

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

Respondent,

v.

JASON C. POWELL,

Appellant.

DOCKET NUMBER WD70540

Date: August 10, 2010

Appeal from:
Benton County Circuit Court
The Honorable John W. Sims, Judge

Appellate Judges:
Division One: Lisa White Hardwick, Chief Judge, Presiding, James M. Smart, Jr.
and Alok Ahuja, Judges

Attorneys:
Kent Denzel, Esq., Columbia, MO, for appellant.
Shaun J. Mackelprang, Esq. and Jamie P. Rasmussen, Esq., Jefferson City, MO, for
respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI

v.

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Benton County

Before Division One Judges: Lisa White Hardwick, Chief Judge, Presiding, James M. Smart, Jr. and Alok Ahuja, Judges

Jason Powell appeals his conviction on two counts of first-degree child molestation, following a jury trial. Powell contends the circuit court erred in: (1) denying his motion for a mistrial after the prosecutor asked on cross-examination whether he had "ever molested anyone"; and (2) overruling his objections to the minor victims holding teddy bears on the witness stand at trial.

AFFIRMED.

Division One holds: (1) The circuit court did not err in denying the motion for a mistrial because it acted carefully to avoid prejudice by directing the jury to disregard the improper question and offering a curative instruction. (2) The circuit court did not err in allowing the minor victims to testify while holding teddy bears because it properly weighed the usefulness of the teddy bears against the

possibility of any prejudice to the defendant. The judgment of convictions is affirmed.

Opinion by: Lisa White Hardwick, Judge

August 10, 2010

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