

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI, RESPONDENT  
vs.  
ROGER LENN MEYERS, APPELLANT**

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DOCKET NUMBER WD71229  
DATE: November 16, 2010

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Appeal from:

The Circuit Court of Pettis County, Missouri  
The Honorable Robert L. Koffman, Judge

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Appellate Judges:

Division Three: Alok Ahuja, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

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Attorneys:

Richard A. Starnes, for Respondent

Alexa I. Pearson, for Appellant

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI, RESPONDENT**

**v.**

**ROGER LENN MEYERS, APPELLANT**

WD71229

Pettis County, Missouri

Before Division Three Judges: Alok Ahuja, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Following a jury trial, Roger Meyers was convicted of the unlawful use of a weapon in that he exhibited, in the presence of one or more persons, a weapon readily capable of lethal use in a threatening manner. The evidence at trial showed that Meyers had grabbed the ponytail of a ten or eleven-year-old girl, pulled her backwards, and held an open pocketknife blade within inches of her neck. Meyers appeals the conviction.

**AFFIRMED.**

**Division Three holds:**

(1) Where the jury heard Meyers say “I guess I’ll go back to prison for a while” in his videotaped interrogation, but the prosecutor did not intentionally cause the statement to be heard by the jury; the statement was not emphasized and was vague and indefinite; counsel for Meyers declined an instruction for the jury to disregard the statement; and there was strong evidence of Meyers’s guilt, Meyers was not so prejudiced that a mistrial was warranted. Therefore, the trial court did not abuse its discretion in declining to grant a mistrial.

(2) Where Meyers could not demonstrate that a statement in the prosecutor’s closing argument had a decisive effect on the jury’s decision, the trial court did not abuse its discretion in refusing to grant a mistrial.

(3) Where the exclusion of pocketknives from the statutory definition of the word “knife” did not preclude a pocketknife from being considered a weapon readily capable of lethal use, there was sufficient evidence to support Meyers’s conviction for unlawful use of a weapon. Therefore, the trial court did not err in overruling Meyers’s motion for judgment of acquittal.

**Opinion by: Victor C. Howard, Judge**

Date: November 16, 2010

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