OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,	)	No. ED107222
	)	
Plaintiff/Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	
NATHAN JEROME ALLEN,	)	Honorable Bryan L. Hettenbach
	)	
Defendant/Appellant.	)	Filed: March 24, 2020

Nathan Jerome Allen (Appellant) appeals from the judgment of the trial court after a jury found him guilty of first-degree murder and armed criminal action for the shooting death of Leon Clark (Victim). Appellant bring eight points on appeal. Point I claims the trial court erred by excluding evidence of others' motives to kill Victim and his brother Leondre Clark (Leondre). Point II claims the trial court erred by refusing to grant a mistrial for the State of Missouri's (State) Doyle[1] violation. Point III claims the trial erred by excluding a recorded jail call made by State's witness August Lombardo (Lombardo). Point IV claims the trial court erred by overruling defense objection to testimony by an investigator about a police tracking dog search at the crime scene. Point V claims the trial court erred by overruling defense objection to Lombardo's testimony about his own out-of-court statement. Point VI claims the trial court erred by overruling defense objection to an officer's testimony about a statement made by a witness at the scene of the crime. Point VII claims the trial court erred by overruling defense objection to sympathy and fear evidence elicited from witnesses to the murder. Point VIII claims the cumulative effects of these errors resulted in prejudice to Appellant.

AFFIRMED.

Division Five Holds: (1) Evidence of others' motives to kill Victim was not admissible; (2) testimony did not rise to level of a Doyle violation; (3) Appellant's error is unpreserved because he did not attempt to introduce the evidence at trial; (4) Appellant's error is unpreserved because the objection was not timely; (5) Lombardo's out-of-court statement was not hearsay; (6) witness's statement was not hearsay; (7) witnesses' testimony was relevant to their credibility; and (8) no reversible error, cumulative or otherwise, occurred.

Opinion by: Sherri B. Sullivan, J. Colleen Dolan, C.J., and James M. Dowd, J., concur.

Attorney for Appellant: Matthew A. Radefeld
Attorney for Respondent: Daniel N. McPherson

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.

[1] Doyle v. Ohio, 426 U.S. 610, 618 (1976).