OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

STATE OF MISSOURI,	)	No. ED111130
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of Saint Francois County
vs.	)	19SF-CR00769-01
	)	
CHRISTOPHER L. GATES,	)	Honorable Wendy L. Wexler Horn
	)	
Appellant.	)	Filed: February 13, 2024

Christopher L. Gates ("Defendant") appeals the judgment, following a bench trial, finding him guilty of murder in the first degree (Count I), armed criminal action (Count II), and resisting arrest (Count III). The trial court sentenced Defendant to consecutive terms of life imprisonment without the possibility of parole for Count I, thirty years of imprisonment for Count II, and four years of imprisonment for Count III.

Defendant raises two points on appeal. In his first point, Defendant argues the trial court erred in admitting an audio recording from Victim's phone into evidence. Defendant's second point on appeal contends the trial court erred in denying his motion to suppress and in admitting a recording of a detective's interrogation of Defendant ("the interrogation recording") into evidence. To aid with the flow of the analysis, this Court's opinion addresses Defendant's points on appeal in reverse order.

AFFIRMED.

Division One holds:

(1) Under the totality of the circumstances in this case, we agree with the trial court's finding that Defendant made a knowing and intelligent waiver of his *Miranda* rights. Defendant's overall conduct and affirmative responses when asked if he understood his rights, as evidenced by the interrogation recording and Detective's testimony at trial, along with his signature and initials on the waiver form, demonstrate Defendant understood his *Miranda* rights and knowingly and intelligently waived them. The trial court did not err in denying Defendant's motion to suppress and admitting the interrogation recording into evidence.

(2) We hold that no reversible error occurred regarding the admission of the audio recording from Victim's phone for two independent reasons: (1) the trial court did not err in admitting the audio recording from Victim's phone into evidence; and (2) Defendant was not prejudiced by the trial court's admission of the audio recording.

Opinion by: Robert M. Clayton III, P.J.
Philip M. Hess, J. and Cristian M. Stevens, J., concur.

Attorney for Appellant: Jedd C. Schneider

Attorney for Respondent: Nathan J. Aquino

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