

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED98985
)	
Plaintiff/Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
v.)	
)	
WAYNE GILLESPIE,)	Honorable David C. Mason
)	
Defendant/Appellant.)	Filed: June 18, 2013

Wayne Gillespie appeals from the trial court's judgment and sentence entered upon a jury verdict finding him guilty of kidnapping and first-degree robbery and sentencing him as a prior and persistent offender to two concurrent terms of thirty years' imprisonment.

AFFIRMED.

Division One Holds: When a defendant offers testimony raising an issue directly or by implication that creates an inference negative to the State's case, the State is permitted to elicit otherwise inadmissible rebuttal testimony to counteract that negative inference. When a defendant waives his right to remain silent and chooses to give a detailed statement to police upon interrogation, and then testifies inconsistently with part of that statement at trial, the State is allowed to explore any omissions in that statement in light of the defendant's trial testimony.

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

Attorney for Appellant: Amanda Faerber
Attorney for Respondent: Jennifer A. Rodewold

<p>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.</p>
