

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

SPENCER NELSON HARDING, III.

Appellant

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DOCKET NUMBER WD71531

DATE: September 21, 2010

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Appeal From:

Circuit Court of Clay County, MO  
The Honorable Larry Dale Harman, Judge

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Appellate Judges:

Division Four: Lisa White Hardwick, C.J., James Edward Welsh, J., and Brian C. Wimes, Sp. J.

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Attorneys:

Janet M. Thompson, Columbia, MO

Counsel for Appellant,

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Attorneys:

Shaun J. Mackelprang, Jefferson City, MO

Counsel for Respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**STATE OF MISSOURI, Respondent, v.  
SPENCER NELSON HARDING, III, Appellant**

WD71531

Clay County

Before Division Four Judges: Lisa White Hardwick, C.J., James Edward Welsh, J., and Brian C. Wimes, Sp. J.

Spencer Nelson Harding, III, appeals the circuit court's judgment convicting him of murder in the first degree. He asserts that the circuit court erred and abused its discretion in overruling his motion to exclude and strike the testimony and reports of the State's DNA analyst and in considering DNA evidence that lacked statistical analyses. He also contends that the evidence was insufficient to convict him of murder in the first degree.

**AFFIRMED.**

**Division Four holds:**

(1) Harding's Sixth Amendment right to confront the witness was not violated just because the DNA analyst could not answer questions about her conclusions and the methodology she used to review the raw and analyzed electronic data from her DNA testing. The analyst testified at trial and was subject to cross-examination. Moreover, DNA evidence, even without a showing of statistical significance, is admissible, and it is for the fact finder to decide the weight to be afforded such evidence.

(2) The evidence in this case was sufficient for a reasonable fact-finder to establish that Harding was guilty beyond a reasonable doubt of murder in the first degree. To the extent that Harding focuses on the evidence and inferences that do not support his conviction, he ignores the appropriate standard of review.

**Opinion by: James Edward Welsh, Judge**

September 21, 2010

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