

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

STATE OF MISSOURI,)	No. ED102581
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Charles County
vs.)	1211-CR06531-01
)	
MATTHEW R. BURNETT,)	Honorable Jon A. Cunningham
)	
Appellant.)	Filed: February 2, 2016

Matthew R. Burnett (“Defendant”) appeals the judgment entered upon a jury verdict convicting him of two counts of first-degree burglary and two counts of first-degree child molestation. On appeal, Defendant argues that the trial court erred in submitting Instruction No. 6 to the jury, which was based on and contained identical language to MAI-CR 3d 310.50 (effective October 1, 1995), the Missouri approved instruction on voluntary intoxication.

AFFIRMED.

Division Three holds: There was sufficient evidence to support an instruction for voluntary intoxication. In addition, submission of the instruction did not confuse or mislead the jury into believing Defendant was admitting to some wrongdoing and seeking to escape liability based on intoxication. Therefore, the trial court did not err in submitting Instruction No. 6 to the jury.

Opinion by: Robert M. Clayton III, P.J.
Lawrence E. Mooney, J., and James M. Dowd, J., concur.

Attorney for Appellant: Ellen H. Flottman

Attorney for Respondent: Chris Koster, Rachel S. Flaster

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.