

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED97325
)	
Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Robert H. Dierker, Jr.
MICHAEL COFFMAN,)	
)	
Appellant.)	FILED: September 18, 2012

Michael Coffman (“Coffman”) appeals from the judgment entered upon a jury verdict of second-degree murder, Section 565.021, RSMo. Cum. Supp. 2009. A jury found Coffman guilty of the second-degree murder of Donald Eberhardt (“Eberhardt”) after being instructed regarding first-degree murder, second-degree murder, and voluntary manslaughter. On appeal, Coffman argues that the trial court erred in refusing to submit an instruction for involuntary manslaughter because the record supports an inference that Coffman caused Eberhardt’s death through reckless conduct.

AFFIRMED.

Division Four holds: The evidence presented at trial does not support a finding that Coffman recklessly caused Eberhardt’s death. Because the evidence adduced at trial did not support the submission of an instruction to the jury for involuntary manslaughter, we affirm the judgment of the trial court.

Opinion by: Kurt S. Odenwald, J., Lawrence E. Mooney, P.J., and Patricia L. Cohen, J., Concur.

Attorney for Appellant: Craig A. Johnston

Attorney for Respondent: Chris Koster and Jennifer Wideman

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