

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

RESPONDENT,

v.

JUSTIN J. WALKUP,

APPELLANT.

DOCKET NUMBER WD69838

DATE: June 16, 2009

Appeal From:

JACKSON COUNTY CIRCUIT COURT

THE HONORABLE VERNON EUGENE SCOVILLE III, JUDGE

Appellate Judges:

DIVISION THREE: HAROLD L. LOWENSTEIN, Presiding Judge, JOSEPH M. ELLIS and LISA WHITE HARDWICK, Judges

Attorneys:

Jeannie M. Willibey, Esq., Kansas City, MO, **for appellant.**

Shaun J. Mckelprang, Esq., and Jayne T. Woods, Esq., Jefferson City, MO, **for respondent.**

**MISSOURI APPELLATE COURT OPINION
SUMMARY**

COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI,

RESPONDENT,

v.

JUSTIN J. WALKUP,

APPELLANT.

WD69838

Jackson County

Before Division Three Judges: HAROLD L. LOWENSTEIN, Presiding Judge,
JOSEPH M. ELLIS and LISA WHITE HARDWICK, Judges

Justin Walkup appeals his convictions for second-degree murder and armed criminal action. He contends the circuit court erred in allowing the current chief medical examiner for Jackson County to testify because her testimony contained inadmissible hearsay statements about the autopsy performed by the former chief medical examiner.

AFFIRMED.

Division Three holds: The current chief medical examiner testified as a qualified expert to her own conclusions and opinions based upon her independent analysis of the factual information available to her. She did not mention the former chief medical examiner's conclusions or opinions, and the State did not attempt to introduce his autopsy report. Because her

testimony did not contain testimonial hearsay statements, the Confrontation Clause was not triggered.

Opinion by: Lisa White Hardwick, Judge

June 16, 2009

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