

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,	)	No. ED99608
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of Audrain County
vs.	)	
	)	Honorable Patrick Clifford
DOUGLAS J. HOWERY,	)	
	)	
Appellant.	)	FILED: April 1, 2014

Appellant Douglas Howery (“Howery”) appeals from the judgment of the trial court following his conviction by a jury of first-degree murder, Section 565.020, RSMo 2000. Howery argues on appeal that the trial court erred in overruling his motion for judgment of acquittal at the close of all evidence, accepting the jury’s verdict of guilty of first-degree murder, and entering judgment and sentence when the evidence was insufficient to prove that he committed first-degree murder. Howery also contends that the trial court abused its discretion in admitting hearsay evidence, character evidence, and evidence of uncharged bad acts.

AFFIRMED.

Division III holds: The State presented sufficient evidence for the jury to find beyond a reasonable doubt that Howery knowingly murdered his wife, Betty Howery, after deliberation upon the matter. Although the trial court erred in improperly admitting hearsay evidence, evidence of Howery’s character, and evidence of Howery’s uncharged bad acts, these evidentiary errors did not result in prejudice to Howery. When considering the record as a whole, we find that the jury would not have reached a different conclusion had the evidence been excluded. Accordingly, we affirm the judgment of the trial court.

Opinion by: Kurt S. Odenwald, J., Mary K. Hoff, P.J., and Angela T. Quigless, J., Concur.

Attorney for Appellants: Craig A. Johnston

Attorney for Respondent: Chris Koster and Daniel McPherson

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