MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

STATE OF MISSOURI,	)	No. ED99696
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	
	)	
JEREMIAH F. MCMILLON,	)	Hon. Mark D. Seigel
	)	
Appellant.	)	FILED: May 6, 2014

Jeremiah McMillon ("Defendant") appeals from the judgment of the trial court following a bench trial in which the trial court convicted him of two counts of forcible sodomy (Counts 1 and 8), one count of forcible rape (Count 7), one count of attempted forcible rape (Count 2), one count of kidnapping (Count 6), four counts of robbery in the first degree (Counts 3, 4, 5, and 9), and one count of stealing a motor vehicle (Count 10), for which the trial court sentenced him as a persistent offender to terms of life imprisonment for Counts 1 through 9, and to a term of fifteen years' imprisonment for Count 10. Defendant contends that he was denied his right to self-representation by the trial court's refusal to rescind its order appointing standby counsel, and that the trial court abused its discretion in denying his motion to sever Counts 6 through 10 from Counts 1 through 5.

AFFIRMED.

DIVISION ONE HOLDS: (1) The trial court did not deny Defendant his Sixth Amendment right to self-representation by refusing to rescind its order appointing standby counsel in a bench trial. The mere appointment of standby counsel does not deprive a defendant of his right to self-representation. Defendant fully controlled the conduct of his case following the appointment of standby counsel and his *Faretta* rights were upheld. (2) The trial court properly joined multiple offenses committed by Defendant where there were a number of similar characteristics between the three incidents. (3) The trial court did not abuse its discretion in denying Defendant's motion to sever Counts 6 through 10 from Counts 1 through 5. Defendant failed to make a particularized showing of substantial prejudice, and the evidence for the separate offenses was distinct and uncomplicated. (4) In a bench trial it is presumed that the trial court was not prejudiced by improper or inadmissible evidence, and not influenced by it in reaching a judgment, unless the record clearly indicates that the trial court considered and relied on improper or inadmissible evidence. Accordingly, Defendant presumptively was not prejudiced by the trial court's overruling of his motion to sever in a bench trial.

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

Attorney for Appellant: Emmett D. Queener

Attorney for Respondent: Chris Koster

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.