

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED99620
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Charles County
vs.)	1211-CR00439-01
)	
TERRANCE TERON NORMAN,)	Honorable Jon A. Cunningham
)	
Defendant/Appellant.)	FILED: May 20, 2014

Terrance Teron Norman (Defendant) appeals from the judgment and sentence upon his conviction following a jury trial of one count of first-degree robbery, in violation of Section 569.020.¹ The trial court sentenced Defendant to a term of twenty-five years' imprisonment and checked the box on the judgment form indicating that Defendant had been found beyond a reasonable doubt to be a dangerous offender, pursuant to Section 558.016. Defendant claims the trial court erred (1) in denying his motion to suppress statements and in admitting at trial statements he made to the interrogating officer because he invoked his right to counsel and to remain silent; and (2) in sentencing him as a dangerous offender because the State never alleged nor presented evidence establishing beyond a reasonable doubt that he was a dangerous offender.

AFFIRMED AS MODIFIED.

Division Three Holds: (1) The trial court did not err in denying Defendant's pre-trial motion to suppress statements he made to law enforcement during a custodial interview after Defendant was advised of his Miranda rights because Defendant did not sufficiently and clearly articulate a desire to have counsel present so that a reasonable law enforcement officer would understand Defendant was requesting an attorney and because Defendant voluntarily waived his rights by voluntarily continuing to make statements to law enforcement after being advised of his Miranda rights and indicating that he understood those rights; and (2) the trial court erred in finding Defendant was a dangerous offender and the judgment is so modified under Rule 30.23.

Opinion by: Mary K. Hoff, Judge
Kurt S. Odenwald, Judge, and Angela Turner Quigless, Judge, concur.

Attorney for Appellant: Margaret Mueller Johnston

Attorney for Respondent: Gabriel Etter Harris

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.

¹ All statutory references are to RSMo 2000, as amended, unless otherwise indicated.