MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI,

Respondent

v.

ANTOINE L. ELLIS,

Appellant

DOCKET NUMBER WD83010

DATE: October 26, 2021

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Charles H. McKenzie, Judge

Appellate Judges:

Division Two
Mark D. Pfeiffer, Presiding Judge, Alok Ahuja, Judge, Anthony Rex Gabbert, Judge

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Attorneys:

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Counsel for Respondent

Attorneys:

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Counsel for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
ANTOINE L. ELLIS, Appellant.

WD83010 **Jackson County**

Before Division Two Judges: Mark D. Pfeiffer, Presiding Judge, Alok Ahuja, Judge, and Anthony Rex Gabbert, Judge

Antoine Ellis appeals his conviction after jury trial for two counts of statutory rape in the first degree and one count of enticement of a child. He raises four points on appeal claiming that the trial court erred in admitting various evidence and testimony.

AFFIRMED.

Division Two holds:

(1) Trial court does not abuse its discretion in admitting the testimony of a probation and parole officer regarding a defendant's GPS tracking information obtained from the program used by the Department of Corrections where the officer is an experienced probation and parole officer who has used the program several times per week to track numerous individuals and where the defense has the opportunity to cross examine the officer about her lack of knowledge regarding how the tracking program works.

(2) Trial court does not abuse its discretion in admitting evidence where the admission was not prejudicial and did not affect the outcome of the trial.

(3) Trial court does not abuse its discretion in admitting phone records where the records custodian submits a letter containing the substance of a business records affidavit, where the custodian certifies that the statements are true and that he would be subject to punishment for willfully false statements, where the custodian subsequently provides a notarized business records affidavit, and where the account holder testifies that the records are a fair and accurate representation of the records available to her when she logs in to her account.

(4) Trial court does not abuse its discretion in admitting pictures and screen shots of text messages where the original tablet used to send and receive the messages was inadvertently destroyed and where no party disputes the accuracy of the messages photographed.

Opinion by: Anthony Rex Gabbert, Judge Date: October 26, 2021

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