

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED92513
)	
Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
)	
v.)	Cause Number 0722-00678-01
)	
ANDREW FASNUT,)	Honorable Anna Forder
)	
Appellant.)	Filed: January 26, 2010

Andrew Fasnut (Defendant) appeals from the trial court's judgment entered upon a jury verdict convicting him of the Class C felony of assault in the second degree in violation of Section 565.060 RSMo 2000.

AFFIRMED.

Division Four Holds: The trial court: 1) did not err in overruling Defendant's motion for judgment of acquittal at the close of all the evidence as to the assault in the second degree charge because sufficient evidence existed from which a reasonable juror might have found beyond a reasonable doubt that Defendant caused serious physical injury to his victim by means of a dangerous instrument similar to brass knuckles; or 2) did not abuse its discretion by allowing the State to admit brass knuckles as demonstrative evidence.

Opinion by: Gary M. Gaertner, Jr., J.
Kurt S. Odenwald, P.J., and George W. Draper III, J. concur.

Attorneys for Appellant: Jo Ann Rotermund

Attorneys for Respondent: Chris Koster and Jamie Pamela Rasmussen

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.