

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED103818
)	
Plaintiff/Respondent,)	Appeal from the Circuit Court
)	of St. Charles County
v.)	
)	
MARK LEE KILGORE,)	Honorable Norman C. Steimel, III
)	
)	
Defendant/Appellant.)	Filed: November 15, 2016

Mark Lee Kilgore (Appellant) appeals from the trial court’s judgment entered upon a jury verdict finding him guilty of one count of third-degree assault.

AFFIRMED.

Division Two Holds: The trial court did not abuse its discretion in denying Appellant’s motion for a new trial based on the State’s failure to discover and disclose the criminal convictions of its key character witness under Rule 25.03¹ because the evidence was not material or prejudicial in light of other overwhelming evidence of Appellant’s guilt, including testimony from an eyewitness.

The trial court did not err in denying Appellant’s motion for judgment of acquittal because Appellant’s evidence in support of his claim of self-defense was not uncontradicted and undisputed and there was ample testimony to the contrary as to how the events of the day unfolded. Reliability and credibility of the witnesses and conflicting accounts are for the jury to decide.

Opinion by: Sherri B. Sullivan, P.J. Roy L. Richter, J., and Colleen Dolan, J., concur.

Attorneys for Appellant: Matthew A. Radefeld and Michael B. Murphy

Attorneys for Respondent: Timothy A. Lohmar and Brittney Smith

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.

¹ All rule references are to Mo. R. Crim. P. 2014.