

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,) No. ED99269
) Appeal from the Circuit Court of
vs.) St. Charles County
) Honorable Lucy D. Rauch
ADAM L. STEINMANN, Appellant.) Filed: April 8, 2014

Adam Steinmann (Defendant) appeals the judgment of conviction entered by the Circuit Court of St. Charles County after a jury found him guilty of two counts of second-degree involuntary manslaughter and one count of driving with a revoked license. Defendant claims the trial court erred in: (1) submitting “vague and abstract” verdict directions for the involuntary manslaughter counts; (2) excluding an expert witness; and (3) sustaining the prosecutor’s objections and requests to strike portions of Defendant’s father’s testimony relating to the cause of the accident.

AFFIRMED.

Division Four Holds: Defendant waived appeal of the claimed instructional error because the verdict directions he proffered at trial contained the same alleged error as those submitted to the jury. The trial court does not have a *sua sponte* duty to correct an erroneous instruction proffered by the party claiming error. State v. Bolden, 371 S.W.3d 802, 806 (Mo. banc 2012). The trial court did not abuse its discretion in excluding expert testimony of a senior traffic study specialist because: (1) the witness lacked specific knowledge of the accident’s location; and (2) the State demonstrated that, even if exclusion of the witness’s testimony was erroneous, it was harmless beyond a reasonable doubt. The trial court did not plainly err in sustaining the prosecutor’s objections to Defendant’s father’s testimony because, contrary to Defendant’s argument on appeal, the trial court’s rulings did not preclude Defendant from presenting evidence in support of his defense that any negligence on Defendant’s part did not constitute criminal negligence.

Opinion by: Patricia L. Cohen, J.
Lisa S. Van Amburg, P.J., and Philip M. Hess, J., concur.

Attorney for Appellant: Michael A. Gross

Attorney for Respondent: Evan J. Buchheim

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