

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 00-2319

Jon Marc Taylor,

Appellant,

v.

Lynda Taylor, Superintendent,
Crossroads Correctional Center;
Jeremiah (Jay) Nixon, Attorney
General, State of Missouri,

Appellees.

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Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: March 16, 2001

Filed: March 21, 2001

Before RICHARD S. ARNOLD, FAGG, and MORRIS SHEPPARD ARNOLD,
Circuit Judges.

PER CURIAM.

In 1980, Jon Marc Taylor was convicted of rape and other charges in Indiana, and sentenced to consecutive terms of imprisonment. In 1981, Taylor was convicted of rape and related charges in Missouri. The Missouri court ordered Taylor's Missouri sentence "terms to run consecutively not concurrently with any prison term previously imposed on [Taylor] in the State of Indiana." In 1982, the Indiana Supreme Court

reversed Taylor's Indiana sentence because consecutive sentences on the Indiana convictions were improper under state law, and Taylor was resentenced to concurrent terms of imprisonment on the Indiana convictions. In 1983, the Missouri Court of Appeals affirmed Taylor's Missouri conviction. See State v. Taylor, 655 S.W.2d 633 (Mo. Ct. App. 1983). When his Indiana sentence was reduced to time served in 1993, Taylor returned to Missouri to serve his Missouri sentence and filed his Missouri postconviction motions, which were denied. Taylor then filed a petition for writ of habeas corpus in federal district court arguing, among other things, that he should receive credit towards his Missouri sentence for time served in Indiana after his "previously imposed" Indiana sentence was vacated in 1982, and the admission of identification testimony by two witnesses at trial violated due process because the identifications were tainted by highly suggestive pretrial identification procedures. The district court denied relief, but granted a certificate of appealability on both issues. Taylor appeals. Having carefully reviewed the record, we affirm for the reasons stated by the district court.* See 8th Cir. R. 47B. We also grant Taylor's motion to supplement the record with his 1983 resentencing order.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

*The Honorable Ortrie D. Smith, United States District Judge for the Western District of Missouri.