

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION TWO

STATE OF MISSOURI,)	No. ED101298
)	
Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	1122-CR04627-01
)	
CORNELL MCKAY,)	Honorable Robin R. Vannoy
)	
Defendant/Appellant.)	FILED: December 23, 2014

Cornell McKay (Defendant) appeals from the judgment upon his conviction by a jury for one count of first-degree robbery, in violation of Section 569.020, RSMo 2000,¹ and one count of armed criminal action, in violation of Section 571.015. The trial court sentenced Defendant to a term of twelve-years' imprisonment on each count, with the sentences to run concurrently.

REVERSED AND REMANDED.

Division Two Holds: The trial court plainly erred in excluding (1) evidence that allegedly supported the defense theory that an alternative perpetrator committed the charged offenses and (2) Sprint telephone records because expert testimony was not required to admit historical information contained in cell phone call records.

Opinion by: Mary K. Hoff, P.J.
Glenn A. Norton, J., and Philip M. Hess, J., Concur.

Attorneys for Appellant: Thomas J. Sanfilippo
Robert B. Ramsey
James R. Dowd
Joseph F. Yeckel

Attorney for Respondent: Chris Koster
Shaun J. Mackelprang

**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 Unless otherwise indicated, all statutory references are to RSMo 2000 as amended.