

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION ONE

STATE OF MISSOURI,	)	No. ED98726
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of City of St. Louis
vs.	)	
	)	Honorable Robin R. Vannoy
ANTONIO D. SISTRUNK,	)	
	)	
Appellant.	)	FILED: October 1, 2013

Antonio Sistrunk ("Defendant") appeals from the trial court's judgment, following a jury's guilty verdict, of robbery in the first degree, in violation of Section 569.020, RSMo 2000, armed criminal action ("ACA"), in violation of Section 571.015, and kidnapping, in violation of Section 565.110.

AFFIRMED.

Division One Holds: The trial court did not err in denying Defendant's motion for judgment of acquittal as to first-degree robbery and the accompanying armed criminal action charges because the State submitted sufficient evidence demonstrating Defendant, acting in concert with another, forcibly stole property from another while using or threatening the use of what appeared to be a deadly weapon.

Furthermore, the trial court did not err in denying Defendant's motion for judgment of acquittal as to the kidnapping charge because the State submitted sufficient evidence that Defendant's actions constituted a separate offense. Defendant's tying-up and confining his victim increased the risk of harm to victim and was for a "substantial period."

Opinion by: Roy L. Richter, P.J.  
Clifford H. Ahrens, J., and Glenn A. Norton, J., concur

Attorneys for Appellant: Maleaner Harvey  
Attorneys for Respondent: Chris Koster, Todd T. Smith

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
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