

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED96915
)	
Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	0922-CR01866-01
)	
NATHAN HANNON,)	Honorable Edward Sweeney, Jr.
)	
Appellant.)	Filed: May 7, 2013

Nathan Hannon (Defendant) appeals the judgment of conviction entered by the Circuit Court of the City of St. Louis after a jury found him guilty of two counts of first-degree statutory sodomy against T.S. Defendant claims the trial court erred in: (1) overruling his hearsay objection and allowing T.S.'s grandmother to testify concerning T.S.'s out-of-court statements; (2) allowing T.S.'s sister to testify as to T.S.'s out-of-court statements; and (3) not admitting T.S.'s school attendance records at the Rule 29.07(b)(4) inquiry and not allowing Defendant to file a new motion for new trial. Defendant also filed a motion to remand the case to the trial court for consideration of newly discovered evidence, and we ordered the motion taken with the case.

AFFIRMED.

Division Four Holds: (1) Defendant's motion to remand for consideration of newly discovered evidence is denied. (2) The trial court did not err in admitting the grandmother's testimony because the record of the pre-trial hearing supports a determination that T.S.'s statements provided sufficient indicia of reliability pursuant to section 491.075. (3) The trial court did not plainly err in allowing the sister's testimony because hearsay admitted without objection is not plain error. (4) The trial court did not err in refusing to admit the attendance records during the Rule 29.07(b)(4) examination or in not allowing Defendant to file a new motion for new trial.

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

Attorney for Appellant: Daniel E. Diemer
Attorney for Respondent: Timothy A. Blackwell

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.