

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION FOUR

STATE OF MISSOURI, Respondent,	)	No. ED91573
	)	
	)	Appeal from the Circuit Court
v.	)	of St. Charles County
	)	
NATHAN SPEAKS, Appellant.	)	Filed: September 8, 2009

Nathan D. Speaks (Defendant) appeals from the trial court's judgment, following a jury trial, convicting him of two counts of murder in the first degree, in violation of Section 565.020, RSMo 2000<sup>1</sup>, and two counts of armed criminal action, in violation of Section 571.050. Defendant was sentenced to consecutive life terms in prison without parole for the two murder counts, and running concurrent to the life sentences, thirty years in prison for each of the armed criminal action counts.

AFFIRMED and REMANDED.

Division Four holds: In admitting evidence of weapons and ammunition found in Defendant's house and bedroom, and Defendant's threatening phone message, the trial court did not abuse its broad discretion. Additionally, the trial court's exclusion of evidence of names of other suspects and testimony regarding other motives for killing the victims, without an offer of proof at trial as to how the evidence directly connected to the victims or the crime, does not facially establish substantial grounds for believing a manifest injustice or miscarriage of justice has occurred. Because a clerical mistake was made in preparing the Judgment, we remand this case to the trial court for the limited purpose of entering an amended written judgment that reflects the trial court's finding that Defendant was a prior offender

Opinion by: Kurt S. Odenwald, P.J. George W. Draper III, J. and Roy L. Richter, J., Concur.

Attorneys for Appellant: William Jerome Ekiss: for oral argument  
Craig A. Johnston: for appellants brief

Attorneys for Respondent: Chris Koster and Daniel N. McPherson

**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.**

<sup>1</sup> All further statutory references, unless otherwise noted, are to RSMo 2000.