

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI, RESPONDENT
vs.
ROGER LEE THOMPSON, APPELLANT**

DOCKET NUMBER WD72164

DATE: December 6, 2011

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable James Dale Youngs, Judge

Appellate Judges:

Division Three: James E. Welsh, P.J., James M. Smart, Jr. and Joseph M. Ellis, JJ.

Attorneys:

Shaun J. Mackelprang, for Respondent

Laura G. Martin, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, RESPONDENT

v.

ROGER LEE THOMPSON, APPELLANT

WD72164

Jackson County, Missouri

Before Division Three Judges: James E. Welsh, P.J., James M. Smart, Jr., and Joseph M. Ellis, JJ.

Roger L. Thompson appeals from his convictions of forcible rape and second-degree statutory rape following a jury trial. Thompson asserts that the trial court abused its discretion by admitting into evidence testimony concerning a rape kit because the State failed to provide reasonable assurance that the rape kit arrived at the crime lab in the same condition in which it left the hospital. Thompson also asserts the trial court violated his constitutional right to be free from double jeopardy by entering convictions on both the forcible rape and statutory rape charges.

AFFIRMED

Division Three holds:

- (1) The trial court did not abuse its discretion in allowing testimony about a rape kit because testimony concerning the hospital's procedures for administering and storing rape kits given by the doctor and nurse who administered the victim's rape kit, combined with the crime lab's forensic specialist's testimony regarding the manner in which she received the rape kit, was sufficient to provide reasonable assurance that the rape kit arrived at the crime lab in the same condition it left the hospital.
- (2) Thompson's constitutional right to be free from double jeopardy was not violated when both forcible rape and statutory rape convictions were entered against him for the same sexual act because statutory rape is not a specific instance of forcible rape. Therefore, Thompson was not subjected to multiple punishments for the same offense.

Opinion by Joseph M. Ellis, Judge

Date: December 6, 2011

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