defendant contends that the trial court plainly erred in admitting evidence of prior uncharged misconduct and in admitting improper testimony of a police detective. Defendant also argues that the trial court erred in excluding video-recorded evidence of the victim’s demeanor during her interview with the police.

AFFIRMED.

DIVISION ONE HOLDS:

- 1) There was no manifest injustice or miscarriage of justice by the admission of evidence of the uncharged bad act that Defendant choked A.V. in the month prior to the events that resulted in charges in the present case, where Defendant made his intent an issue in the case, and the admission of that evidence helped to provide a complete and coherent portrait of events.
- 2) There was no manifest injustice or miscarriage of justice by the admission of the testimony of Detective Christopher Pollman. Detective Pollman’s testimony did not invade the province of the jury, but rather he testified about facts, not conclusions.
- 3) Defendant was not prejudiced by the exclusion of two portions of the video-recording of A.V.’s interview with the police in which she was purportedly laughing.

Opinion by: Clifford H. Ahrens, P. J. Sherri B. Sullivan, J., and Glenn A. Norton, J., concurs.

Attorney for Appellant: Ronald Ribaldo

Attorney for Respondent: Timothy Blackwell

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.
