

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

Respondent,

v.

LEMUEL G. WILLIAMS,

Appellant.

DOCKET NUMBER WD75100

Date: July 9, 2013

Appeal from:
Clay County Circuit Court
The Honorable Shane T. Alexander, Judge

Appellate Judges:
Special Division: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge and
Sue Dodson, Special Judge

Attorneys:
Jennifer Rodewald, Jefferson City, MO, for appellant.
Rosemary E. Percival, Kansas City, MO, for respondent.

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

STATE OF MISSOURI

Respondent,

v.

LEMUEL G. WILLIAMS,

Appellant.

WD75100

Clay County

Before Special Division: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge and Sue Dodson, Special Judge

Lemuel Williams appeals from his conviction for first-degree robbery. He contends: (1) the court erred in giving the hammer instruction to the jury instead of granting his request for a mistrial after the jury indicated it was deadlocked; (2) the evidence was insufficient to support his conviction under a theory of accomplice liability; (3) the court erroneously allowed the State to present evidence of a prior uncharged crime; and (4) the court plainly erred in instructing the jury on alternative theories of accomplice liability.

AFFIRMED.

Special Division holds:

(1) The court did not abuse its discretion in giving the hammer instruction.

Application of the relevant factors indicates the court's use of the hammer instruction did not coerce the jury's verdict, and the instruction itself is not coercive.

(2) The evidence was sufficient to support Williams's conviction under a theory of accomplice liability. The evidence showed that Williams drove his accomplice to the scene of the crime, waited in the car while his accomplice committed the robbery, drove the getaway car for his accomplice after the robbery, and invented a false self-exculpatory statement to conceal his involvement.

(3) The court did not abuse its discretion in allowing the State to present limited evidence of a prior robbery at the same store involving a similar car. The evidence was relevant to explain why the police followed and stopped Williams's car after the robbery, the evidence did not definitely associate Williams with the prior robbery, and the evidence was not used to argue his propensity to commit crimes.

(4) Williams failed to establish he suffered manifest injustice or a miscarriage of justice entitling him to plain error relief due to instructional error. Although the court erred in instructing the jury that it should find Williams guilty if he "acted together with or aided" instead of "aided or encouraged" his accomplice, Williams did not demonstrate that the erroneous instruction so misdirected or failed to instruct the jury that it is evident that the error affected the jury's verdict.

Opinion by: Lisa White Hardwick, Judge

July 9, 2013

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