OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

STATE OF MISSOURI,	)	ED108022
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
v.	)	1722-CR01106-01
	)	
DESMOND ARTEZ MILLS,	)	Honorable Michael W. Noble
	)	
Appellant.	)	Filed: March 30, 2021

Desmond Artez Mills (Appellant) appeals from the trial court's judgment, following a jury trial, convicting him of (Count I) first-degree murder, in violation of Section 565.020[1]; (Count II) armed criminal action, in violation of Section 571.015; and (Count III) unlawful use of a weapon, in violation of Section 571.030.[2] He was sentenced to two concurrent terms of life in prison on Counts I and II, and a term of 15 years on Count III to run consecutively with Count I. The sentences for Counts I, II and III were to run consecutively with Appellant's sentence in a separate case in St. Louis County, No. 16SL-CR08833-01.

AFFIRMED.

Division 2 holds: There was sufficient evidence on the record from which a jury could find proof beyond a reasonable doubt that Appellant knowingly caused the death of Victim after deliberation, and Appellant was guilty of unlawful use of a weapon for knowingly discharging a firearm at Victim's motor vehicle on November 2, 2016. The trial court did not err in denying Appellant's motion for judgment of acquittal on the counts of murder, armed criminal action, and unlawful use of a weapon. Moreover, the trial court did not abuse its discretion in refusing to allow Appellant to use inadmissible hearsay reports to cross examine Menendez, or in denying Appellant's request for a *Daubert* hearing regarding the State's use of toolmark examination expert testimony and allowing admission of Menendez's testimony. Appellant's final point alleging manifest injustice from the cumulative effects of the errors also fails because he has failed to persuasively identify any error during the trial.

Opinion by: Lisa P. Page, J.

Robin Ransom, P.J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant: Alexandria A. Shah

Attorney for Respondent: Richard A. Starnes

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[1] All statutory references are to RSMo (2016) as updated, unless otherwise indicated.

[2] Count IV, unlawful possession of a firearm, was dismissed by the State.

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.