

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,	)	No. ED97956
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	Honorable Philip Heagney
DAVID E. JONES,	)	
	)	
Appellant.	)	FILED: February 13, 2013

The appellant, David Jones (“Jones”), appeals from the judgment entered upon a jury verdict finding Jones guilty of first-degree assault, Section 565.050,<sup>1</sup> and armed criminal action, Section 571.015. Jones asserts two points of error on appeal. First, Jones argues that the trial court erred in prohibiting him from arguing to the jury during his closing argument that his “liberty” was at stake. Second, Jones contends that the trial court erred in admitting the full transcript of his interrogation, including statements by the interrogating police officer questioning his version of facts surrounding the physical altercation at issue.

AFFIRMED

Division Four holds: The trial court erred in prohibiting Jones from asserting at closing argument that his “liberty” was at issue because the statement was within the broad latitude defendants are permitted during closing argument. However, the trial court’s error did not prejudice Jones because he was allowed to argue substantially the same point. Moreover, the jury’s verdict evidences that it disbelieved Jones’s version of the events at issue such that the result at trial would not likely have been different if Jones had been permitted to argue that his “liberty” was at stake. We further hold that the trial court did not err in admitting into evidence the full transcript of Jones’s interrogation because the statements by the interrogating police officer were offered to give context to Jones’s answers, and not for the purpose of offering the opinion of the officer as substantive evidence.

Opinion by: Kurt S. Odenwald, J., Lawrence E. Mooney, P.J., and Patricia L. Cohen, J., Concur.

Attorney for Appellants: Deborah B. Wafer

Attorney for Respondent: Chris Koster and Andrew C. Hooper

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**

<sup>1</sup> All statutory references are to RSMo. (2010).