

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

STATE OF MISSOURI, Respondent,)	No. ED92084
)	
)	Appeal from the Circuit Court
v.)	of the St. Louis County
)	
THURMAN SHELTON, Appellant.)	Filed: September 22, 2009

Thurman Shelton (Defendant) appeals from the trial court's judgment, following a jury trial, convicting him of involuntary manslaughter, in violation of Section 565.024, RSMo (2000)¹, assault in the first degree, in violation of Section 565.050, and armed criminal action, in violation of Section 571.015. Defendant was sentenced to consecutive terms of imprisonment of seven years, thirty years, and thirty years, respectively.

AFFIRMED.

Division Four holds: The trial court did not abuse its discretion in allowing witnesses to testify to a hearsay statement because the statement fell under the "excited utterance" exception to the hearsay rule and a subsequent admission of the statement was not improper bolstering.

Opinion by: Kurt S. Odenwald, P.J.
Kenneth M. Romines, C.J., and George W. Draper III, J., Concur.

Attorney for Appellant: Ellen Flottman

Attorneys for Respondent: Chris Koster and John Grantham

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 further statutory references are to RSMo (2000), unless otherwise indicated.