

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,)	No. ED90801
)	
vs.)	Appeal from the Lincoln County
)	Circuit Court
SCOTT MCLAUGHLIN, Appellant.)	Filed: December 30, 2008

OPINION SUMMARY

Scott McLaughlin (“Defendant”) appeals from a judgment convicting him of second-degree burglary on the grounds that: (1) the trial court abused its discretion by allowing hearsay evidence to be admitted under the “forfeiture by wrongdoing” doctrine in violation of his rights under the Sixth Amendment’s Confrontation Clause; and (2) the evidence was insufficient to prove beyond a reasonable doubt that he “knowingly entered unlawfully” a building or inhabitable structure as required by MO.REV.STAT. § 569.170 (2000).

AFFIRMED.

Division One Holds: The trial court properly admitted Ms. Guenther’s hearsay statements under the “forfeiture by wrongdoing” doctrine, and there was sufficient circumstantial evidence to support the jury’s finding that Defendant unlawfully entered Ms. Guenther’s mobile home.

Opinion by: Patricia L. Cohen, J. Kurt S. Odenwald, P.J. and Glenn A. Norton, J., concur.

Attorney for Appellant: Timothy J. Forneris

Attorneys for Respondent: Shaun J. Mackelprang

<p>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.</p>
