In the Missouri Court of Appeals
Eastern District

DIVISION THREE

STATE OF MISSOURI,	)	No. ED108768
	)	
Respondent,	)	Appeal from the Circuit Court of
	)	St. Louis County
vs.	)	16SL-CR00743-01
	)	
BRIAN R. GRAVES,	)	Honorable Ellen H. Ribaudo
	)	
Appellant.	)	Filed: March 23, 2021

Angela T. Quigless, P.J., Kurt S. Odenwald, J., and James M. Dowd, J.

Brian Graves appeals the judgment entered upon a jury verdict reached in the Circuit Court of St. Louis County convicting him of two counts of the class D felony of abuse of a child. On appeal, Graves argues the trial court abused its discretion (1) by overruling his motion for a mistrial, and (2) by refusing to give an advisory opinion on the evidentiary impact of an expert's report Graves considered offering.

AFFIRMED.

DIVISION III HOLDS: The trial court did not abuse its discretion because:

(1) Mistrial was not warranted since the inadvertent reference to the prior allegations against Graves of child abuse was not prejudicial.

(2) Graves did not offer the expert report into evidence, the trial court is not required to grant advisory opinions, and Graves failed to preserve the matter because he did not make an offer of proof.

Opinion by: James M. Dowd, J.

Angela T. Quigless, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Ellen H. Flottman

Attorney for Respondent: Gregory L. Barnes

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.