

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,)	No. ED99033
)	
vs.)	Appeal from the Circuit Court
)	of St. Charles County
PAUL CURTIS WHITE, Appellant.)	Filed: February 25, 2014

Robert Eidman was robbed and then shot and killed while sitting at his desk one morning inside his insurance office in St. Charles. Paul White and Cleo Hines were charged for the robbery and murder. White was convicted of murder in the first degree and robbery in the first degree after a jury trial. He appeals, claiming error relating to the first degree murder instruction and error in the admission of Hines's out-of-court statement.

AFFIRMED.

Division Two holds: The verdict directing instruction on first degree murder contained all the required elements to find White guilty of that crime, and any errors therein did not so misdirect the jury or affect the verdict that we can say a manifest injustice has occurred. The instruction accurately ascribed deliberation to White, and the State was not required to prove that Hines, the defendant's accomplice, deliberated on the murder in order to find that White was guilty of that crime. White waived plain error review of his claim on appeal regarding the erroneous admission of Hines's out-of-court statement because his counsel affirmatively stated that there was no objection when that evidence was offered at trial.

Opinion by: Robert G. Dowd, Jr., J
Lawrence E. Mooney, P.J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant: Amy M. Bartholow

Attorney for Respondent: Shaun J. Mackelprang

<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>
