

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI,
RESPONDENT,**

v.

**QUINCY C VAUGHN,
APPELLANT.**

WD68943

DATE: DECEMBER 16, 2008

Appeal From:
ATCHISON COUNTY CIRCUIT COURT
THE HONORABLE ROGER MARTIN PROKES, JUDGE

Appellate Judges:
Division One: Newton, C.J., Hardwick and Dandurand, JJ.

Attorneys:
MARGARET M. JOHNSTON, ESQ., COLUMBIA, MO, **for appellant.**

SHAUN J. MACKELPRANG, ESQ., and DORA A. FICHTER, **for respondent.**

**MISSOURI APPELLATE COURT OPINION
SUMMARY**

COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI,

RESPONDENT,

v.

QUINCY C. VAUGHN,

APPELLANT.

WD68943

Atchison County

Before: Division One Judges: Newton, C.J., Hardwick and Dandurand, JJ.

Quincy Vaughn challenges the denial of a continuance motion at his trial for attempted forcible rape and violence against a Department of Corrections (DOC) employee after the jury venire panel saw him being led into the courtroom, in civilian clothes and unshackled, by two uniformed DOC officers.

AFFIRMED.

Division One Holds: Neither Missouri cases nor United States Supreme Court precedent support Vaughn's argument that merely appearing to be in custody created a constitutionally prejudicial appearance that he was dangerous. Moreover, it was inevitable that the jury would learn of Vaughn's custodial status because the very allegations of the case involved an attack on a DOC employee while he was incarcerated.

Opinion by: Lisa White Hardwick, Judge

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