

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

**DIVISION TWO**

STATE OF MISSOURI,	)	No. ED101416
	)	
Plaintiff/Respondent,	)	Appeal from the Circuit Court of
	)	St. Louis County
vs.	)	
	)	Honorable Richard C. Bresnahan
BRIAN L. CANNON,	)	
	)	
Defendant/Appellant.	)	Filed: September 15, 2015

Brian Cannon (Defendant) appeals the trial court’s judgment, entered after a jury trial, finding him guilty of first-degree assault of a law enforcement officer, two counts of first-degree burglary, one count of armed criminal action, two counts of stealing a motor vehicle, first-degree trespassing, felony stealing, and unlawful possession of a firearm. Defendant argues that (1) the trial court erred in overruling his motion to suppress his custodial statements to police; (2) the trial court erred in overruling his motion to suppress the video re-enactment of the shooting of the police officer; and (3) the trial court plainly erred in permitting the prosecutor’s statements in closing argument.

AFFIRMED.

Division Two Holds:

- (1) Defendant’s decision to waive his privilege against self-incrimination was voluntary. The trial court did not err in denying Defendant’s motion to suppress Defendant’s custodial statements to police.
- (2) Defendant did not revoke his previous waiver of his privilege against self-incrimination during the re-enactment of the shooting. The trial court did not err in denying Defendant’s motion to suppress the video re-enactment.
- (3) The prosecutor’s closing argument did not have a decisive effect on the jury and, therefore, did not result in manifest injustice. The trial court did not plainly err in permitting the prosecutor’s statements during closing argument.

Opinion by: Philip M. Hess, P.J.  
Gary M. Gaertner, Jr., J. and Angela T. Quigless, J. concur.

Attorney for Appellant: Emmett D. Queener

Attorney for Respondents: Richard A. Starnes

<b>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.</b>
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