

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

STATE OF MISSOURI,)	No. ED94412
)	
Respondent,)	Appeal from the Circuit Court
)	of Warren County
vs.)	
)	
BENJAMIN BECKEMEYER,)	Honorable Wesley Clay Dalton
)	
Appellant.)	FILED: February 15, 2011

Benjamin Beckemeyer (“Defendant”) appeals from the trial court’s judgment and sentence after a bench trial for domestic assault.

AFFIRMED

Division One Holds: Because Defendant was present and represented by counsel, and neither the State, nor Defendant requested the case be tried to a jury the trial court did not err in proceeding to a bench trial. Further, it was not improper for the trial court to consider a victim impact statement in determining Defendant’s sentence. In addition, there was sufficient evidence to rebut Defendant’s claim of self-defense. Finally, because Defendant was not prejudiced by his trial counsel not calling Defendant’s child as a witness, Defendant’s trial counsel was not ineffective.

Opinion by: Roy L. Richter, Chief Judge

Kenneth M. Romines, J., and John Berkemeyer, Sp.J., concur

Attorneys for Appellant: Benicia Baker-Livorsi

Attorneys for Respondent: Kelly L. Kroeger

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.