

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED100795
)	
Plaintiff/Respondent,)	Appeal from the Circuit Court
)	of St. Charles County
v.)	
)	
SCOTT MARSHALL DAVIS, JR.,)	Honorable Daniel G. Pelikan
)	
Defendant/Appellant.)	Filed: September 8, 2015

Scott Marshall Davis, Jr. (Appellant) appeals from the trial court’s judgment entered upon a jury verdict convicting him of first-degree assault, armed criminal action, and first-degree assault of a law enforcement officer.

AFFIRMED.

Division Four Holds: The trial court did not err, plainly or otherwise, in (1) refusing to instruct the jury on Appellant’s proffered instruction on second-degree assault based on sudden passion, (2) its determinations regarding the admission and exclusion of evidence, (3) denying Appellant’s motion for new trial based on newly discovered evidence, (4) overruling Appellant’s objection during the prosecution’s closing argument based on the alleged improper denigration of defense counsel, (5) sentencing Appellant to consecutive terms of imprisonment, and (6) failing to *sua sponte* instruct the jury not to consider whether Appellant’s sentences would run concurrently or consecutively.

Opinion by: Sherri B. Sullivan, P.J. Patricia L. Cohen, J., and Kurt S. Odenwald, J., concur.

Attorney for Movant: Ellen H. Flottman
Attorneys for Respondent: Shaun J. Mackelprang

<p>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.</p>
